BFSGC

Saga Ct, Unit 3 Sibleys Rise, South Heath, Bucks, HP16 9QQ

Client: Mr Saunders
Site - Woodland Stables, Cock Lane, Hoddesdon, EN11 8LS
Date: March 2023
LPA Ref: 07/23/0119/F

Application for: ”Permission is sort for change of use of land to residential, for members of the Gypsy Traveller community. The proposed development to contain 7 static caravans, 6 touring caravans, parking for 12 cars, hardstanding, and associated development. This application is part retrospective.”

Docs submitted:
Block Plan BP-01-2023
Location Plan - LP-01- 2023
Location Plan - LP-02- 2023
Design and Access Statement (this doc)
Flood Risk info

1.0 Brief & Design

1.01 The applicant seeks permission for the siting of seven mobile homes on land in the ownership of the applicant off Cock Lane, Hoddesdon, EN11 8LS.

The new site would be principally for family and friends of the applicant that don’t have any where else to live.
The proposed development would also be classed as affordable housing.

1.02 In consultation with the client a site layout has been put together to meet the applicant’s requirements. The design and layout is resubmitted by way of block plan BP-01-2023.

1.03 The mobile Homes will conform to the definitions within Section 29 (1) the Caravan Sites & Control of Development Act 1960, also Section 13 (1) of the Caravan Sites Act 1968, as such plans and elevations of individual units are not required.

2.0 Location and Layout

2.01 The site lies on land adjacent to Cock Lane, within the ownership of the applicant, the site access being the existing established access.

2.02 The site currently has a stables, permission for a sand school and an element of hardstanding and development. This application is part retrospective, as operational development has taken place.

2.03 The land is well set back form the main highway (Cock Lane).

2.04 If this application is successful that would assist the LPA with targets for the provision of affordable housing in the area, and Gypsy site provision.

2.05 No existing trees should be impacted by the proposed development. However should any hedgerow be damaged (not aware that any would be impacted) by the proposed development this would be replaced with new native species.

2.06 There is nothing included in the proposed development that wouldn't be found on a standard Gypsy Traveller site.

3.0 Access and Appearance.

3.01 The Access into the site would be from the existing site access (See block plan).

3.02 The site access is served by a pair of electrically operated gates with key code access.

3.03 This proposed affordable housing is modest and appropriate in scale.

3.04 The proposed development would not stand out in its proposed location, as it would not be visible from the public highway, and there are very few opportunities for views into the site, from the southeast or west and even less opportunities to the north as that bounds with an orchard.

3.05 Not being remote from the nearest town/village the site can be said to be in a semi rural location, but any proposed new caravan park is most likely to be in either the open countryside, or Green Belt due to the high cost of development land.

3.06 Visual impact can be mitigated by additional landscaping and planting. A landscaping scheme to demonstrate how planting could improve the site can be provided (or consulted on) as required.

3.07 Arrangements are long since in place (adjacent the access) for the separate storage and collection of waste and recyclable waste.

3.08 There would be no commercial activity on the site,

4.0 Sustainability & Flood Risk

4. This application is being made by Mr Saunders who would continue to live on site with his family.

4.01 It is important that these families have a stable place to live.

4.02 The applicant (and proposed residents) are members of the Gypsy Traveller community and have Gypsy Status for planning purposes.

4.03 It is important that the family has a stable place to live so they can access healthcare and education (further information can be provided).

4-04 The site is sustainable, and we make the following points:

- The site has good and safe access to primary and other main roads and to the principle and major urban areas in this part of the county.
- The site is in reach of all necessary services including shops, schools and Medicare
- The site has a mains water supply.
- Mains electricity is provided on site.
- Foul sewage would be dealt with via 2 Water Treatment Plants (WTP). If WTP are not acceptable to the LPA (or other bodies) then we would follow the foul drainage hierarchy for the next best solution.
- Surface water would be disposal of via natural percolation.
- The site is not too far from existing bus routes that provide a regular service to local villages.
- There is some screening on the site 0and new screening can be provided to improve screening (the applicant is happy to do further planting as required).
- The site is affordable (all costs at the expense of the site residents) and would have no financial impact of the local authority or the Council's tax payers, while at the same time it would reduce the need for Gypsy – Traveller sites in the area.
- The NPPF makes it clear that there is a presumption in favour of sustainable development, and that presumption is a material consideration that adds weight to this application.
- An area for the storage of waste and recyclables is existing.
- The proposed development compares well when measured against the three principles of sustainable development, being economic, social and environmental.

4.05 Flood Risk.

The environment agency flood maps have been consulted and there are no flooding issues relating to the site.

5.0 Rights and Considerations

The Human Rights act is engaged in this situation, and any decision needs to be considered with a view to the HR Act Article 8 particularly.

Article 2. Right to Education

Article 2 of Protocol No. 1 – Right to education "No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions."

Article 14. Freedom from discrimination

The appellants have the right to be protected from discrimination, and indirect discrimination in all forms.

The most recent GTAA complied for the district appears to have been carried out by ORS.
The ORS interpretation of PPTS has been called into question by the High Court in the Lisa Smith v SoSFLUHC decision.
The LPA needs to ensure that the ORS GTAA is robust and indirect discrimination does not occur, coming from the GTAA complied and interpreted by ORS

Article - Gen Comment No. 4:
The Right to Adequate Housing – CESCR (Art. 11 (1) of the Covenant) Right to Housing.

Adequate housing was recognized as part of the right to an adequate standard of living in the 1948 Universal Declaration of Human Rights and in the 1966 International Covenant on Economic, Social and Cultural Rights.
Other international human rights treaties have since recognized or referred to the right to adequate housing or some elements of it, such as the protection of one's home and privacy.

General Comment No. 4 - The Right to Adequate Housing
Pursuant to article 11 (1) of the Covenant, States parties "recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions". The human right to adequate housing, which is thus derived from the right to an adequate standard of living, is of central importance for the enjoyment of all economic, social and cultural rights.

Article 8 Respect for private and family life

Article 8 encompasses the right to respect for private and family life, home and correspondence.
In general, the Court has defined the scope of Article 8 broadly, even when a specific right is not set out in the Article.
The primacy of the child needs to be a paramount consideration.
See also HC Decision, AZ v SoS 0 CLG South Gloucester
Case No. CO/55/2011

See also The Chapman v UK Appeal Decision.
ECHR - Application No. 27238/95

Equality Act 2010

The public sector equality duty contained in the Equality Act 2010 applies to decisions that relate to the occupiers of the site as they are Travellers, and thus have a "protected characteristic".
Local authorities need to have due regard to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not, a positive recommendation in this instance would assist with those duties.

The Equalities Act 2010 also relates to the way GTAA's are compiled and carried out.

6. Conclusion

- We believe the GTAA is out of date. There is a lack of available sites in the district, the county, this part of the country, and the UK, and that undersupply of sites in the area carries significant weight

- Where there is a lack of a five year supply of land for Gypsy sites that adds significant weight to a planning application.

- The need of the families to have a place to live, so they can access regular, consistent, healthcare, and to give support to each other, from a culturally appropriate setting, adds significant weight to the planning application.

- The need of the families to have a place to live, so they can access adequate education services, adds significant weight to the planning application.

- The Primacy of the Child, must be a paramount consideration when making any decision that will have an impact on the lives of children. See HC Decision, AZ v SoS 0 CLG South Gloucester.

- The family qualify for Gypsy status.
  Members of the family travel often and maintain a Gypsy life style.
  Appeal Ref: APP/V2635/W/17/3180116 - McPhee v King's Lynn & W. Norfolk BC is useful.

- The Chapman Decision maintains the right of Gypsies and Travellers to be able to live in culturally appropriate accommodation. The Human Rights of the applicants add weight to the application

When taken together, the various aspects outweigh harm caused by the proposed development, and in policy terms there isn't anything that isn't out weighed by the personal circumstances (VSC's) potential policy failure or other aspects.

In our opinion VSC and need exist, and have been demonstrated to justify the granting of planning permission.

This site is Available, Suitable, Affordable and Acceptable and together with the fact that VSC's have been submitted to the extent that we feel that they justify the granting of consent, and we invite the Council to grant planning permission (if not permanent then a temporary consent would be accepted).

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