PLANNING APPLICATIONS AND OTHER DEVELOPMENT CONTROL MATTERS

NOTE:
Conditions of approval or reasons for refusal of planning permission as determined by the Committee are in summary form only and subject to the Director of Growth and Localism’s final determination.

Major Applications

1  Appl. No   :  2015/0075/F
   Parish     :  KETTERINGHAM

Applicants Name  :  Mr Michael Austin
Site Address     :  Land North of High Street Ketteringham Norfolk
Proposal         :  Use of land for equine and residential purposes, including a concrete pad for standing one residential caravan, erection of a day room, and retention of existing gates.

Decision         :  Members voted unanimously to agree with the officer’s updated position and concluded that the applicant cannot be regarded as Gypsies/Traveller for planning purposes and agreed officers request for deferment on the final decision on the application to enable a further report to be prepared to take account of the additional consideration of the lack of a 5 year land supply of general housing land in the NPA. The application will, in effect, be considered as if it were for a caravan site for general residential occupation.

   Members also requested and resolved:

   To take appropriate Enforcement Action to require removal of the caravan as positioned on the site due to the demonstrable harm (this has on the amenity of nearby properties. A six month compliance period for this was agreed.

Updates

The recommendation for refusal is WITHDRAWN but the Committee is requested to reach a conclusion regarding the status of the applicant as a Gypsy/Traveller because this has significance for how the application is to be subsequently assessed.

Letter received on 3rd August from Mr Stuart Carruthers acting on behalf of the applicant:

The letter has been circulated to members of the Planning Committee and makes the following points:

   The appeal relates mainly to:

   - (a) The failure of the Council to determine the application in a reasonable time period. The application was validated on 13 January 2015;

   - (b) The failure of the Council to make sufficient land available for use residentially (i.e. five year supply of land);

   - There should be no need for consideration of Michael Austin’s Gypsy/Traveller status as the land is suitable for development residentially. The Council’s focus on Michael Austin’s Gypsy status rather than the suitability of the land for development residentially is the important issue. The report of the Director of Growth and Localism dated 10 August 2015 seeks to deflect attention from the failures of the Council acting as a planning authority from this issue.
- The fact that Michael Austin is a Gypsy / Traveller should only have been considered if the development of the land for residential purposes was contrary to both the development plan, and also the Council’s failures to ensure that the development plan was properly implemented.

- It should not matter at all if Michael Austin is a Gypsy if the land is suitable for residential development.

- The officer identifies that the application is not in conflict with the development plan. The conclusion that the Planning Authority should reach from the report is that if Michael Austin was not an ethnic Romany gypsy that the application would be recommended for approval.

Letter received from East Carleton and Ketteringham Parish Council on 4th August following a Parish Council meeting on 30th July. The following is a summary of the points raised:

- There is a lack of proof as the applicant’s status, he does not meet the criteria of gypsy/traveller

- The Parish Council consider that the planning application should be judged as if the applicant was neither a gypsy or a traveller.

- The Parish Council would draw attention to the NPPF for Gypsies and Travellers which states that the local authority should promote peaceful and integrated co-existence between the site and the local community, this has not been achieved thus far.

- There has been no planning enforcement by the local authority whilst the applicant has continued to live on and operate on this site without planning permission. The neighbouring properties are directly overlooked. Even if the static caravan were moved to its proposed position the overlooking would continue.

- The proposed site is too close to neighbouring properties and is very intrusive.

- The Parish Council’s previous comments are still valid and relevant to the application.

Response received on 6 August from Flood Defence Officer acknowledging that there is conflicting information regarding drainage issues on the site but a possible alternative to a package treatment plant or septic tank would be a sealed system such as cess pit.

Third Party objection received on 7 August concerned that the site is too close to neighbours and that tensions have been caused by the applicants occupation of the site. Further states that there are only 3 other traveller sites within the district that are within 100m of the settled community and none of these are as close as the proposed development. The application should be refused because the site is not suitable for gypsy travellers and is contrary to national policy with regard to cultural tensions.

Correction to paragraphs 5.25 and 5.26 – The houses in question are no.s 5 and 6 High Street (not no.s 4 and 5 as reported).