

Report of the Head of Planning & Enforcement Services

Address LAND AT WILLOW FARM (FIELD 3116) JACKETS LANE HAREFIELD

Development: Permanent use of the land as gypsy and traveller caravan site.

LBH Ref Nos: 57685/APP/2011/1450

Drawing Nos: MCA-1 (Location Plan)
MCA-2
Tree and Shrub Planting Schedule
Planning, Design and Access Statement

Date Plans Received: 14/06/2011

Date(s) of Amendment(s):

Date Application Valid: 11/07/2011

1. SUMMARY

This application seeks permanent planning permission for the use of the site as a gypsy and traveller caravan site which has previously been granted twice at appeal, albeit on a temporary basis.

The application site comprises a 0.25ha triangular shaped field located on the southern side of Jackets Lane, approximately 700m to the south east of its junction with Northwood Road. It is located within open countryside which forms part of the Green Belt and a Countryside Conservation Area and also lies adjacent to a Nature Conservation Site of Metropolitan or Borough Grade 1 Importance.

The two previous Inspectors did not consider that this site was suitable for a permanent gypsy and traveller caravan site, the harm to the character and appearance of the Green Belt and Countryside Conservation Area being too great. They have only been prepared to grant temporary permission, mainly due to the compelling personal circumstances of the applicant and his family. The previous Inspectors were also concerned about the Local Planning Authority's lack of assessment of traveller's needs within the UDP and no alternative site's being available in the vicinity. A temporary permission would enable the Local Planning Authority to progress the LDF and for site-specific allocations to be made (if appropriate).

Although the personal circumstances of the applicant and, to a more limited extent his family, are still valid and there are still no alternative sites available, in considering the previous application, the last Inspector considered that the matter was finely balanced so that a 4 year temporary permission was considered acceptable so that at least the harm to the Green Belt could be restricted by limiting the duration of the use, in which time it was hoped the LDF could be progressed. The LDF has been progressed but not to the extent that specific sites have been allocated (if required). To allow a further period would be to extend the duration of the harm so that it is considered that on balance, the other factors, including the personal circumstances of the applicant and his family would no longer justify a further extension of time with a continuation of the harm.

Furthermore, although this application is described as being for the permanent use of the land as a gypsy and traveller caravan site and no operational development is described, the submitted plan does not accurately shown existing caravans/mobile homes/ buildings on site. The agent has been advised of the apparent discrepancies and requested to

clarify precisely what is being sought but to date, no such clarification has been forthcoming. As such, the Local Planning Authority could not be certain of the full extent and impacts of the works being proposed. Nonetheless, it is clearly evident that the real harm of the proposals is greater than the submitted plans indicate with respect to the Green Belt and landscape of the Countryside Conservation Area.

The Environment Agency also object to the absence of an assessment dealing with pollution risks of foul drainage.

The scheme also fails to demonstrate that it will contribute towards sustainable development.

The application is recommended for refusal on these grounds.

2.

RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The development is considered to represent inappropriate development within the Green Belt in terms of the guidance contained in Paragraph 3.4 of Planning Policy Guidance Note 2 (Green Belts) which is harmful by definition to its open character and appearance. Furthermore, there are no very special circumstances provided or which are evident which either singularly or cumulatively justify the permanent retention of the use which would overcome the presumption against inappropriate development in the Green Belt. The development is therefore harmful to the Green Belt and the landscape of the Countryside Conservation Area, contrary to PPG2: Green Belts, Policy 7.16 of the London Plan (July 2011) and Policies 1.1, OL1 and OL15 of the adopted Unitary Development Plan Saved Policies (September 2007).

2 NON2 Non Standard reason for refusal

The existing buildings, structures, mobile homes and caravans and their footprint/positions on site are not accurately shown on the submitted Block Plan MCA-2. As this application seeks to retain the existing use and no reference is made for the need to erect, demolish, re-site and/or alter these existing structures and vehicles on site, the proposal fails to accurately identify the extent of the work being proposed. In such circumstances, it has not been possible for the Local Planning Authority to fully assess the impact of the proposals upon the Green Belt and the Countryside Conservation Area. Nonetheless it is evident to the Local Planning Authority that the real harm of the proposed use, when taking into account all the paraphernalia, structures and buildings erected to facilitate it is very harmful to the Green Belt and the landscape of the Countryside Conservation Area contrary to PPG2: Green Belts, Policy 7.16 of the London Plan (July 2011) and Policies PT1.1, OL1 and OL15 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

3 NON2 Non Standard reason for refusal

It is proposed that foul drainage is dealt with by maintaining the connection to an existing cesspool. In the absence of a non-mains drainage assessment, it has not been demonstrated that other more appropriate means of disposal are available and for an assessment to be made of the risks of pollution to ground and surface waters arising from the proposed development within this Source Protection Zone 1. As such, it is considered that the permanent retention of the gypsy/traveller use discharging to a cesspool results in an unacceptable risk to groundwater quality, contrary to Planning Policy Statement 23: Planning and Pollution Control, Circular 03/99 and policy 5.14 of the London Plan (July 2011).

4 NON2 Non Standard reason for refusal

In the absence of a Sustainability Statement, the proposal fails to demonstrate how the permanent use of the site will contribute towards sustainable development. As such, the proposal is contrary to Policies 5.2, 5.3, 5.15 and 7.19 of the London Plan (July 2011).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS3	Housing
LPP 3.1	(2011) Ensuring equal life chances for all
LPP 3.8	(2011) Housing Choice
LPP 5.14	(2011) Water quality and wastewater infrastructure
LPP 7.2	(2011) An inclusive environment
LPP 7.16	(2011) Green Belt
OL1	Green Belt - acceptable open land uses and restrictions on new development
OL4	Green Belt - replacement or extension of buildings
OL15	Protection of Countryside Conservation Areas

3. CONSIDERATIONS

3.1 Site and Locality

The application site comprises a 0.25ha triangular shaped field located on the southern side of Jackets Lane, a mainly single width track which links Northwood Road with Ducks Hill Road, although the track is gated and bollarded towards its ends to prevent a through route for vehicles. Vehicular access to the site is from Northwood Road. The site is roughly halfway along the track's length, being approximately 470m to the south east of its junction with Northwood Road and 620m to the north west of its junction with Ducks Hill Road. The site lies within a valley surrounded by open fields and wooded areas, with some linear residential development along the valley ridges. The immediately adjoining fields are also in the applicant's ownership and are in use for the breeding and rearing of horses.

The main residential building on site is located at the front of the site, along its north western boundary and appears to comprise a mobile home which has been placed on a brick base and has a tiled hipped roof and bay windows. Another temporary building has

been sited to the rear which also has a tiled roof and appears to provide residential accommodation. Two caravans were also present on site at the time of the site visit and two stable buildings have been erected towards the rear of the site with this part of the site being used as a paddock area. A mature hedgerow forms the north western boundary and an overhead national grid power line crosses the site. A number of public footpaths surround the site, and meet outside its entrance, namely U10 which runs along Jackets Lane from Northwood Road, R13 which crosses the field to the south east to join Jackets Lane further to the east and U11 which runs along the north eastern boundary of the site. Jackets Lane to the east of the site forms an ancient highway (bridle way) which is not adopted.

The site forms part of the Green Belt, a Countryside Conservation Area and lies adjacent to a Nature Conservation Site of Metropolitan or Borough Grade 1 Importance.

3.2 Proposed Scheme

The proposal is for the permanent use of the land as a gypsy and traveller caravan site. Two mobile homes are shown on the submitted site plan, sited parallel to the north eastern boundary of the site, close to its entrance, the larger one sited closest to the entrance and measuring approximately 13.5m by 6m, the other one behind being 11.5m by 6m. A small garden area would separate the two homes, with a shed sited between the buildings, some 4.5m by 2.5m. A 3.5m square of concrete hardstanding is shown at the front of the larger mobile home. A total of five car parking spaces would be provided in front of the mobile homes, with a caravan stored on the south eastern side of the smaller mobile home. The rear of the site would provide a yard area, with the south western part of the site providing a paddock, separated by a post and rail fence. The two mobile homes would be connected to a cesspool. Tree planting and a new hedge is also shown along the south eastern boundary of the site and along the line of the new fencing.

A number of supporting documents have been submitted with the planning application, namely:-

Planning, Design and Access Statement:

This states that the documents which must be taken into account in determining these proposals include the Inspector's decision letter dated 20th June 2007; the Council's Local Development Framework (LDF) including the core Strategy (2011) and any emerging Land Allocations Development Plan Document(PDP); London's Gypsy and Traveller Accommodation Assessment; the replacement London Plan (2009); the West London Housing Partnership Study; the advice contained in Circular 01/2006 (until it is replaced) and any Government guidance published before the applications are determined.

The statement then lists and briefly describes planning policy, as recorded by the Inspector in his decision letter at the time of the previous appeal in June 2007. The previous Inspector's conclusions on the planning policy position are described. The statement then goes on to describe the current plan policy position.

The statement then refers to the need for gypsy caravan site provision generally in the area in 2007 as referred to by the Inspector. The statement notes that at that time, 12 families were on the waiting list for a pitch at the Council's site at Colne Park and future demand from family growth was expected. The Inspector noted that two bids in 2006 and 2007 for funding to improve and provide two additional pitches had been made. The statement notes that that funding is no longer available. The Inspector also noted that the Council's letting policy would preclude the Connors family from being considered for a

pitch. A West London survey of 7 boroughs (including Hillingdon) is also cited which identified chronic overcrowding, lack of facilities and poor environmental quality at most public sites. Furthermore, The neighbouring counties of Buckinghamshire and Hertfordshire GTAA's found a need for some 100 additional permanent pitches in each area whilst the Thames Valley Sub-Region, the GTAA indicated a requirement for 187 additional pitches for the period 2006 - 2011. The Inspector concluded that there was a clear need for additional gypsy accommodation.

The statement considers that that need has not diminished over the intervening period and the initial Replacement London Plan (2009) originally specified the level of need for additional pitches in Hillingdon. It states that the prospects of the Connors family of securing an alternative site were slim indeed and the situation has not improved. There is still no suitable, affordable, available alternative site in the locality to which they could relocate.

The statement then considers the occupation of the site and compares the 2007 situation with that of the present. In 2007, the site was occupied by Mr Michael Connors (Snr.) and his children, Michael (Jnr.), his wife Barbara, Luke (aged 17 years), Johnny (16) and Mary (14). Since that time, Michael (Jnr.), his wife, Barbara and their two sons (Michael, aged 3 years and Tommy (3 months) have vacated the site for a traditional travelling lifestyle. Luke has married and with his wife Anne and their daughter, Kathleen (9 months) is shortly to move into a house. Mary and her partner are away from the site travelling. Mr Connors eldest daughter Elizabeth (aged 22 years) has returned to the site with her two children, Michael (18 months) and Ellie-Marie (4 months). Johnny has remained on site and helps with the horse breeding.

The statement goes on advise that although the children have now completed their formal education, the medical circumstances of Michael Connors (Snr.) remain a significant material consideration. The Inspector previously attached significant weight to Mr Connors' poor health and the good access this site afforded to Mount Vernon and Harefield Hospitals. The statement advises that Mr Connors (Snr.) condition has deteriorated further over the last 4 years. Also, Ellie-Marie suffers from a rare genetic condition which leads to the build up of amino acid in the blood and brain which if left untreated, can lead to severe learning difficulties. Ellie-Marie is seen regularly by consultants at Great Ormond Street Hospital and Elizabeth is visited by a nurse and a social worker on a twice-weekly basis.

The statement concludes by stating that the reduction in the number of households on the site, with less domestic activity and paraphernalia and vehicle parking in the open has reduced the impact of the site on the Green Belt. There is considerable scope for structural planting to add to the planting that has already taken place. Permanent permission would enable the site layout and landscaping to be finalised and fully implemented.

Tree and Shrub Planting Schedule:

This details the essentially native hedge and tree planting, including Hawthorn, Hazel, Holly and Blackthorn.

Supporting Information:

A confidential report from the Gypsy Council has also been submitted which details the health needs of Michael Connors (Snr.) and Ellie-Marie and includes supporting

collaborative information from hospitals.

Supporting letters have also been received from health visitors and the Harefield Children's Centre.

3.3 Relevant Planning History

Comment on Relevant Planning History

An application for the part retention and use of the site as a permanent private family caravan site (6 pitches) (57685/APP/2002/2129) was refused on 24/04/2003.

Following an appeal against the serving of an enforcement notice, an application was deemed to have been made for the use of land for the stationing of mobile homes and caravans for residential purposes and the parking and storage of commercial vehicles (57685/APP/2003/241). Following a Public Inquiry held in July and October 2003, the enforcement notice was quashed and planning permission was granted on 13 January 2004 for the use of the land for a mixed use comprising the stationing of mobile homes and caravans for residential purposes, the parking and storage of commercial vehicles and the breeding and keeping of horses and associated operational development. The permission was personal to the appellant, Mr Michael Connors, only and limited to a 2-year temporary period. The Inspector also imposed a number of other planning conditions including a condition allowing no more than one mobile home and one touring caravan or caravanette/motor home to be stationed on the site at any time. The temporary permission expired on 13 January 2006.

Two applications were submitted seeking to discharge condition 4(i) of the Inspector's decision notice requiring details of the site layout to be submitted. The first of these (57685/APP/2004/418) was refused on the 7 May 2004 on the grounds that the proposed stables/barn, horse trailers, garden and shed for the mobile home would be detrimental to the openness of the Green Belt. The second application (57685/APP/2004/1083) was approved on the 27 May 2004 which showed a mobile home parallel with the northern boundary of the site with a caravan behind.

An application for the renewal of planning permission granted on appeal dated 13/01/2004 (57685/APP/2006/120) was refused on 27/07/2006 for the following reasons:

1. The development is considered to represent inappropriate development within the Green Belt in terms of the guidance contained in Paragraph 3.4 of Planning Policy Guidance Note 2 (Green Belts). Furthermore, there are no very special circumstances provided or which are evident which either singularly or cumulatively overcome the presumption against inappropriate development in the Green Belt. The development is therefore contrary to the aims of Policy OL1 of the adopted Hillingdon Unitary Development Plan.

2. The development, by reason of its siting, size, appearance and the additional traffic generated, is prejudicial to the character, openness and visual amenities of the Green Belt and Countryside Conservation Area. As such, it is contrary to the aims of Policies OL1 and OL15 of the adopted Hillingdon Unitary Development Plan.

Following an appeal and a public enquiry, permission was granted on 20/06/07 but again, the permission was made personal to Mr Michael Connors (senior) and his resident dependants, Mr Michael Connors (junior) and/or his wife Barbara and their resident dependants, limited to a 4 year period and no more than 3 caravans (of which no more than one shall be a static or mobile home) shall be stored at the site.

An application seeking to discharge details of the internal layout of the site was submitted (57685/APP/2007/2898) but not determined.

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

PT1.1 To maintain the Green Belt for uses which preserve or enhance the open nature of the area.

Part 2 Policies:

PPS1 Delivering Sustainable Development

PPG2 Green Belts

PPS3 Housing

LPP 3.1 (2011) Ensuring equal life chances for all

LPP 3.8 (2011) Housing Choice

LPP 5.14 (2011) Water quality and wastewater infrastructure

LPP 7.2 (2011) An inclusive environment

LPP 7.16 (2011) Green Belt

OL1 Green Belt - acceptable open land uses and restrictions on new development

OL4 Green Belt - replacement or extension of buildings

OL15 Protection of Countryside Conservation Areas

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **18th July 2011**

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

53 surrounding properties have been consulted, three site notices have been displayed (one outside the site, the other two at each end of Jackets Lane) and the application has been advertised in the local press as being a departure from the development plan. 15 responses objecting to the proposal have been received, together with a petition with 64 signatories. 2 responses in support have also been received.

The petition states:

We the undersigned appeal against new planning application for the land at Willow Farm (3116) Jackets Lane, Harefield, submitted by Mr Michael Connors, for Permanent use of land as Gypsy & Traveller Caravan site, Hillingdon Ref. No. 57685/APP/2011/1450.

Letters of objection raise the following matters/concerns:-

- (i) Proposal would spoil the quality of the area,
- (ii) This land has always been designated as Green Belt and has never been re-zoned for any type of housing, whether it be for travelling people or any other,
- (ii) If this settlement should be permitted to remain, it would open up the whole valley to further planning applications, which would surely be hard to refuse and cause more destruction of Green Belt land,
- (iii) In 2003, the Secretary of State said that this settlement was inappropriate but granted temporary permission in order for Mr Connors' children to complete their education which has now been done and for Mr Connors senior to receive medical care, yet there is still no sign of the family moving from this Green Belt land,
- (iv) The Connors family say that they cannot live in a house made of bricks and mortar and because of their background have refused Council property. However, their static mobile home has not moved in 10 years and when they do go travelling he takes the caravan - is he just going on holiday?
- (v) The Connors family have stated that they need to be there for the horses/livestock, but other keepers/breeders of horses in the local area do not have caravans/mobile homes on site. If there should be a problem, owners sit in their cars and wait in case they need a vet or the mare foaled. If my family placed a mobile home on land, Council would not allow it. Why do the travelling community feel that they should be treated differently?
- (vi) This is a very safe neighbourhood but a full time gypsy camp would only bring people to the area that have no interest in making the neighbourhood better, only worse, with havoc, chaos, vandalism, crime, rubbish dumping, environmental degradation and stress for local residents,
- (vii) There has been trouble in the past on the Iveagh Close estate and a permanent site would increase likelihood of further trouble,
- (viii) If permission granted, other family members and relatives would move in and before we know it, the whole field would be covered in caravans and mobile homes and the Green Belt land would be an encampment like site in Essex,
- (viii) Has Hillingdon done the work of identifying new sites for the travelling community?
- (ix) House prices in the area will be affected,
- (x) Police resources will be affected,
- (xi) Current employment brings me into contact with travellers and I feel this location is not one where they or the local community would benefit,
- (xii) Walkers will avoid this area if permission passed,
- (xiii) It has been established that traveller sites increase volume of crime, traffic and violence in local areas,
- (xiv) Will be able to see traveller/gypsy site,
- (xv) Area has many different animals and is more like a nature reserve which will be damaged by gypsy site. Woodland animals might be taken for food,
- (xvi) People do have a right to live somewhere but there must be more remote sites around the country,
- (xvii) Scheme just to let Willow Farm make money,
- (xviii) Will each person on the site pay Council tax? More likely scheme will cost Hillingdon money,
- (xix) I have just purchased a house in Harefield and if I had known this was going ahead I would not have considered moving to Harefield,
- (xx) I note that in 2007, similar plans were not approved,
- (xxi) Local facilities will be stretched,
- (xxii) what legislation exists to restrict usage?
- (xxiii) Guinness Trust estate is a beautiful and tranquil place to live and strong possibility that this could be ruined if proposal allowed,
- (xxiv) Neighbours on estate have been terrorised in the past by gypsies/travellers,
- (xxv) Past experience of gypsy children interfering with cattle,
- (xxvi) Jacket Lane is a bridle path to Ducks Hill which goes back to the Doomsday Book. 'Willow Farm' used to be part of 'Battlerswell Farm'. When the farm was sold, field 3116 was sold to a Mr Edwards for his daughter to keep her pony. A small hardstanding was put there for a barn/stable

for the pony in bad weather, nothing more. Many years passed and Jackets Lane was just wide enough to walk down with a small stream at the side. After a long while, the pony was moved and the field lay empty and overgrown. In January 2002, a man introduced himself as 'Paul' to neighbours and said he had bought the field for his wife and daughter to keep their horses and would be tidying up the field and making the lane wide enough to get his car down. The lane became wider and wider and at the end of July they all moved in and the rest is history,

(xxvii) Jacket Lane now a two lane road with cars and trucks coming up and down the lane at all hours,

(xxviii) The settlement has grown and more young children live there who will no doubt want to explore their own and neighbouring surroundings which could threaten neighbouring property, given reputation of travelling people,

(xxix) It has never been confirmed that Mr Connors is the legal owner of 'Willow Farm' and that they are still the current owners,

The responses in support of the proposal (albeit from people who do not reside within the borough) make the following points:

(i) I have known the Connors for at least 10 years and visit Jackets Farm at least twice a week with my two children who have great pleasure in seeing and riding the horses. The Connors are always welcoming and very polite,

(ii) I have known Mr Connors for over 30 years and when he moved to Jackets Farm, I would see him on a regular basis and still go there every other day. He is very helpful and very well mannered and has a lot of time for people. I help him maintain Jacket Farm and we both share a great interest in horses.

Nick Hurd MP:

I have been contacted by several constituents who are very concerned over the proposed planning application for the land to be used as a permanent gypsy and traveller caravan site. The proposed development will be in violation of Green Belt guidelines.

I share their concerns and also wish to register my objection to this planning application.

Ward Councillor: Requests that the application be heard at committee.

Northwood Residents Association:

The Northwood Residents Association wishes to object to this proposal on the grounds that the development would be on Green Belt land contrary to the UDP Part One Policies - notably Pt1.1 'To maintain the Green Belt for uses which preserve or enhance the open nature of the area'. In no way could this proposal enhance the open nature.

Harefield Village Conservation Panel:

Although the site does not fall within the Harefield Village Conservation Area, the panel have commented thus:

1. The layout shown in the drawing MCA-2, submitted as part of the planning application, does not show correctly the layout of elements on the site. When viewed from the gate to the property, instead of a mobile home parallel to the site boundary there is what appears to be a substantial single storey building at right angles to the boundary - see photograph attached. It was not possible to see what lay behind this building.

2. The page with site ownership details was not included with the application form.

The Panel objects to the application for permanent use of the object site as a gypsy and traveller site for the following reasons:

- a. The use proposed for the site is quite inappropriate for an undisturbed and attractive area of Green Belt.
- b. The decision to grant temporary use of the site as a gypsy and traveller site in 2007 was based upon Mr Connor Snr's health needs and the proximity of local hospitals and schooling for his children. The children have now been educated and various members of the family have left the site and Mr. Connor's chronic health conditions are deteriorating.
- c. Having left previously, some members of the family are now returning to the site with children creating a succession which was not envisaged in the original consent for a temporary use.
- d. It is noted from the colouring of the site plan that the whole of Field 3116 appears to be in the same ownership as the object site. The Panel is concerned that if permanent use is granted for the object site it would just be a matter of time before the whole of the field became a gypsy and traveller site with a significantly increased area.'

Harefield Tenants and Residents Association:

Our members discussed this application at our last meeting and we wish to register our objections to the permanent use of this Green Belt land as a Gypsy and Traveller site.

It is totally in the Green Belt and residential use is against planning policy guidance. In our view there are not very special circumstances shown for the Council to go against Green belt planning policy and we therefore request refusal and a time scale for the removal of all the associated structures present on the land.

The Council meets the need of the travelling community by providing a site in the Borough for them at West Drayton.

Environment Agency:

We object to the proposed development as submitted because it involves the use of a non-mains foul drainage system. No assessment of the risks of pollution to ground and surface waters have been provided by the applicant. We recommend that planning permission should be refused on this basis.

Reason

The site is in Source Protection Zone (SPZ) 1, which is an area of high ground floor vulnerability which supplies an abstraction point for drinking water.

The application form indicates that foul drainage is to be discharged to a cesspool. The applicant has not justified the use of non-mains drainage facilities in line with DETR Circular 03/99. It advises that full and detailed consideration is given to the environmental criteria listed in Annexe A.

The application does not provide a sufficient basis for an assessment to be made of the risks of pollution to ground and surface waters arising from the proposed development.

This poses significant risks to the environment which cannot be overcome by a condition.

Resolution

The applicant needs to complete and submit a satisfactory foul drainage assessment (see <http://www.environment-agency.gov.uk/research/planning/33368.aspx>).

Within this the applicant needs to:

* Justify the use of a cesspool over preferred alternative means of foul disposal, for example, mains foul sewage system, septic tank or package treatment plant in accordance with the hierarchy set out in DETR Circular 03/99/WO Circular 10/99 and Building Regulations Approved Document H.

* Demonstrate London Clay in the area is thick enough and provides enough coverage to protect the drinking water aquifer beneath.

Thames Water:

Waste Comment

Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

Water Comment

With regard to water supply, this comes within the area covered by the Veolia Water Company.

Internal Consultees

TREES AND LANDSCAPE OFFICER:

LANDSCAPE CONTEXT: The site lies within an undulating valley landscape characterised by a mosaic of woodland and farmland, with field boundaries defined by hedgerows with trees. It is currently occupied by two mobile homes, a caravan and shed which are situated within a yard and garden. The site is enclosed by a mix of post and rail fences, with some mature and some young hedgerows with trees. This area, in the north of the Borough, is identified within London's Natural Signatures as the 'Ruislip Plateau Natural Landscape Area', as designated by Natural England.

The site lies within an area of designated Metropolitan Green Belt, at the junction of Jackets Lane (an Ancient Highway) and three statutory footpaths (ref. U10, U11 and R13), which link Ducks Hill Road (Northwood) to the east and Harefield to the west. Hillingdon's draft Landscape Character Assessment includes a detailed description and appraisal of this area which it refers to as 'South Harefield Wooded Undulating Farmland' (ref.LCA D1). Several parcels of land close to the site are designated Nature Conservation Sites of Metropolitan or Borough Grade 1 Importance. There are no Tree Preservation Orders on, or close to, the site, nor does it fall within a designated conservation Area.

PROPOSAL: The proposal is to extend a temporary permission to a permanent use of the land as a gypsy and traveller site. The application includes a drawing which shows the existing field hedge along the north-west boundary and a new native hedgerow with trees along east boundary.

LANDSCAPE CONSIDERATIONS: Saved policy BE38 seeks the retention and utilisation of topographical and landscape features of merit and the provision of new planting and landscaping wherever it is appropriate.

* No trees or other landscape features will be affected by the proposal. However, the location of the site, which is on a hillside, is clearly visible from Jackets Lane and the vantage points from footpath ref. R13 to the east. Approaching the site from the west, along footpath ref. U10, intervening hedges and woodland effectively screen the site from view, when the vegetation is in leaf. There is little scope for providing additional planting to screen views across the valley in what is predominantly open countryside.

* One of the five purposes of including land in the Green Belt is to assist in safeguarding the countryside from encroachment (PPG2). The visual effect of retaining the mobile homes, caravan

and outbuildings has an urbanising influence in an area which is predominantly agricultural and pastoral. Again it is not considered that the impact of the development on the character and appearance of the surrounding landscape can be overcome by landscape conditions.

RECOMMENDATIONS: For the reasons above, I object to this proposal. The retention of the mobile homes and ancillary buildings/caravans is visually intrusive and inappropriate in the Green Belt. They fail to harmonise with the landscape character and visual amenity of the area.

SUSTAINABILITY OFFICER:

Drainage - Use of Cess Pit

I object to the proposed development due to the lack of information on drainage:

Circular 03/99 provides a hierarchy for foul drainage requirements of new development. Circular 03/99 states:

This Circular provides advice on the exercise of planning controls on non-mains sewerage and associated sewage disposal aspects of future development so as to avoid environmental, amenity or public health problems which could arise from the inappropriate use of non-mains sewerage systems, particularly those incorporating septic tanks.

The hierarchy is as follows:

- * Connection to Public Sewer
- * Use of Package Treatment Plant
- * Use of Septic Tank
- * Use of Cesspool only in exceptional circumstances

The site is in rural location, and the connection to a mains sewer may be uneconomical for the development, however this still needs to be investigated as part of a wider non-mains drainage assessment. Circular 03/99 states:

If, by taking into account the cost and/or practicability, it can be shown to the satisfaction of the local planning authority that connection to a public sewer is not feasible, a package sewage treatment plant incorporating a combination of treatment processes should be considered.

A package treatment plant is a more advanced form of treatment than a septic tank and should always be seen as a preferred solution. Nonetheless, the circular proceeds to state:

Only if it can be clearly demonstrated by the developer that the sewerage and sewage disposal methods referred to in paragraphs 3 and 4 [i.e. mains drainage or package treatment plant] above are not feasible, taking into account cost and/or practicability, should a system incorporating septic tank(s) be considered and proposed if appropriate.

The use of a cess pit with the previously approved temporary permissions is considered acceptable. However, this application is now for a permanent siting, which requires reconsideration of the preferred method of drainage in line with Circular 03/99. The circular discourages the use of Cess Pits/Pools.

Whilst this Circular primarily deals with septic tank drainage systems, the attention of developers and local planning authorities is drawn to the implications of the use of cesspools. In principle, a properly constructed and maintained cesspool, being essentially a holding tank with no discharges, should not lead to environmental, amenity or public health problems. However, in practice, it is

known that such problems occur as a result of frequent overflows due to poor maintenance, irregular emptying, lack of suitable vehicular access for emptying and even through inadequate capacity.

The Environment Agency also discourages the use of Cess Pools for permanent drainage purposes. Their Pollution Prevention Guideline 4 states:

If you require a temporary sewage disposal system whilst you are preparing a permanent solution, a cesspool might be a suitable method. We don't encourage the use of cesspools and you might need permission from the local authority Environmental Health Officer. In Scotland, the Building Standards do not permit the use of cesspools.

The main issue with cesspools is down to the mismanagement which has resulted in considerable complaints to the Environment Agency, particularly in rural areas. Cesspools require a strict management regime to maintain safety and avoid pollution. They require emptying by specialist permitted contractors to take the contents to sewage treatment works. These contractors can be costly, particularly if called out in an emergency i.e. when the tank unexpectedly reaches capacity. The mismanagement referred to in Circular 03/99 is associated with the need to reduce the reliance on an expensive third party contractor. Mismanagement techniques include putting holes in the base of cess pools so they leak into the ground, or emptying contents into nearby watercourses. These save individuals money by not requiring expensive contractors, but can have significant impacts on the environment through the discharge of untreated sewage.

The best course of action is to avoid the use of cess pools in the first instance as outlined in the hierarchy in Circular 03/99.

For these proposals, a package treatment plant may be the best alternative to a mains sewer. However the site is within a source protection zone 1. The groundwater in this area is highly vulnerable to pollution and therefore any discharges needs to be carefully considered.

The applicant needs to carry out a full foul drainage assessment in accordance with Circular 03/99 that considers the use of a package treatment plant. It should consider the requirements of Circular 03/99 and in particular it should also provide details on:

- * If the receiving environment is suitable
- * What level of sewage treatment is required
- * How the groundwater can be protected.

Cess pools should only be seen as a last resort and may preclude the permanent siting of development in this area. Any use of cess pools on this site should not set a precedent to allow the proliferation of further development.

Sustainability

The applicant should be required to submit a sustainability statement demonstrating how the site can contribute to sustainable development. In particular the statement shall demonstrate how the applicant shall reduce potable water demand (London Plan Policy 5.15), reduce energy demands (London Plan Policies 5.3 and 5.2) and promoting ecology (London Plan Policy 7.19).

ENVIRONMENTAL HEALTH OFFICER:

I do not wish to object to this proposal.

I have spoken with the Environmental Health Officer in Private Sector Housing Enforcement Team about this proposal and am advised that the site would need to comply with model site licence

conditions under the Caravan Sites and Control of Development Act 1960.

I note that foul drainage is proposed to be made to a cesspit.

Should planning permission be granted, please add the construction site informative.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

As confirmed by the Inspectors in considering the two previous appeals (App. Nos. 57685/APP/2003/241 and 2006/120 refer), the use of the site for a gypsy and traveller caravan site represents inappropriate development within the Green Belt.

Paragraph 3.2 of PPG2: Green Belts makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The guidance adds that such circumstances will not exist unless the harm is clearly outweighed by other considerations and that it is for the applicant to show why permission should be granted.

The two previous Inspectors both considered that the use was only acceptable on a temporary basis, given the personal circumstances of the family and the lack of an adequate assessment of gypsy and traveller needs and plot/pitch provision in the UDP.

In considering the latest appeal (App. No. 57685/APP/2006/120), the Inspector in his decision letter dated 20th June 2007 at paragraph 15 stated:

'Inappropriate development is, by definition, harmful to the Green Belt (PPG2, paragraph 3.2); such definitional harm is accepted by the appellant. In addition, I consider harm would arise from the presence on site of a mobile home and touring or other caravans and any ancillary buildings such as a shed. The site is in an area of predominantly open countryside and so the items already on site or sought detract from the area's openness (which paragraph 1.4 of the PPG notes is the most important attribute of Green Belts). The developed, occupied appearance of site results in encroachment into the countryside and some harm to the Green Belt's visual amenities.'

The Inspector goes on in paragraph 18 that:

'The appeal site is in attractive, undulating countryside, the landscape quality of which is recognised by its CCA designation (which remains part of the development plan and so I attach little weight to speculation about its continuance). The site is clearly visible from its Jackets Lane entrance and its various structures can also be seen particularly readily across the valley from the south-east end of Jackets Lane (and, I would expect, from some of the dwellings in that area).'

The Inspector concludes the assessment on the impact upon the character and appearance of the area by stating that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area.

The Inspector then goes on to assess other considerations. He states in paragraph 23 that:

'The previous appeal Inspector deplored the absence of an appropriate gypsy policy in the UDP and found the Council's failure to undertake a proper quantitative assessment of the accommodation needs of gypsies to be a matter of serious concern. The UDP policy position is unchanged and does not conform with the more recent London Plan.'

Previously, policy 3A.11 (London's travellers and gypsies) of the London Plan (February 2004) stated that boroughs should, in co-ordination with other boroughs, assess the accommodation needs of gypsies and travellers and review pitch capacity and formulate policies to protect existing sites, establish criteria for new sites and identify them where shortfalls occur.

More recently, there has been some discussion as to how demand for gypsy/traveller sites should be assessed which has influenced changes to national and strategic guidance on gypsy and traveller sites.

In April 2011, the Government produced a Consultation Paper on Planning for Traveller Sites which it is intended will replace Circular 01/2006. As the guidance is at consultation stage, only limited weight can be given to it.

In the explanation of the proposed new policy stance, this advises that discrimination and poor social outcomes among traveller communities must be addressed (paragraph 2.15) but that it also wants to tackle unauthorised development in all its forms (paragraph 2.16) and goes on to advise that the Government:

'... will not tolerate abuse of the planning system by a small minority of travellers, who set up unauthorised developments which create tension, undermine community cohesion and create resentment against the over-whelming majority of law-abiding travellers who do not live on unauthorised sites.'

The attached Draft Planning Policy Statement states at paragraph 4:

'The Government's overarching objective is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.'

The Government specifically states at paragraph 5 that one of the objectives for planning as regards traveller sites will be to protect the Green Belt from development and proposes greater clarity at paragraph 14 by stating that traveller sites in the Green Belt are inappropriate development, whereas Circular 1/2006 advises that they are 'normally inappropriate development'.

The draft guidance goes on to advise that development plans should have policies and strategies in place for delivering their locally set targets, including identifying specific sites that will enable continuous delivery of sites for at least a 15 year period and a 5 year supply of deliverable sites. In terms of transitional arrangements, the draft guidance states that if after six months of the new guidance being adopted, a five year supply of deliverable sites is not available, local planning authorities should consider favourably applications for the grant of temporary planning permission.

As regards the Local Development Framework which will replace the UDP, the issue of gypsy and traveller pitch provision is addressed in emerging Core Strategy Policy H3 (Gypsy and Traveller Pitch Provision). This sets broad criteria for the location of sites to accommodate the specific needs of the travelling community. Any policy on gypsy and traveller pitch provision would need to be in general conformity with the London Plan.

The 2004 London Plan has now been replaced and policy 3.8 advises that whilst working with the Mayor, boroughs should ensure that 'the accommodation requirements of gypsies and travellers (including travelling show people) are identified and addressed in line with

national policy, in co-ordination with neighbouring boroughs and districts as appropriate.' This has undergone various revisions prior to the replacement London Plan being adopted in July 2011. For instance, in October 2009, the then Policy 3.9 of the Draft Replacement London Plan stated that Hillingdon should provide 22 traveller pitches between 2007-2017. In March 2010, the Mayor proposed minor alterations to this policy with Hillingdon's pitch provision target being reduced to 7 pitches. In September 2010, Further Minor Alterations to then policy 3.9 were published by the Mayor, stating that 'boroughs are best placed to assess the needs of these groups...'. It was therefore proposed to remove borough specific pitch provision targets from the policy. In March 2011, the Examination in Public (EIP) Panel Report was published and proposed the inclusion of sub-regional targets for gypsy and traveller pitch provision in policy 3.9. In July 2011, the Mayor adopts the London Plan and chooses not to accept the Inspector's recommendations on policy 3.9. The provisions of the policy are thus consistent with the September 2010 Proposed Minor Alteration.

As a result of the changes to the Mayor's policy on Gypsy and Traveller Provision, policy H3 in the Submission version of Hillingdon's Core Strategy states that the Council will work with the Mayor to ensure that needs are identified and the accommodation requirements for gypsy and traveller groups are addressed locally and in line with national policy.

Therefore, in terms of emerging policy, there is nothing to suggest that this site should now be considered as being more suited to provide a permanent gypsy/traveller site.

The two previous Inspectors were only prepared to grant temporary permission on this site given the lack of any alternative gypsy/traveller sites in the vicinity and the compelling personal circumstances of the applicant and his family. In considering the last appeal (App. No. 57685/APP/2006/120), the Inspector noted that during the course of the Inquiry, the Council and the appellant reached an agreement that the appropriate way forward would be to grant a temporary consent for 4 years, subject to conditions, so that the level of need for gypsy sites could be identified and properly addressed through the Local Development Framework (LDF). This agreement was taken into account.

Although there are still no alternative gypsy/traveller sites available in the vicinity of the application site, progress is being made to ensure that the emerging LDF does conform to the London Plan (July 2011) that will include appropriate assessment and specific site allocation (if appropriate). However, the numerous changes to the London Plan has delayed the process.

As regards the personal circumstances of the applicant and his family, in considering the last appeal, the Inspector noted that Michael Connors (Snr.) continues to suffer from chronic ill health requiring numerous hospital (Hillingdon or Mount Vernon) visits and surgery consultations and he and other family members are registered with the Harefield Health Centre. The children also had health problems, but the Inspector noted that the children's below average health is not untypical of the gypsy community and although access to health services would be more difficult with no settled base, this did not provide a compelling reason by itself for the occupation of the site. However, the Inspector did attach significant weight to the benefit of stability for Michael (Snr.) close to medical facilities where staff are familiar with his condition.

The Inspector also considered the educational needs of the children and noted that Mary was at an important stage in her education at Harefield Community College and although there was nothing to suggest that her needs could not be met as well elsewhere,

unplanned moves would be particularly disruptive at such a stage and so some weight was attached to this.

The last Inspector concluded:

'... the family's needs as gypsies are not unusual. Nor do I consider permanent residence on the appeal site to be essential to look after the horses.

On the other hand, the plan policy shortcomings are a supporting matter and there is a general need for additional gypsy accommodation in the area, notwithstanding the lack of a London GTAA. The medical needs of Mr Michael Connors (senior) and the education needs of Mary are particularly significant. There is no known available, affordable or suitable alternative land for the family to move to and, in light of this, the interference in the family's human rights would have a disproportionate effect. When these matters are taken in combination and with the main parties' suggestion of a temporary permission, I conclude that the harm to the Green Belt and the surrounding area's character and appearance for only a limited time period would be clearly outweighed by these other considerations. Consequently, very special circumstances exist to justify the inappropriate development in the Green Belt.'

As regards the current personal circumstances of the applicant and his family, the submitted Planning, Design and Access Statement advises that:

'In 2007, the site was occupied by Mr Michael Connors (Snr.) and his children, Michael (Jnr.) and his wife, Barbara, Luke (aged 17 years), Johnny (16) and Mary (14). Since that time, Michael (Jnr.), his wife and their two sons (Michael aged 3 years and Tommy (3 months) have left the site and have taken up the traditional travelling lifestyle. Luke has married and with his wife Anne and their daughter, Kathleen (9 months) is shortly to move into a house. Mary and her partner Michael are away from the site travelling. Mr Connor's eldest daughter, Elizabeth (aged 22 years) has returned to the site with her two children, Michael (18 months) and Ellie-Marie (4 months). Johnny (20) has remained on site and helps his father with their horse breeding business.

As regards the families' personal circumstances, although the children have now completed their formal education, the medical circumstances of Michael Connors (Snr.) remain a significant material consideration. Evidence of Mr Connors' chronic ill health was before the inquiry in 2007 and his condition has deteriorated further over the past 4 years. The Inspector attached significant weight to Mr Connors' poor health and his not infrequent need for immediate access to facilities at both Mount Vernon and Harefield Hospitals (paragraphs 37 and 38). In addition to Mr. Connors' health problems, Elizabeth's daughter Ellie-Marie suffers from Phenylketonuria (PKU), a rare genetic condition present from birth. The body is unable to break down an amino acid called Phenylalanine which builds up in the blood and brain. If left untreated high levels of this chemical can disrupt the normal development of a child's brain and can cause severe learning difficulties. A strict dietary regime and constant monitoring are necessary especially in early life to ensure that the condition is controlled. Ellie-Marie is seen regularly by consultants at Great Ormond Street Hospital and Elizabeth is visited by a nurse and a social worker on a twice-weekly basis.'

A confidential report has also been submitted from the Gypsy Council which details the health needs of Michael Connors and Ellie-Marie and includes supporting collaborative information from hospitals. In particular, the evidence submitted substantiates the difficulties Mr Connor would experience due to his medical condition from having to

resume a travelling lifestyle and the importance to Ellie-Marie of having a stable base so her dietary requirements can more easily be met. This involves a special low phenylalanine diet which avoids many staple food types, and an artificial amino acid supplement which is quite unpalatable and time consuming to encourage a child to take. Also, Ellie-Marie's diet has to be monitored carefully, with weekly blood samples sent off for analysis and results conveyed back to the family with possible discussions and modification of her diet.

Supporting letters have also been received from health visitors and the Harefield Children's Centre. These also substantiate the health care needs of Ellie-Marie and advise that the site is close to Elizabeth's mother, Kathleen Connors who is able to provide support in the care of Ellie-Marie and also help to her other daughter, Mary following the birth of her first baby. Both sisters attend the Harefield Children's Centre. The supporting information stresses the detrimental impact that would be caused by the disruption of the relationship and trust the family has built with health professionals by having to move from the site. However, officers consider that the healthcare needs of Ellie-Marie do not mean that it is imperative for her to stay at this site.

Therefore the personal circumstances that the previous Inspector considered warranted very special circumstances to outweigh the harm to the Green Belt on a temporary basis in the case of Mr Michael Connors (Snr.) are still just relevant, whilst the education needs of Mary are no longer a factor. The special dietary and monitoring needs of Ellie-Marie are not insurmountable with a travelling lifestyle and therefore justify limited weight being attached. As a result, it is considered that the personal circumstances of the family as a whole are a material consideration, but officers are not convinced that the health needs of Mr Michael Connors (Snr.) should justify a permanent approval.

However, this has to be weighted against the continuing occupation of the site. The last Inspector made his assessment in 2007, five years after the use appears to have commenced in 2002 and after only a two year temporary permission for the site had been granted by the original Inspector. Now the site has been occupied for over 9 years, with the extension of harm to the Green Belt that the use entails. The last Inspector noted that a temporary permission would not lessen the harm to the Green Belt, but by limiting the use's duration, the harm would be restricted and on this basis was prepared to only grant a 4 year temporary permission. This application seeks permanent permission but even considering the compromise of granting a further temporary permission, it is considered that on balance, the overall duration of harm to the Green Belt would no longer be outweighed by other factors, including the families personal circumstances, given that previous Inspectors have made it clear that the site is not suited for permanent retention.

The proposal represents inappropriate development, the permanent retention of which is harmful by definition, to the Green Belt and the Countryside Conservation Area, contrary to PPG2: Green Belts, Policy 7.16 of the London Plan (July 2011) and Policy 1.1, OL1 and OL15 of the adopted Unitary Development Plan Saved Policies (September 2007).

7.02 Density of the proposed development

Not applicable to this development for a gypsy/ traveller caravan site.

7.03 Impact on archaeology/CAs/LBs or Areas of Special Character

Not applicable to this application.

7.04 Airport safeguarding

Not applicable to this development.

7.05 Impact on the green belt

This has been considered in Section 7.01 above.

7.06 Environmental Impact

The main environmental impacts of this development are considered in Sections and .

7.07 Impact on the character & appearance of the area

Due to the anomaly between existing buildings/structures and mobile homes/caravans on site and the submitted Block Plan, MCA-2 and the application forms making no reference to the need for any operational development on site, describing the development as retention of the existing gypsy/ traveller site, the full extent of the proposed works is unclear. For instance, the plan shows a larger mobile home parallel and close to the north western boundary of the site whereas it is turned through 90 degrees on site. Also, a second rectangular shaped mobile home is shown behind the larger one on the plan, whereas a square shaped temporary building is in a similar position on site. Sheds have also been erected at the rear of the site which are not shown on the plan. Despite seeking clarification on this point, to date, no such clarification has been forthcoming.

The last Inspector considered that the site was clearly visible from Jackets Lane and the site's various structures were clearly visible across the valley. There has been no change in the conditions on site to suggest that this is no longer the case. The Inspector then went on to consider the use of landscaping but considered that this was unlikely to overcome the harm, particularly in nearer views. He concluded that the residential element was harmful to the special character of the landscape of the Countryside Conservation Area.

The Council's Tree and Landscape Officer has carried out a more recent site inspection and assessment of the current proposal and considers that the retention of mobile homes, caravan and outbuildings has had an urbanising influence in an area which remains predominantly agricultural and pastoral. He concurs with the previous Inspector that the impact of the development on the character and appearance of the landscape could not be overcome by landscape conditions.

7.08 Impact on neighbours

The nearest property to the application site is known as the Bungalow, which is sited on the southern side of Jackets Lane, just over 300m from the application site. From this direction, the site would largely be screened by the boundary hedge and given the single storey height of the proposed mobile homes, the buildings or the use would not unduly affect their residential amenities. From the other direction, the site is more exposed, and the site can be glimpsed from residential properties on Iveagh Close. However, this distance, at over 400m would ensure that their amenities would not be materially affected.

The previous Inspector also did not consider that the impact of the development upon neighbouring properties, whilst also having regard to the human rights of the appellant, was not so significant to justify a refusal of permission.

7.09 Living conditions for future occupiers

The Council's guidelines relating to internal floor space standards are not applicable to mobile homes and caravans.

The area around the mobile home, temporary structure and caravans functions as informal amenity space and the submitted plan shows a shared area of amenity space between the two mobile homes which is considered of an acceptable size to address the families amenity space requirements.

7.10 Traffic impact, car/cycle parking, pedestrian safety

There is adequate parking and vehicular access to the site. No objections are therefore

raised to the development on highway grounds, in accordance with Policies AM7 and AM14 of the adopted Unitary Development Plan Saved Policies (September 2007).

7.11 Urban design, access and security

The relevant issues have been considered in other sections of this report.

7.12 Disabled access

Not applicable to this development.

7.13 Provision of affordable & special needs housing

Not applicable to this application.

7.14 Trees, Landscaping and Ecology

There are no protected trees on site. The application site is also sufficiently separated from the adjoining Grade I Site of Nature Conservation Importance so that its ecology would not be adversely affected.

7.15 Sustainable waste management

Not applicable to this development.

7.16 Renewable energy / Sustainability

Policies 5.2 and 5.3 of the London Plan (July 2011) require development proposals to make the fullest contribution towards minimising carbon dioxide emissions and to achieve the highest standards of sustainable design and construction respectively. Policy 5.15 expects development proposals to protect and conserve water supplies and resources and policy 7.19 to protect, enhance, create, promote and manage London's biodiversity.

This application is for permanent use of the site, whereas no sustainability statement has been submitted to demonstrate how the site can contribute to sustainable development. The Council's Sustainability Officer objects to the proposal on this ground.

7.17 Flooding or Drainage Issues

Policy 5.14 of the London Plan (July 2011) requires development proposals to have adequate wastewater infrastructure capacity and advises that proposals which adversely affect water quality should be refused. Circular 03/99 provides additional guidance to that in PPG23: Planning and Pollution Control on foul drainage requirements.

The submitted plan shows the two mobile homes connected to an existing cesspool. The Environment Agency advise that the site is in Source Protection Zone 1, which is an area of high ground water vulnerability which supplies an abstraction point for drinking water. They object to the proposal as no assessment of the risks of pollution to ground and surface waters has been provided. The use of non-mains drainage facilities needs to be justified, in line with DETR Circular 03/99.

The Council's Sustainability Officer advises that the use of a cess pool/pit with the previously approved temporary permissions is considered acceptable, as if properly constructed and maintained, their use should not lead to environmental, amenity or public health problems as they are essentially holding tanks with no discharges. However, in practice, it is known that problems can occur with overflows resulting from poor maintenance, irregular emptying, lack of vehicular access for emptying and inadequate capacity. Now the application is for permanent use, a reconsideration of the preferred method of drainage is required to accord with the circular.

The EA advise that the use of cesspools is not encouraged as they require a strict management regime with specialist contractors taking sewage away to a sewage treatment works to maintain safety and avoid pollution. These contractors can be costly whereas this cost can be avoided by emptying the untreated contents to nearby

watercourses or puncturing the tanks so they leak to the ground.

Circular 03/99 provides a hierarchy for foul drainage requirements of new development and only in exceptional circumstances should the use of cesspools be considered. The site is in a rural location, where the cost of connecting to a mains sewer may be prohibitive, however this still needs to be investigated as part of a wider non-mains drainage assessment. The lack of an appropriate foul sewage disposal system may preclude this site from being suitable for permanent retention.

In the absence of a non-mains drainage assessment, it has not been demonstrated that other more appropriate means of disposal are available and for an assessment to be made of the risks of pollution to ground and surface waters arising from the proposed development within this Source Protection Zone 1. As such, it is considered that the permanent retention of the gypsy/traveller use discharging to a cesspool results in an unacceptable risk to groundwater quality, contrary to Planning Policy Statement 23: Planning and Pollution Control, Circular 03/99 and policy 5.14 of the London Plan (July 2011).

7.18 Noise or Air Quality Issues

Not applicable to this application.

7.19 Comments on Public Consultations

The material planning issues raised by the individual objectors have been considered in the main report. The comments in support are noted.

7.20 Planning Obligations

Not applicable to this scheme.

7.21 Expediency of enforcement action

The use of the site as a gypsy/traveller caravan site represents inappropriate development that is harmful to the character and appearance of the Green Belt and the Countryside Conservation Area. To allow the use to continue contravenes PPG2: Green Belts, Policy 7.16 of the London Plan (July 2011) and Policies 1.1, OL1 and OL15 of the adopted Unitary Development Plan Saved Policies (September 2007). If this application is refused, then a further report on the possibility of serving an enforcement notice will be put before committee.

7.22 Other Issues

There are no other relevant planning issues raised by this application.

8. Observations of the Borough Solicitor

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is

unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

9. Observations of the Director of Finance

10. CONCLUSION

The two previous Inspectors did not consider that this site was suitable for a permanent gypsy and traveller caravan site, the harm to the character and appearance of the Green Belt and Countryside Conservation Area being too great. They have only been prepared to grant temporary permission, mainly due to the compelling personal circumstances of the applicant and his family. The previous Inspectors were also concerned about the Local Planning Authority's lack of assessment of traveller's needs within the UDP and no alternative site's being available in the vicinity. A temporary permission would enable the Local Planning Authority to progress the LDF and for site-specific allocations to be made (if appropriate).

Although the personal circumstances of the applicant and his family are still valid and there are still no alternative sites available, in considering the previous application, the last Inspector considered that the matter was finely balanced so that a 4 year temporary permission was considered acceptable so that at least the harm to the Green Belt could be restricted by limiting the duration of the use, in which time it was hoped the LDF could be progressed. The LDF has been progressed but not to the extent that specific sites have been allocated (if required). To allow a further period would be to extend the duration of the harm so that it is considered that on balance, the other factors, including the personal circumstances of the applicant and his family would no longer justify a further extension of time with a continuation of the harm.

Furthermore, the submitted plans do not show the existing arrangement of buildings, structures and mobile homes/caravans on site. As such, it is not clear precisely what is being proposed.

The Environment Agency also object to the absence of an assessment dealing with pollution risks of foul drainage.

The scheme also fails to demonstrate that it will contribute towards sustainable development.

The application is recommended for refusal.

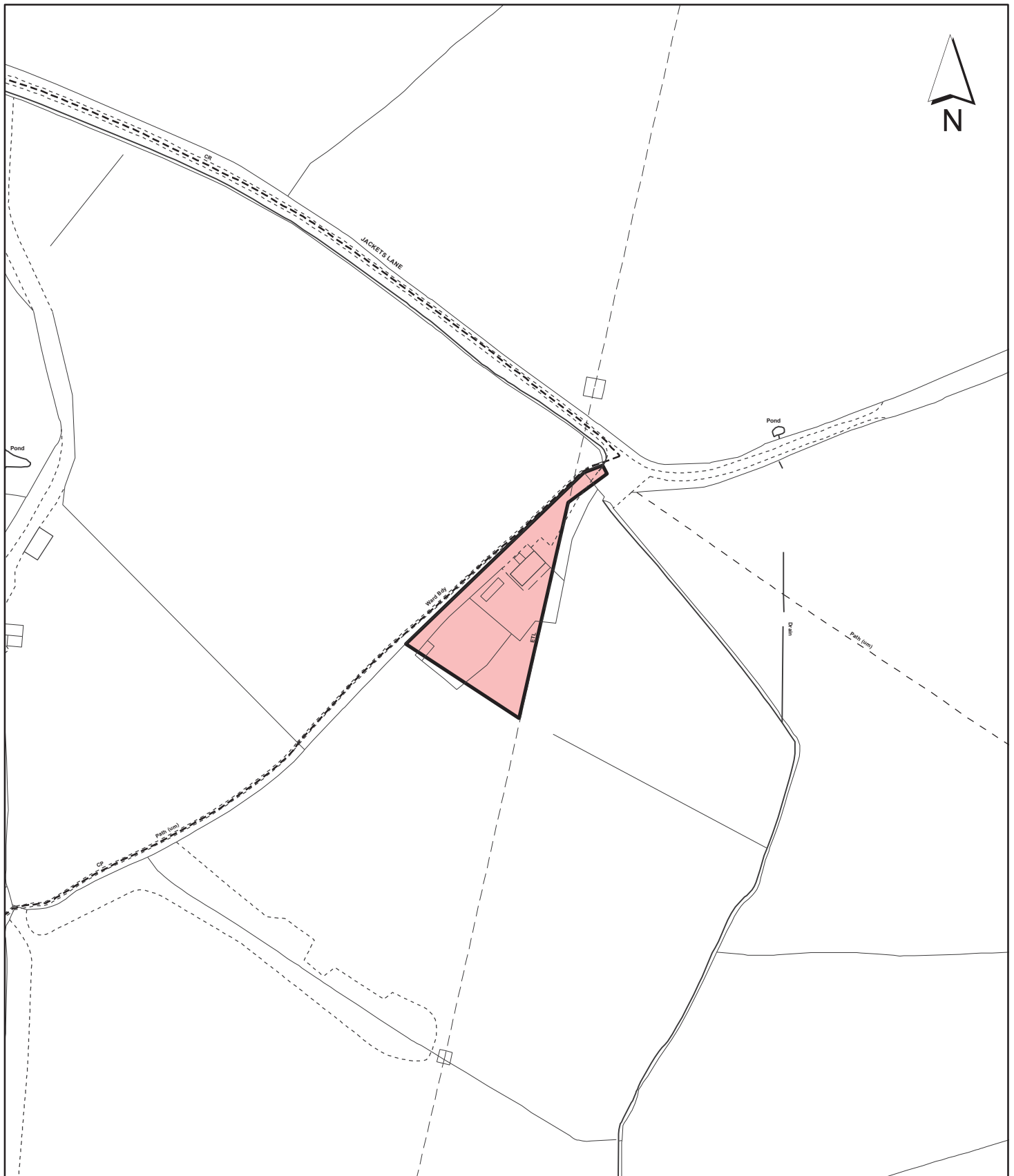
11. Reference Documents

Planning Policy Statements and Guidance

London Plan (July 2011)
Adopted Hillingdon Unitary Development Plan Saved Policies (September 2007)
HDAS: Residential Layouts & Accessible Hillingdon
Consultation responses

Contact Officer: Richard Phillips

Telephone No: 01895 250230



<p>Notes</p> <p> Site boundary</p> <p>For identification purposes only.</p> <p>This copy has been made by or with the authority of the Head of Committee Services pursuant to section 47 of the Copyright, Designs and Patents Act 1988 (the Act).</p> <p>Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2011 Ordnance Survey 100019283</p>	<p>Site Address</p> <p>Land at Willow Farm Jacket's Lane Harefield</p>		<p>LONDON BOROUGH OF HILLINGDON Planning, Environment, Education & Community Services</p> <p>Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>
	<p>Planning Application Ref:</p> <p>57685/APP/2011/1450</p>	<p>Scale</p> <p>1:2,000</p>	
	<p>Planning Committee</p> <p>North</p>	<p>Date</p> <p>November 2011</p>	



HILLINGDON
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