

9. **18/0821/FUL - Use of land for the stationing of caravans for residential purposes for 6 no. gypsy pitches together (6 static caravans and five touring caravans) with the formation of additional hard standing, 3 ancillary utility/dayroom blocks and stable block at LAND BETWEEN LANGLEYBURY LANE AND OLD HOUSE LANE, LANGLEYBURY LANE, LANGLEYBURY, WD4 8RW for Mr J Cash.**
(DCES)

Parish: Abbots Langley Parish Council
Expiry of Statutory Period: 6 July 2018

Ward: Gade Valley
Case Officer: Matthew Roberts

Recommendation: That Planning Permission be granted (permanent and personal)

Reason for consideration by the Committee: Called in by Abbots Langley Parish Council.

1 Relevant Planning History

- 1.1 94/133/8: Erection of stable block. Refused.
- 1.2 97/0938: Erection of single storey stable block. Approved.
- 1.3 99/0068: Erection of hay barn. Approved and implemented.
- 1.4 02/01634/FUL: Retrospective application: Retention of agricultural barn. Refused.
- 1.5 02/00649/OUT: Outline application: Erection of a detached dwelling. Refused July 2002 for the following reasons:

R1: The site is within the Metropolitan Green Belt where it is the policy of the local planning authority as set out in the approved Hertfordshire County Structure Plan Review 1991-2011 (Policy 5) and the Three Rivers Local Plan 1996-2011 (Policy GB1), not to allow development unless it is essential for the purposes of agriculture or other uses appropriate to the rural area. No such need has been proved. As such the proposal is contrary to GB1 of the Three Rivers Local Plan 1996-2011.

R2: The level of annual dwelling completions in Three Rivers is such that without intervention, the allocated number of dwellings for the District is likely to be significantly exceeded. Policy H3 of the adopted Local Plan provides the appropriate mechanism to restrain further release of housing sites and is considered relevant in this case. The proposal is considered to be contrary to Policy H3 (iii) of the adopted Local Plan.

R3: The existing visibility splays, due to the intensification of the use of the access, are inadequate by current standards as detailed in 'Roads in Hertfordshire'. The inadequacy of the visibility splays would be to the detriment of the safety and free flow of traffic on the highway and to the detriment and safety of all other road users. This is contrary to Policy T7 of the Three Rivers Local Plan 1996-2011.

- 1.6 15/2038/FUL: Proposed outbuilding to rear with basement. Withdrawn.
- 1.7 10/1570/FUL: Erection of a stable block. Refused for the following reason:

R1: The proposed stable block by reason of its siting, scale, design and the spread of urbanising development across the site; would result in an overly prominent form of development that fails to protect the countryside from encroachment and would be to the detriment of the openness of the Metropolitan Green Belt. As such, the proposal represents inappropriate development in the Metropolitan Green Belt, and no very special circumstances have been demonstrated to outweigh the harm to the Metropolitan Green Belt. This is contrary to Policy GB1 of the Three Rivers Local Plan 1996-2011.

- 1.8 11/0725/FUL: Use of land for the stationing of caravans for residential purposes for 2 no. gypsy pitches together with the formation of additional hard standing and utility/ dayroom ancillary to that use. Refused for the following reason:

R1: The change of use of the land to create two gypsy pitches constitutes inappropriate development in the Metropolitan Green Belt. No very special circumstances have been demonstrated to overcome the presumption against inappropriate development in the Metropolitan Green Belt. Furthermore the siting of caravans on this site, with associated urbanising development, fails to preserve the openness and rural character of the Metropolitan Green Belt and character and amenities of the locality, to the detriment of the visual amenities of the area. This is contrary to PPG2, Policy GB1 of the Three Rivers Local Plan 1996-2011 and Policies CP1, CP5, CP11 and CP12 of the Core Strategy Submission Version / Proposed Changes (February and July 2011).

This decision was appealed under APP/P1940/A/11/2160486/NWF and APP/P1940/C/11/2164949 (relating to Enforcement Case 10/0439/COMP) whereby The Planning Inspector granted temporary (up to July 2015) and personal planning permission (2 named persons) to use the site for four caravans of which no more than two should be static caravans.

In considering the appeal, the Inspector determined that the personal circumstances of the appellant, in conjunction with the general level of unmet need in Three Rivers, outweighed the harm caused to the openness of the Green Belt and therefore resolved to grant temporary permission for a period of three years from the date of the decision (decision dated 9 July 2012). Costs were also awarded against the Council for its failure to adequately assess the level of Gypsy/Traveller site provision in Three Rivers, the merits of granting a temporary permission and the human rights of the applicant.

- 1.9 13/2256/FUL: Use of land for the stationing of caravans for residential purposes for 3 no. gypsy pitches together with the formation of additional hardstanding and utility/dayrooms ancillary to that use. Temporary and personal permission granted. Permitted and implemented (permission expired on 03.02.2017).

- 1.10 16/0958/FUL: Removal of Conditions 1 (Personal) and 3 (Temporary Period) of planning permission 13/2256/FUL (Use of land for the stationing of caravans for residential purposes for 3 no. gypsy pitches together with the formation of additional hardstanding and utility/dayrooms ancillary to that use] to allow use as a permanent site for 3 no. gypsy pitches. Temporary planning permission granted for a further 18 months (expiring on 1 January 2018).

This decision was appealed by the applicant under APP/P1940/W/16/3164710 and was subsequently granted for permanent planning permission by The Planning Inspector. During the course of appeal, following a change in policy (the Council resolved that the Gypsy Traveller and Travelling Showpeople Local Development Document LDD, which was never adopted but initially anticipated for adoption in 2013, was to now progress through the preparation of the new Local Plan), the Local Planning Authority (LPA) proposed a three year occupancy and to allow the site to be occupied by the applicant's sister.

In reaching her decision, the Inspector cited that the unmet need, failure of policy, lack of alternative sites, personal circumstances of applicant and wider family outweighed the inappropriateness of the development in the Green Belt, the additional harm from loss of openness, failure to safeguard the countryside from encroachment and the limited harm to the character of the rural area.

Planning permission was therefore granted by the Inspector on 23 June 2017 for permanent permission and personal only to the applicant and close family and their resident dependants' (3 gypsy pitches).

2 Other Gypsy and Traveller Sites in Three Rivers:

Land Rear of 59 Toms Lane, Kings Langley (otherwise known as Little Lily):

Planning permission was granted by the Planning Committee for permanent and personal permission for 4 gypsy pitches.

- 2.1 17/2695/RSP: Retrospective: Retention of the existing residential caravan site, with four Gypsy pitches/plots, consisting of four static caravans and four touring caravans, shared utility/dayroom and associated hardstanding and parking. This permission has been implemented.

The Oaklands (Land between Bedmond Road and M25), Bedmond

- 2.2 09/0831/FUL: Removal of condition 2 of planning permission 02/00482/FUL to remove personal restriction and variation of condition 3 to increase the number of caravans from 18 to 24 (12 gypsy pitches). Permission granted 21.08.2009.

Fir Trees, Dawes Lane, Sarratt

- 2.3 14/1570/FUL: Variation of Condition 2 (restriction on number caravans) of planning permission 04/0404/FUL to allow for an additional two caravans, one of which to be a static caravan. Permission granted on 23.01.2015. This permission has been implemented.

Land Adjacent 321B Uxbridge Road, Rickmansworth:

- 2.4 13/0522/RSP: Part retrospective: Change of use of land to a residential caravan site for one gypsy family. The site to contain one static caravan, one touring caravan and parking for two vehicles with associated hardstanding and portaloo. Permanent and personal permission granted; not implemented. This planning permission has now expired.
- 2.5 There are currently 21 existing permanent pitches will full planning permission in the District as set out in table form below:

Current level of gypsy pitches in TRDC	Number of pitches granted	Number of pitches implemented	Status	Expiry date
The Oaklands, Bedmond	12	12	Permanent	n/a
Fir Trees, Sarratt	2	2	Permanent	n/a
Rear of 59 Toms Lane, Kings Langley	4	4	Permanent	n/a
Langleybury Lane, Langleybury	3	3	Permanent	n/a
Land Adjacent 321B Uxbridge Road, Rickmansworth	1	0	Permanent	Expired
Total:	22	21		

3 Description of Application Site

- 3.1 The application site is located on the northern side of Old House Lane, positioned near to the corner with Langleybury Lane in Langleybury, situated approximately 1.5km from the Village of Hunton Bridge.

- 3.2 The application site is enclosed by a dense wooded area which is afforded protection via a blanket Tree Preservation Order (TPO 325) otherwise known as a Woodland Order which covers the entire parcel of land bounded by the M25 Motorway to the west and Langleybury Lane to the east and thus encompasses the application site.
- 3.3 The application site is roughly rectangular in shape and is accessed via Old House Lane via a gated entrance at the south eastern corner. Within the site there are extensive areas of gravel hardstanding with landscaping, along with three static homes, two touring caravans, a single shipping container (to be re-located into the site from the woodland) and a pitched roofed timber barn located within the south western corner.
- 3.4 The application site (same as 11/0725/FUL) also includes land beyond the enclosed area; essentially this additional land consists of open land/woodland to the west which has recently been enclosed by post and rail fencing to facilitate grazing.
- 3.5 With regards to other policy designations, the site is located within the Metropolitan Green Belt.

4 Description of Proposed Development

- 4.1 This application seeks planning permission for the use of land for the stationing of caravans for residential purposes for 6 no. gypsy pitches (6 static caravans and five touring caravans) with the formation of additional hard standing, 3 ancillary utility/dayroom blocks and a stable block.
- 4.2 A single Gypsy or Traveller pitch can include two stationed caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, although only one of these can be a residential mobile home. This latter Act and the Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006 defines a residential mobile home as being no larger than 20 metres in depth, 6.8 metres in width and 3.05 metres internal height.
- 4.3 The site currently includes three pitches comprising three static mobile homes and two touring caravans. None of the permitted three day rooms have been built.
- 4.4 This planning application seeks to alter the approved site layout with the majority of pitches contained towards the north, behind a well-established line of trees located within the centre of the site running east to west. To the north of the existing barn an existing pitch will remain which will be enclosed by both picket fencing and close boarded fencing.
- 4.5 Three double day rooms are proposed, predominately towards the north and north west of the site and will serve the everyday amenity needs of the occupiers. Each day room would provide a kitchen/diner, bathroom and utility area. The dayrooms would each measure 8.2m in depth, 10.2m in width and would have a hipped roof at a maximum height of 3.9m. Under previous applications three day rooms were approved measuring 3.4m in depth, 6.5m in width and 3.8m in height.
- 4.6 A stable block is also proposed, located to the immediate east of the main residential area, and would allow the housing of the applicant's two horses (pony/trotter) and dogs. The stable block proposed includes three stables and a tack room. It would be constructed out of timber boarding with a corrugated sheeting roof measuring 14.5m in width, 4m in depth and would have a maximum roof height of 2.7m. The land to the south of the stable block will be used for grazing.
- 4.7 Additional planting is also proposed close to the entrance and within the centre of the site.
- 4.8 The application has been supported by a Design & Access Statement, Biodiversity Checklist and CIL Information Requirement Form.

5 Consultation

5.1 Statutory Consultation

5.1.1 Abbots Langley Parish Council: [Object]

"Members agreed this application is an inappropriate development within the Green Belt that would do nothing to preserve the openness of the area and that no special circumstances had been demonstrated to warrant the increase in extent and the number of pitches proposed for the site. If officers are minded to approve this application then Members request that it is referred to Three Rivers Planning Committee for consideration."

5.1.2 Local Plans Section: [Object, subject to very special circumstances]

"Planning Policy for Traveller Sites (2015) sets out that for the purposes of planning policy, gypsies and travellers means:

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

The application seeks permission for the stationing of caravans for six gypsy pitches (totalling six static caravans and five touring caravans) with the formation of additional hard-standing, three ancillary utility buildings and a stable block. Currently existing on the site are three static caravans and two touring caravans, with the application proposing an additional three static caravans and three touring caravans.

The proposed development is situated within the Metropolitan Green Belt and the Chilterns Landscape Area, as shown on the Local Plan Policies Map 2014.

Policy H of the 'planning policy for traveller sites' (PPTS) (August 2015) sets out that Local Planning Authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- *The existing level of local provision and need for sites*
- *The availability (or lack) of alternative accommodation for the applicants*
- *Other personal circumstances of the applicant*
- *That the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites*
- *That they should determine applications for sites from any travellers and not just those with local connections.*

The Three Rivers Gypsy and Traveller Accommodation Assessment (February 2017) concluded that over the period 2016-2031, there is a need for 2 additional pitches for gypsy and traveller households that meet the planning definition (2 pitches between 2016-21 and 0 between 2021-2031). Since the GTTA was published, permanent permission has been granted for 4 pitches at a gypsy and traveller site in Kings Langley (17/2695/RSP). This site (Little Lily, Rear of 59 Toms Lane) had temporary permission at the time of the GTTA survey being conducted and the identified need for 2 additional pitches accounted for the households residing on the Little Lily site at that time. The granting of permanent permission for 4 pitches at the Little Lily site has meant that the need for 2 additional pitches has been met. The GTTA also identified a need for up to a further 8 pitches for households who may meet the planning definition, over the period 2016-2031. The need for 0-8 pitches accounted for households residing on the application site at the time of the GTTA survey. These households did not participate in the GTTA

survey and were subsequently classified as 'unknown households that may meet the planning definition', for the purposes of the GTTA. Since the GTTA publication, permanent permission was granted for 3 pitches on the application site (APP/3164710), therefore meeting the identified need for households that may meet the planning definition. The granting of permanent planning permission for the Little Lily site and the application site has meant that against the current Local Plan, there is no need for additional pitches to meet the identified need for gypsy and traveller sites.

The proposal to further develop the existing Gypsy and Traveller site in the Green Belt is not in accordance with Policy CP11 of the adopted Core Strategy (2011) and Policy DM2 of the Development Management Policies LDD (2013). Policy CP11 states that there will be a presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purpose of including land within it. Policy DM2 considers that construction of new buildings in the Green Belt is inappropriate, with certain exceptions listed in paragraph 89 of the National Planning Policy Framework (NPPF). Policy E of PPTS (August 2015) similarly states that Gypsy and Traveller sites are considered inappropriate development within the Green Belt and should not be approved, except in very special circumstances. Policy E of PPTS also sets out 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'. According to the NPPF, very special circumstances will not exist unless the potential harm to the Green Belt by reasons of inappropriateness, and any other harm, is clearly outweighed by other considerations (paragraphs 87-88). As stated, the need for additional sites in the District been met and therefore, very special personal circumstances would need to clearly outweigh harm to the Green Belt in order for approval to be justified."

5.1.3 Gypsy Section at HCC: [No objection]

For data protection reasons the comments by the Gypsy Section are not included but in essence they confirm that the applicant and his family are well known to them and are aware of the need for more pitches and would hope that the applicant is successful in his application.

5.1.4 Highways Agency: [No objection, subject to a Condition]

5.1.5 Department of Transport: No comments received. Any comments received will be verbally updated at Committee.

5.1.6 Environmental Health: No comments received. Any comments received will be verbally updated at Committee.

5.1.7 Affinity Water: [No objection, subject to an Informative]

"You should be aware that the proposed development site is located close to or within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to The Grove Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any pollution is found at the sites then the appropriate monitoring and remediation methods will need to be undertaken.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors."

5.1.8 Thames Water: No comments received. Any comments received will be verbally updated at Committee.

5.1.9 National Grid: No comments received. Any comments received will be verbally updated at Committee.

5.2 Public/Neighbour Consultation

5.2.1 Number consulted: 76 No of responses received: 11

5.2.2 Site Notice: Expired 07.06.2018 Press notice: Not applicable.

5.2.3 Summary of Responses:

- Inappropriate development
- Serious breach of the Green Belt
- Area should be preserved
- Expansion is unjustified without sound basis
- Out of character
- Add to an already overcrowded road system in the area
- Council had several years to find alternative sites
- Must be alternative non-greenbelt sites for travellers
- Application will set a precedent
- Site being used for commercial purposes
- Unrelated people may turn up
- Disregard to wildlife
- Highway safety issues

The above summary incorporates comments received from The Chandlers Cross and Bucks Hill Residents Association.

An objection letter was also received from Hertfordshire Campaign to Protect Rural England (CPRE) which stated the following:

- The 2 additional pitches for gypsy and traveller households can now be met
- Absence of an up to date five year plan is no longer a significant material consideration
- The Council will have to fully satisfy itself on the personal circumstances

6 Reason for Delay

6.1 Planning Committee cycle.

7 Relevant Planning Policy, Guidance and Legislation

7.1 National Planning Policy Framework and National Planning Practice Guidance

On 27 March 2012, the framework of government guidance in the form of Planning Policy Statements and Planning Policy Guidance Notes was replaced by the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG). The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

- 7.1.1 Planning Policy for Traveller Sites (PPTS) (August 2015) produced by Department for Communities and Local Government.
- 7.1.2 CLG Good Practice Guide 'Designing Gypsy and Traveller Sites' (May 2008) is also relevant.
- 7.1.3 Three Rivers Gypsy and Traveller Accommodation Assessment (February 2017).
- 7.1.4 Written Ministerial Statements on Planning and Travellers of 1 July 2013 and 17 January 2014.
- 7.1.5 Online National Planning Practice Guidance.

7.2 The Three Rivers Local Plan

The application has been considered against the policies of the Local Plan, including the Core Strategy (adopted October 2011), the Development Management Policies Local Development Document (adopted July 2013) and the Site Allocations Local Development Document (adopted November 2014) as well as government guidance. The policies of Three Rivers District Council reflect the content of the NPPF.

The Core Strategy was adopted on 17 October 2011 having been through a full public participation process and Examination in Public. Relevant policies include Policies CP1, CP5, CP9, CP10, CP11 and CP12.

The Development Management Policies Local Development Document (DMLDD) was adopted on 26 July 2013 after the Inspector concluded that it was sound following Examination in Public which took place in March 2013. Relevant policies include DM2, DM4, DM6, DM7, DM9, DM10 and DM13.

7.3 Other

- The Community Infrastructure Levy (CIL) Charging Schedule (adopted February 2015).
- The Localism Act received Royal Assent on 15 November 2011. The growth and Infrastructure Act achieved Royal Assent on 25 April 2013.
- The Wildlife and Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2010, the Natural Environment and Rural Communities Act 2006 and the Habitat Regulations 1994 may also be relevant.
- Human Rights Act 1998
- Equalities Act 2010
- Housing Act 2004
- Children Act 2004
- Wildlife and Countryside Act 1981

8 Planning Analysis

8.1 Overview

- 8.1.1 Following an unauthorised encampment and the subsequent serving of an Enforcement Notice in October 2011, the applicant has relied upon numerous temporary and personal planning permissions up until 23 June 2017 when a permanent and personal planning

permission was granted by The Planning Inspectorate (Reference: APP/P1940/W/16/3164710) for the use of the site for 3 pitches.

8.1.2 This current application seeks to add further members of the applicant's family; all of which are closely related.

8.1.3 The key additional developments that were not permitted by planning permission 16/0958/FUL but are now sought include:

- 3 static caravans
- 2 touring caravans
- Enlargement of 3 day rooms
- New stable block

8.1.4 It should be noted that all additional mobile homes, touring caravans and ancillary buildings apart from the stable building are within the existing "residential yard" (area enclosed by close boarded fencing). The application site on the location plan has been amended to ensure it relates solely to the residential yard (which includes a small square parcel of land adjacent to the entrance) and the area proposed for grazing.

8.2 Impact on the Metropolitan Green Belt

8.2.1 The application site located within the Metropolitan Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Green Belts can shape patterns of urban development at sub-regional and regional scale, and help to ensure that development occurs in locations allocated in development plans.

8.2.2 As with previous Green Belt policy, the NPPF identifies the five purposes of including land in Green Belts as:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns from merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

8.2.3 Policy CP11 of the Core Strategy sets out that there is a general presumption against inappropriate development that would not preserve the openness of the Green Belt, or which would conflict with the purposes of including land within it. Policy DM2 of the Development Management Policies document also advises that within the Green Belt, except in very special circumstances approval will not be given for new buildings other than those specified in national policy and other relevant guidance.

8.2.4 Paragraph 87 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. As set out above, paragraph 16 of Planning Policy for Traveller Sites (PPTS) confirms that traveller sites are inappropriate development within the Green Belt. The proposal would therefore result in harm to the Green Belt by reason of inappropriateness. The NPPF further advises that 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, is clearly outweighed by other considerations.

8.2.5 In addition to inappropriateness, it is also important to address whether additional harm would arise through the development's impact on openness and also whether any conflict would exist with any of the five purposes of including land in Green Belts.

- 8.2.6 Openness in the context of the Green Belt can be taken to mean the absence of visible development or a manifestation of a use of land. Whilst this application proposes 6 gypsy pitches, when considering the planning appeal in 2017 for 3 pitches the Inspector accepted that the individual components of the proposal – the mobile homes, touring caravans and day rooms would reduce openness of the Green Belt on a localised basis. When considering that the proposal seeks to increase the number of mobile homes, touring caravans and increases the size of the day rooms, openness across the site would be further reduced, albeit the residential area would not be materially altered beyond the existing limits. Nevertheless, whilst the site is well screened, the fact buildings and associated paraphernalia would exist across the site means there is an impact on openness and it would conflict with one of the purposes of the Green Belt as it would fail to assist in safeguarding the countryside from encroachment.
- 8.2.7 In respect of the stable block (which would sit outside the main “residential yard”), it would be used to house the applicant’s horses and dogs with the former using the adjacent land for grazing purposes. The purpose of the stable block would therefore be for ancillary purposes to the primary use of the wider site. Whilst the NPPF is silent on ancillary buildings, Policy DM2 of the Development Management Policies LDD states that the Council will only support the provision of ancillary buildings in the Green Belt where it can be demonstrated that the development would:
- a) Be of a scale, design, height and bulk such that the building would not adversely affect the openness of the Green Belt
 - b) Be sited in an appropriate location that would not be prominent in the landscape and would not result in the spread of urbanising development
 - c) Avoid features normally associated with the use of a building as a dwelling
- 8.2.8 Having regard to the above criteria the stable block would be constructed out of timber with a corrugated roof and would be positioned just beyond the established residential yard, set back significantly (approximately 45m) from Old House Lane. Whilst the stable building would spread development further across the site, given its intended use it is argued that the building would need to have a degree of separation from the wider residential use of the site. Nevertheless, the stable block would be relatively close to the “residential yard” and thus the spread of development is limited and still maintains a close association with the residential part of the site. In addition, given its single storey design, overall size, sympathetic exterior and location, it would comply with Policy DM2 and therefore would be an acceptable ancillary building within the Green Belt.
- 8.2.9 A small area of concrete hardstanding will be required in front of the stable building (approximately 1m in depth running the width of the building) but this would not be excessive and would not impact on openness.
- 8.2.10 Notwithstanding the stable block and associated hardstanding, the development constitutes inappropriate development, harms openness and conflicts with the purposes of including land in Green Belt. Therefore the development should not be approved except in very special circumstances unless harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

Impact on character and appearance of area

- 8.2.11 Policy CP12 of the Core Strategy states that the Council will expect all development proposals to have regard to the local context and conserve or enhance the character, amenities and quality of an area.
- 8.2.12 The application site is well-screened from public view by maturing vegetation both within and surrounding the site which is in the process of being enhanced by the applicant along the Old House Lane boundary. The surrounding area is largely dictated by woodland and open countryside which characterises the area.

8.2.13 The introduction of mobile homes, touring caravans and other associated paraphernalia cannot therefore be said to conserve or enhance the character of the area. As the proposal seeks to increase the number and sizes of day rooms, the impact is increased. Nevertheless, the impact is not deemed significant by virtue of the presence of surrounding vegetation. However, some harm would result to the rural visual amenity of the locality which would weigh against the development.

8.3 Other Material Considerations:

8.3.1 When considering planning applications for traveller sites the PPTS makes it clear that local planning authorities should consider a number of issues amongst other relevant matters. These include:

- The existing level of local provision and need for sites
- The availability (or lack) of alternative accommodation for the applicants
- Other personal circumstances of the applicant
- That the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- That they should determine applications for sites from any travellers and not just those with local connections

The general need for and supply of Gypsy sites in Three Rivers

8.3.2 The PPTS allows local authorities to make their own assessment of need for provision for Gypsies, Travellers and Travelling Showpeople within their relevant district. The assessments should be updated annually and identify a supply of specific deliverable sites to provide 5 years' worth of sites against their locally set targets and identify locations for growth, for years 6 to 10 and, where possible, for years 11-15.

8.3.3 Within the 2017 planning appeal (Reference: APP/P1940/W/16/3164710) it was agreed that the Council does not have a five year land supply which would be progressed through the new Local Plan. This would deal with the matter in terms of site allocations; however, this process is still at a relatively early stage and is unlikely to be adopted until late 2020.

8.3.4 The existing level of traveller sites is noted at paragraph 2.5 above and includes 21 pitches across four permanent sites; The Oaklands in Bedmond (unrestricted up to 12 pitches); Rear of 59 Toms Lane in Kings Langley (personal restriction up to 4 pitches); Fir Trees (unrestricted to persons who meet the gypsy definition up to 2 pitches) and the application site (personal restriction up to 3 pitches).

8.3.5 In February 2017 the Council's Gypsy and Traveller Accommodation Assessment (GTAA) identified that there are currently no public sites in the district. The assessment calculated a need for 2 pitches for persons meeting the definition of a gypsy or traveller and up to a further 8 pitches for households who may meet the definition, in the next five years. Whilst the comments are noted from the Local Plans section that the need has been met, this was in relation to those that were known to meet the definition of a gypsy or traveller. The GTAA also identified a need for up to a further 8 pitches for households who may meet the planning definition. Whether the applicant and those looking to move onto the site meet the definition is explained at paragraph 8.3.14. Nevertheless, 3 pitches were granted following the GTAA which has reduced the need according to the assessment to 5 pitches.

8.3.6 In addition to the above, the Planning Inspector in the 2017 appeal questioned the GTAA methodology and the evidence gained given the exceptionally low response rates and that no households were identified in bricks and mortar accommodation even though the census in 2011 identified 22 households that identify as a gypsy or Irish traveller living in a house or flat in the district. Whilst it is acknowledged that not all of those will meet the

revised definition, the Planning Inspector stated that the figure of 0-8 unknown households lacks robustness.

- 8.3.7 Consequently, subject to the occupants meeting the definition of a gypsy, there is an identified need within the district. When applying the PPTS (paragraph 27) the lack of an up-to-date 5 year supply of deliverable sites should not be a significant material consideration as the site falls in the Green Belt. However, given that the Council cannot demonstrate a 5 year supply this would weigh in favour of the application.

Failure of Policy

- 8.3.8 During the assessment of the previous planning application (Reference: 16/0958/FUL) the Council were working towards the adoption of an emerging Gypsy, Traveller and Travelling Showpeople Local Development Document (GTTS LDD). At the time the document had not been subject to an independent examination and was therefore not adopted. It did however seek to allocate the application site as a permanent traveller site whilst removing the Green Belt designation. However, in February 2017, the Council resolved that the GTTS LDD would be progressed through the preparation of a new Local Plan, of which is due for adoption in late 2020.
- 8.3.9 In the light of the above, there is a failure of policy, which is a further material consideration which carries weight in favour of the proposal.

Alternative sites

- 8.3.10 The existing pitches with planning permission in the district are private sites and there are substantial waiting lists for pitches on public sites within Hertfordshire. During the application process the Gypsy Section at Herts County Council (HCC) stated the following:

"...we are aware of the need for more pitches and provided no evidence that space is available on existing sites."

- 8.3.11 Policy CP5 of the Core Strategy endorses support for gypsy provision but advises against development which harms the openness of the Green Belt. As such, it is likely that any development which comes forward in the Green Belt, which is highly likely given the make-up of the district, would fall foul of this policy.
- 8.3.12 The lack of alternative sites and the fact that alternatives are likely to be in the Green Belt are further considerations in favour of the application.

Needs of the appellant and their personal circumstances

- 8.3.13 Prior to the 2017 planning appeal, the Council, in its Statement of Case, questioned whether the current occupants of the three pitches met the revised definition in Annex 1 of the PPTS (see below). This was mainly due to the fact that they were not interviewed as part of the GTTA process and were classed as "unknown households".

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

- 8.3.14 During the planning appeal the Planning Inspector confirmed (paragraph 31 of her decision) that she was satisfied that the family fell within the definition as set out in the PPTS. In terms of the future occupants who would occupy the three new pitches, the Case Officer sought advice from the Gypsy Section at HCC who confirmed that the family are well known to them.

- 8.3.15 In addition the agent has supplied further information in respect of the potential new occupiers confirming that they are 1st cousins' and the wife's cousin to the applicant. The Council is not in possession of any evidence to dispute the information gained.
- 8.3.16 As a result of the above and as previously mentioned at paragraph 8.3.5, the GTAA identified a need for up to 8 pitches (3 pitches have already been permitted as a result of the 2017 appeal decision) between 2016 and 2031 for those that met the planning definition. As such, it is clear that a need exists within the district and this therefore weighs in favour of the application.
- 8.3.17 In addition to the above, it is necessary to consider whether there are any personal circumstances of the occupants. In the 2017 planning appeal it was acknowledged that the three existing occupiers had a number of children in local schools and health problems existed which supported the need for a settled base to continue to facilitate access to education and healthcare facilities.
- 8.3.18 In respect of the new occupants, no health problems have been identified; however, one of the future occupants has three children who are attending a local school and another is currently pregnant. It is therefore clear that there are matters which weigh in favour of allowing the future occupants to have a settled base. Nevertheless, the PPTS states under Policy E that:
- "Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. **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.**"*
- 8.3.19 In light of the above, the personal circumstances highlighted above cannot outweigh harm to the Green Belt and any other harm to establish very special circumstances, nonetheless, they are a material consideration which weighs in favour of the application.

Sustainability and Suitability of Site

- 8.3.20 The NPPF makes it clear that the purpose of the planning system is to contribute to the achievement of sustainable development and at the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 7 of the NPPF states that there are three dimensions to sustainable development – economic, social and environmental and that it is not sufficient to consider each dimension in isolation; there must be a balance between the three.
- 8.3.21 Core Strategy Policy CP1 also seeks to promote sustainable development and as part of this requires applications for new residential development to be accompanied by an Energy and Sustainability Statement' demonstrating the extent to which sustainability principles have been incorporated into the design, construction and future use of proposals.
- 8.3.22 Policy DM4 of the Development Management Policies states that from 2013, applicants will be required to demonstrate that development will produce 5% less carbon dioxide emissions than Building Regulations Part L (2013) requirements having regard to feasibility and viability. This may be achieved through a combination of energy efficiency measures, incorporation of on-site low carbon and renewable technologies, connection to a local, decentralised, renewable or low carbon energy supply.
- 8.3.23 The applicant has not submitted an Energy Statement in support of the application. However, as the application is for six gypsy pitches and associated ancillary development; it is not realistic to expect sustainable features incorporated into the proposal.

8.3.24 In the 2012 planning appeal the Planning Inspector confirmed that whilst the site is not particularly conveniently located in terms of access to health services and at odds with the criteria c) of Policy CP5 of the Core Strategy, which requires sites to be in or near existing settlements with access by foot and or public transport to local services, including shops, schools and healthcare, it was considered that the site met the overall thrust of guidance on sustainable development in the NPPF and PPTS and therefore was considered an acceptable location.

Engagement with Humans Rights Act

8.3.25 When considering an application for planning permission for gypsy pitches, the Council needs to consider whether Article 8(1) of the European Convention on Human Rights (ECHR) is engaged. Article 8(1) provides that everyone has the right to respect for his private and family life, his home and his correspondence. Case law has established that Article 8(1) of the ECHR is engaged in applications for planning permission for residential Gypsy caravan pitches irrespective of whether the applicants are occupying the site as their home at the time the application is made.

8.3.26 Article 8(2) of the ECHR allows interference by a public authority with the right to respect for private and family life where the interference accords with the law and is necessary in a democratic society for the wider public interest, in terms of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of rights and freedoms of others.

8.3.27 Case law has also established that the greater the interference with ECHR rights, the greater will be the need to justify that interference by reference to necessity and proportionality. The concept of proportionality can be equated to the balancing exercise which should be undertaken by all decision makers and in the case of applications for Gypsy sites, any action must be evenly balanced and fully considered in order to avoid the criticism that it is disproportionate relative to the harm caused. These cases suggest that legally it will not be sufficient for local authorities to rely on a breach of Development Plan policies in refusing planning permission. Rather there must be clear evidence of demonstrable harm which outweighs the consequences of the Council's decision for Gypsies. There is thus a need for the Council to weigh demonstrable harm against the consequences of a refusal for the applicant, including health, education, other social issues and the availability of alternative sites. It has however been found that the fact that no alternative site has been identified does not necessarily mean that it is disproportionate to refuse planning permission.

8.4 Wildlife and Biodiversity

8.4.1 Section 40 of the Natural Environment and Rural Communities Act 2006 requires Local Planning Authorities to have regard to the purpose of conserving biodiversity. This is further emphasised by regulation 3(4) of the Habitat Regulations 1994 which state that Councils must have regard to the strict protection for certain species required by the EC Habitats Directive.

8.4.2 The protection of biodiversity and protected species is a material planning consideration in the assessment of applications in accordance with Policy CP9 of the Core Strategy (adopted October 2011) and Policy DM6 of the DMLDD. National Planning Policy requires Local Authorities to ensure that a protected species survey is undertaken for applications that may be affected prior to determination of a planning application.

8.4.3 A Local Biodiversity Checklist has been completed by the applicant and submitted with the application. The Checklist concludes that no biodiversity survey or assessment is required in this instance, and the Local Planning Authority is not aware of any protected species on this site.

8.5 Trees and Landscaping

- 8.5.1 Policy DM6 of the Development Management Policies LDD advises that development proposals should demonstrate that existing trees, hedgerows and woodlands will be safeguarded and managed during and after development in accordance with the relevant British Standards.
- 8.5.2 The application site and wider land within the ownership of the applicant is covered by a Tree Preservation Order (TPO 32). As all new caravans and day rooms are to be built within the existing residential yard it is not considered that any protected trees are to be affected.
- 8.5.3 The stable building which is to be located to the west of the residential yard is to be placed relatively close to mature trees; however, the majority is overgrown vegetation which is not of amenity value. As such and based on the structure of the stable building it would not have a detrimental impact on protected trees.
- 8.5.4 As part of the application the applicant is seeking to include additional screening along the eastern part of the site fronting Old House Lane and enhance an internal vegetated strip with Laurels.

8.6 Highways, Access and Parking

- 8.6.1 The existing access is to remain unaltered while it is not considered that the use of the site for six pitches would have a detrimental impact on the local highway network.
- 8.6.2 In terms of parking there are no specific parking standards for traveller sites; however, the submitted layout of the site shows that more than sufficient space would exist for parking.

8.7 Other matters

- 8.7.1 During the application process concerns have been received concerning the potential commercial use of the site due to the storage of materials and commercial vehicles parked on site. In response, the level of storage is relatively minimal and is linked to the applicant's paving business, as are the vehicles. On the previous planning permission, which was subsequently amended by the Inspector in 2017, a condition was imposed which restricted vehicles over 3.5 tonnes on site. It is considered that this condition would still be relevant if the application was to be approved. Further conditions are recommended to prevent commercial activities and additional buildings.

8.8 The Planning Balance:

- 8.8.1 Having regard to all matters raised above it is necessary to ascertain whether the inappropriateness of the development and any other harm, is clearly outweighed by material considerations, such that 'very special circumstances' may exist to justify the grant of planning permission.
- 8.8.2 As highlighted above, the proposal constitutes inappropriate development within the Green Belt and results in harm from the loss of openness; although this harm is not regarded as significant given the partial views into the site. Further harm, albeit not significant, was also identified to the character and appearance of the immediate area. No other harm was found during the assessment. The NPPF makes it clear that substantial weight should be given to any harm to the Green Belt.
- 8.8.3 During the planning assessment it has been found that various factors weigh in favour of the development. These include an identified need for travellers meeting the definition (which has been confirmed) within the district, the lack of a 5-year-supply of deliverable sites, current lack of alternative sites, the fact other sites are also likely to fall within the

Green Belt, failure of policy and the personal circumstances of the occupants including the best interests of children.

- 8.8.4 It is acknowledged that the PPTS 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. Nevertheless, it is important to note the Inspector's comments in the 2017 planning appeal which are material to this application:

"At the time of the previous appeal (July 2012) the Inspector concluded that the factors weighing in favour of the proposal were not so great as to warrant the granting of permanent permission. However, some 5 years on from that decision there is still an unmet need for gypsy sites which, given that the Local Plan process is at an early stage, is unlikely to be resolved soon. The previously identified failure of policy has been perpetuated and therefore now carries greater weight in support of the proposal."

- 8.8.5 Since the 2017 planning appeal the Local Plan is progressing however it is not due for formal adoption until late 2020. As such, having regard to the previous comments made by the Inspector, the failure of policy should also carry greater weight in support of the proposal.
- 8.8.6 Further factors to consider include that the new pitches will be based within the constraints of the residential yard and more than sufficient space exists to hold the number of pitches proposed. Additionally, the grant of permanent planning permission would count towards the district's need.
- 8.8.7 To conclude, when considering the factors in support of the proposal and taking into account of previous planning decisions, it is considered that the material considerations outweigh the inappropriateness of the development and other harm, such that 'very special circumstances' exist to justify the grant of permanent planning permission.
- 8.8.8 Notwithstanding the above, the personal circumstances presented which formed part of previous decisions are integral to the planning balance and therefore any recommendation is based on a personal restriction to named persons.

9 Recommendation

- 9.1 That PLANNING PERMISSION BE GRANTED and is subject to the following conditions:

C1 The use hereby permitted shall be carried on only by [*applicant and close family to be inserted if planning permission is granted*].

Reason: In granting this permission the Local Planning Authority has had regard to the special circumstances of the case which constitute very special circumstances to accord with Policies CP1, CP5, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

C2 The development hereby permitted shall be carried out and maintained in accordance with the following approved plans: LP-03-2018, UB-DR-01-2018, SB-02-2018 and BP-05-6-2018.

Reason: For the avoidance of doubt, in the proper interests of planning, the protection of the openness and rural character of the Metropolitan Green Belt and the character and appearance of the area in accordance with Policies CP1, CP5, CP9, CP10, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2, DM4, DM6, DM7, DM9, DM10, DM13 and Appendix 5 of the Development Management Policies LDD (adopted July 2013).

- C3 When the premises cease to be occupied by those named in condition 1 above, the use hereby permitted shall cease and all caravans, buildings and structures, materials and equipment brought onto the land, or works undertaken to it in connection with the use shall be removed and the land restored in accordance with as scheme that has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the openness of the Metropolitan Green Belt and the character and appearance of the area in accordance with Policies CP1, CP5 and CP11 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

- C4 No development or other operation shall commence on site whatsoever until detailed foul water drainage plans has been submitted to and approved by the Local Planning Authority. The development shall proceed in strict accordance with the agreed details.

Reason: This condition is a pre-commencement condition to ensure that the amenities of future occupiers are met and to meet the requirements of Policies CP1, CP8 and CP12 of the Core Strategy (adopted October 2011) and Policy DM9 of the Development Management Policies LDD (adopted July 2013).

- C5 No more than 11 caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended, (of which no more than 6 shall be a static caravan) shall be stationed on the site at any time.

Reason: To protect the openness of the Metropolitan Green Belt and the character and appearance of the area in accordance with Policies CP5 and CP11 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

- C6 No more than one shipping container, for the use only in connection with the residential use hereby permitted, shall be stationed on the site at any one time, the location of which is shown on approved drawing number BP-05-6-2018. The ancillary buildings and materials not shown on the approved drawings as being retained shall be removed from the site prior to the occupation of the development hereby permitted.

Reason: To protect the openness of the Metropolitan Green Belt and the character and appearance of the area in accordance with Policies CP5 and CP11 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

- C7 No vehicle over 3.5 tonnes shall be stationed, parked or stored on the application site.

Reason: To protect the openness of the Metropolitan Green Belt and the character and appearance of the area in accordance with Policies CP1, CP5, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

- C8 No commercial activities shall take place on the land, including external storage of any kind (unless associated with the construction of the permitted day rooms).

Reason: To protect the openness of the Metropolitan Green Belt and the character and appearance of the area in accordance with Policies CP1, CP5, CP11 and CP12

of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

- C9 The stable block hereby permitted, shall not be occupied or used at any time other than incidental to the enjoyment of, and ancillary to, those named at Condition 1 and it shall not be used as a commercial premises or for commercial use; at any time.

Reason: To protect the openness of the Metropolitan Green Belt and the character and appearance of the area in accordance with Policies CP1, CP5, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

- C10 No sheds, amenity/utility buildings or structures other than those hereby shown on approved drawing number BP-05-6-2018 shall be erected on the site at any time.

Reason: To protect the openness of the Metropolitan Green Belt and the character and appearance of the area in accordance with Policies CP1, CP5, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policy DM2 of the Development Management Policies LDD (adopted July 2013).

- C11 All soft landscaping works as shown on approved drawing number BP-05-6-2018 shall be carried out during the first planting season after the date of this decision. All trees and plants shown on drawing number BP-05-6-2018 shall be maintained, including the replacement of any trees or plants which die are removed or become seriously damaged or diseased for a period for five years from the date the approved scheme was completed. Replacements should be planted during the next planting season with others of a similar size or species.

Reason: In the interests of visual amenity of the site and surrounding area in accordance with Policies CP1, CP11 and CP12 of the Core Strategy (adopted October 2011) and Policies DM2 and DM6 of the Development Management Policies LDD (adopted July 2013).

9.2 **Informatives:**

- I1 With regard to implementing this permission, the applicant is advised as follows:

All relevant planning conditions must be discharged prior to the commencement of work. Requests to discharge conditions must be made by formal application. Fees are £116 per request (or £34 where the related permission is for extending or altering a dwellinghouse or other development in the curtilage of a dwellinghouse). Please note that requests made without the appropriate fee will be returned unanswered.

There may be a requirement for the approved development to comply with the Building Regulations. Please contact Hertfordshire Building Control (HBC) on 0208 207 7456 or at buildingcontrol@hertfordshirebc.co.uk who will be happy to advise you on building control matters and will protect your interests throughout your build project by leading the compliance process. Further information is available at www.hertfordshirebc.co.uk.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) for self-build housing) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the

Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

Care should be taken during the building works hereby approved to ensure no damage occurs to the verge or footpaths during construction. Vehicles delivering materials to this development shall not override or cause damage to the public footway. Any damage will require to be made good to the satisfaction of the Council and at the applicant's expense.

Where possible, energy saving and water harvesting measures should be incorporated. Any external changes to the building which may be subsequently required should be discussed with the Council's Development Management Section prior to the commencement of work.

Community Infrastructure Levy (CIL) - Your development may be liable for CIL payments and you are advised to contact the CIL Officer for clarification with regard to this. It is a requirement under Regulation 67 (1), Regulation 42B(6) (in the case of residential annexes or extensions), and Regulation 54B(6) for self-build housing) of The Community Infrastructure Levy Regulations 2010 (As Amended) that a Commencement Notice (Form 6) is submitted to Three Rivers District Council as the Collecting Authority no later than the day before the day on which the chargeable development is to be commenced. DO NOT start your development until the Council has acknowledged receipt of the Commencement Notice. Failure to do so will mean you will lose the right to payment by instalments (where applicable), lose any exemptions already granted, and a surcharge will be imposed.

- 12 The applicant is reminded that the Control of Pollution Act 1974 allows local authorities to restrict construction activity (where work is audible at the site boundary). In Three Rivers such work audible at the site boundary, including deliveries to the site and running of equipment such as generators, should be restricted to 0800 to 1800 Monday to Friday, 0900 to 1300 on Saturdays and not at all on Sundays and Bank Holidays.
- 13 The Local Planning Authority has been positive and proactive in its consideration of this planning application, in line with the requirements of the National Planning Policy Framework and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority suggested modifications to the development during the course of the application and the applicant submitted amendments which result in a form of development that maintains/improves the economic, social and environmental conditions of the District.

14 Affinity Water:

You should be aware that the proposed development site is located close to or within an Environment Agency defined groundwater Source Protection Zone (GPZ) corresponding to The Grove Pumping Station. This is a public water supply, comprising a number of Chalk abstraction boreholes, operated by Affinity Water Ltd.

The construction works and operation of the proposed development site should be done in accordance with the relevant British Standards and Best Management Practices, thereby significantly reducing the groundwater pollution risk. It should be noted that the construction works may exacerbate any existing pollution. If any

pollution is found at the sites then the appropriate monitoring and remediation methods will need to be undertaken.

For further information we refer you to CIRIA Publication C532 "Control of water pollution from construction - guidance for consultants and contractors."