

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 a gypsy and traveller caravan site and for the keeping and breeding of horses with associated operational development, including the siting of two mobile homes and a touring caravan, retention of two stable blocks, and the formation of a garden area with the erection of a garden shed, yard and paddock areas, parking spaces, landscaping and fencing (Part retrospective application).

LBH Ref Nos: 57685/APP/2011/1450

Drawing Nos: MCA-1 (Location Plan)
Tree and Shrub Planting Schedule
Planning, Design and Access Statement
Un-numbered Existing Site Layout 2012
Proposed Site Layout
SOC1
SOC2
Agent's covering e-mail dated 23/5/12
SB2
Agent's email dated 17/5/12
Agent's email dated 18/5/12
SCO3
Un-numbered shed elevations
SB1
Sustainability Statement, dated May 2012

Date Plans Received:	14/06/2011	Date(s) of Amendment(s):	22/05/2012
Date Application Valid:	11/07/2011		17/05/2012
			18/05/2012
			06/06/2012
			14/06/2011
			23/05/2012
			25/05/2012

DEFERRED ON 10th January 2012 FOR FURTHER INFORMATION .

Members may recall that this application was originally presented to the North Planning committee on 10th January 2012, where Members initially deferred the application in order to allow correct plans to be submitted and for further information to be submitted on the site usage. Revised plans and further information was submitted and the application included on the North Planning committee agenda for the 7th June 2012, but it was withdrawn from the agenda by the Head of Planning due to the late submission of further information.

The officer's report has been amended accordingly to consider the latest submitted information, revised plans and policy guidance contained in the NPPF (March 2012).

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.

Two previous planning 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 sites being available in the vicinity so that the grant of temporary permission would allow time for the Local Planning Authority to progress the LDF and for appropriate site-specific allocations to be made.

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 and its identified harm, in which time it was hoped the LDF could be progressed. The LDF has been progressed but not to the extent that appropriate specific sites have been allocated. 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, this application would involve some operational development in that the submitted plans show a slightly larger mobile home replacing the existing main mobile home on site, although it would be turned through 90 degrees to be sited against the site's north western boundary and an additional mobile home would be sited behind this, replacing an unauthorised temporary building, separated by a small domestic shed. A touring caravan would be sited to the rear of the second mobile home. Two stable buildings are also shown at the rear of the site. The number of mobile caravans does add to the proliferation of structures on site and would add to its built up appearance.

The Environment Agency also originally objected to the absence of an assessment dealing with pollution risks of foul drainage. A Sustainability Statement has been submitted which advises that the applicant would be prepared to provide a small package treatment plant if permanent permission were to be granted which the Council's Sustainability Officer advises would be acceptable and this could have been conditioned if the application had been recommended favourably.

The scheme also now demonstrates that it will contribute towards sustainability objectives.

The application is recommended for refusal as harmful development in the Green Belt and detrimental to the landscape of the Countryside Conservation Area.

2. RECOMMENDATION

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The residential use and associated development is considered to represent inappropriate development within the Green Belt in terms of the guidance contained in the National Planning Policy Framework 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 residential 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 the National Planning Policy Framework (including the accompanying Government Guidance 'Planning Policy for Traveller sites'), 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 proposed mobile homes and associated residential structures are harmful to the Green Belt and the landscape of the Countryside Conservation Area contrary to the National Planning Policy Framework (March 2012), Planning policy for traveller sites (March 2012), 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).

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.

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
NPPF	National PLanning Policy Framework (March 2012)
PPTS	Planning policy for traveller sites (March 2012)
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE23	Requires the provision of adequate amenity space.

BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
EC3	Potential effects of development on sites of nature conservation importance
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.

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. Since the application was presented to committee in January 2012, amended plans and information have now been submitted, including existing and proposed site plans and elevational drawings of the existing and proposed mobile homes. These show a replacement mobile home to measure 13.5m by 6m, being sited 2.5m from and parallel to the north west boundary of the site, whereas the existing mobile home is sited at right angles to it and at some 3.5m wide, is smaller. To the rear of this, and separated by a garden area and a 4.5m by 2.5m garden shed would be sited a second 12.5m by 6m mobile home with a similar relationship to the boundary which would replace the existing

square shaped temporary showroom type building. To the rear of this would be sited a touring caravan. At the rear of the site, close to the north western boundary are two existing 7.5m by 3m stable buildings sited on existing hardstanding. The plans also show the two mobile homes connected to a septic tank.

A 3.5m square of concrete hardstanding is shown as existing at the side of the larger mobile home. A total of five car parking spaces would be provided in front of the mobile homes, on each side of the garden. 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 which would also mark the south eastern boundary of the site. Tree planting and a new hedge is also shown 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 to 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.

Sustainability Statement:

This describes the site as a two pitch Gypsy Traveller site and advises that Mr Connors and his family have been living on the site in excess of 10 years without undue sustainability complications which suggests the site is sustainable.

The report claims that the site has a planning history that goes back to 1986 and the site was in part previously developed land used as a yard with extensive hardstanding and portacabin.

The report then advises that the site is not within an area prone to flooding and a flood risk assessment would not normally be required.

The report advises that efforts are being made to optimise energy consumption, with a feasibility study being instigated on generating renewable energy on site, with wind and solar resources being explored. The renewable energy potential of the site is currently inconclusive. The report advises that where it is not currently intended to be fitted with active solar devices, the mobile nature of the development would allow easy future installation.

The report then advises of the availability of local shops, mainly located within Harefield which is accessible by the No. 331 bus. The report then describes the site as a windfall application and an ideal use of the site which has recently been used for commercial purposes. A landscaping scheme could be drawn up with the LPA and the appearance of the site would not be visually more inappropriate than the previous use which as seen from a Google photo included ten vehicles and a static unit. With the stables sited where the former unit was previously positioned, the appearance could be said to have improved which will continue to be the case as the landscaping matures.

The report then advises that the applicant is willing to work with the LPA on the specifications for a lighting scheme and trips wherever possible will be taken on foot and/or public transport.

The report then goes on to advise that there is currently a septic tank installed on site into which domestic waste fluid from the existing static caravan is discharged. The tank was installed in 2002 and there is no history of any problems associated with its use or maintenance. The relatively low lying nature of the site and the distance from existing sewers makes connection to mains sewers prohibitively expensive and involves gaining permission to lay pipes across land not in the applicant's ownership. The report accepts that a small packet treatment plant could be a more acceptable solution and the applicant has indicated that he would be prepared to install such a system if the application be granted full planning permission if such a system deemed to be more acceptable. Which ever system was considered the most appropriate, the existing static caravan would be connected to the same method of disposal, thereby possibly improving the method of disposal which would benefit the area.

The report then goes on to advise that health care facilities are closely located to the site.

As regards ecology, a walk over study has been carried out but no evidence of protected species was identified. There will be no impact on biodiversity or species variety as a result of the proposal and none of the lands in the application site is suitable for wildlife habitat. Existing hedges will be preserved and any gaps re-planted. Drainage ditches will be maintained and wildlife encouraged.

The report then goes on to advise that the applicant would be happy to organise a culturally specific photographic exhibition to encourage understanding of Gypsy Traveller history as part of an on-going strategy of community involvement and there are plans to mount an exhibition concerning this application if local partnerships can be found.

The report then advises that there is no evidence of any archaeology on site.

The report states that although any construction would be minimal, sustainable material would be used where possible. Rainwater storage will feature on site, along with water efficient fixtures and fittings where possible and available.

The report then advises that green house gas emissions will be limited by the low carbon nature of living in a static caravan as opposed to a house and that touring caravans are increasingly energy efficient, eco friendly and sustainable. A separate area for waste recycling and home composting can be included. The report advises that the site would be fully compliant with the latest government guidance: Planning policy for traveller sites, although the statement only compares the site against the criteria of paragraph 11 concerning plan-making.

The statement continues that opportunities for crime will be minimised by the layout of the site and vehicles will be segregated from other modes of transport and there will be no storage of hazardous materials.

The report states that noise and light pollution levels will be kept to a minimum during the limited period in which construction would take place. Similarly, dust and air pollution would be minimal. There would be no resultant pollution to ground or surface water from the proposal and trees and hedges will be protected during the development period.

The report concludes by stating that it considers the site to be sustainable.

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.

The history of this site before its occupation by the applicant is somewhat obscure, although it appears that any use made of the site was intermittent and did not benefit from planning permission. From at least 1986, the site was used for the keeping of horse(s), at which time hardcore had been brought onto the site, intended to provide a base for stables and a car parking area. The owner was advised that permission would be required, but no such application was received. In 1990, it appears that the site was being used for the storage of plant and building materials/waste. The situation was monitored by the Council's Enforcement Section and it appears that it was accepted that some of the plant stored was associated with the farm. There are no further planning records after January 1993, and an aerial photograph taken in 2002 shows that the site had been vacated and largely overgrown with grass/scrub.

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:

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
NPPF	National PLanning Policy Framework (March 2012)
PPTS	Planning policy for traveller sites (March 2012)
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE23	Requires the provision of adequate amenity space.
BE24	Requires new development to ensure adequate levels of privacy to neighbours.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
EC3	Potential effects of development on sites of nature conservation importance
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.

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. 9 responses objecting to the proposal have been received, together with a petition with 64 signatories objecting to the application and 3 responses in support of the development.

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) The field in question is farmland located within designated Green Belt and a Countryside Conservation Area. The development for a permanent site would be out of keeping with the area, detrimental to its beautiful character and will lead to a decline in the quality of the environment,
- (ii) The site is directly adjacent a Nature Conservation Site of Metropolitan or Borough Grade I Importance
- (iii) The development will spoil the beautiful views from surrounding properties of this lovely green belt area, a primary factor for moving here,
- (iv) Although the site is currently occupied, to approve the application to change the field into a permanent site would set a legal precedent for further residential development on Green Belt land
- (v) Current occupation already has a delirious impact on the character of the area including for instance, significant amounts of litter such as household waste in close proximity to the field,
- (vi) Is proposal meeting all covenants on the land?,

- (vii) The biodiversity of the land will alter. The application provided no ecological survey and there are no proposals to enhance, restore or add to features or habitats used by protected species,
- (viii) There is no change of use on the planning application yet this will change status of land to a legally habited site,
- (ix) There is no indication of overall numbers on this site,
- (x) What is the upper limit of tourers on this site and who will control this?'
- (xi) Tourers need vehicles to tow them so where will these vehicles park as 5 parking spaces are already used by applicant,
- (xii) Is power being provided by grid or generators? This could have implications for noise,
- (xiii) Access lane has only limited stabling traffic at present and is not suited for heavy traffic with unspecified touring habitation,
- (xiv) There is no formal provision for waste/rubbish/sewerage. How will waste management be judged to be adequate when there is no upper limit for people living on site?
- (xv) What has changed to justify the resubmission of the planning application?
- (xvi) The planning process seems to be going on for an interminable length of time, with no resolution in sight. Matter needs to be brought to an end so we go go back to living without this constant anxiety,
- (xvii) This proposal will violate our human rights and those of our neighbours
- (xviii) Why should council grant permission this time when it has already been refused on more than one occasion before

The responses in support of the proposal (albeit 2 are 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/
- (iii) The applicants are a decent family and good neighbours to us at Battlers Wells Farm and the site is kept tidy.

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.

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 Septic Tank

I object to the use of a septic tank for the proposed development.

It is a slight improvement from the original scheme which proposed a cesspit. However, there is no information provided to demonstrate that a septic tank will work in this location. I therefore 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.

A septic tank provides no treatment to foul water, relying on gravity to remove solids. The remaining foul liquid discharge is then directed to a soakaway. In this area, soakaways may not be appropriate, which means that raw sewage will either discharge to nearby watercourses creating a pollution incident, remain at ground level creating a health issue, or flow directly to groundwater creating a pollution incident. 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 C03/99 that considers the use of a package treatment plant. It should consider the requirements of C03/99 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.

Ecology

The site is designated as a Site of Importance for Nature Conservation. The applicant needs to respect this designation and the site, which performs a valuable role to play in the ecological setting of the Borough. The change from temporary siting of existing mobile homes to permanent will have a long term impact on the Grade 1 SINC. The applicant should therefore be required to contribute to the enhancement of the SINC.

The proliferation of development on the SINC beyond that already approved, and these proposals would have a significant effect.

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).

Comments on Sustainability Statement:

I have objections to the proposed development based on the information submitted and previous comments.

The outstanding concern relates to foul drainage.

If the Council were to approve another temporary permission then I would be satisfied that a septic tank would be an appropriate drainage system. However, this is not suitable for the long term. I am aware that the development has had a series of temporary permissions, which heightens the concerns of any problems with the existing septic tank. If temporary permission is granted, then any further extensions of time would render the use of a septic tank inappropriate.

If the Council is to give a permanent permission then the existing septic tank must be removed and replaced with a package treatment plant. This will need to be conditioned as part of any permanent approval.

I am satisfied with the rest of the information in the sustainability appraisal.

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

No objections are raised to the horse rearing and breeding element of the use of the site and associated stables which appear rural in scale and appearance and have been discretely sited. This element of the use of the site would be akin to an agricultural use and would be appropriate within the Green Belt, maintaining its open character.

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

The two previous Inspectors also both considered that the use was only acceptable on a temporary basis, given the personnel circumstances of the family, given 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.'

At this time, policy 3A.11 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.

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 been replaced and policy 3.8 of the London Plan (July 2011) now 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.

In March 2012, the Government adopted the National Planning Policy Framework. At paragraph 79, this advises that the 'Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.' Paragraph 87 goes on to state 'As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.' The guidance adds in the next paragraph that such 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.

Following the production of a Consultation Paper on Planning for Traveller Sites in April 2011, the Government has produced Planning policy for traveller sites in March 2012 which is intended to be read in conjunction with the NPPF. Following on from paragraph 159 in the NPPF which advises that LPAs should have a clear understanding of housing needs in their areas and address the need for all types of housing, this document stresses the need for the fair and equal treatment of travellers. Paragraph 4 advises of the Government's aims in respect of traveller sites, and includes the need for LPAs to make their own assessments of traveller need and working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites. However, it also states that plan-making and decision-taking should protect Green Belt from inappropriate development.

Paragraph 14 unequivocally states:

'Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development.'

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

Turning to the issue of very special circumstances, 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). The applicants argue that as a result of this agreement, the appeal ended prematurely and that although it was ultimately his decision, the Inspector had little choice in that decision and the reasoning in the decision letter therefore is more of an explanation of the temporary permission than his own conclusions. This agreement was clearly taken into account by the Inspector. However, there is nothing in the decision letter to suggest that he was reluctant to make the decision he did and to suggest that the Inspector might possibly have made a different decision without the agreement is pure speculation. The

LPA therefore has to take the decision at face value.

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) and the NPPF and will involve appropriate assessment and specific site allocation (if appropriate). However, the numerous changes to the London Plan has delayed this 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 as 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.) are now so significant that they 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 does also involve operational development, which would involve siting another mobile home on this site, replacing an unauthorised temporary showroom type structure. The siting of mobile home through 90 degrees so that it would be sited close to the boundary hedge is welcomed as it would be afforded greater screening (although its current sited has not been authorised). However, it is considered that allowing an increase in the number of mobile homes on site and other residential structures would add to the urban appearance of the site, compounding the harm to the Green Belt (it is noted that both of the previous Inspectors considered that it was necessary to restrict the number of mobile/static homes on this site to one).

The proposal therefore represents inappropriate development, the permanent retention of which is harmful by definition, to the Green Belt and the Countryside Conservation Area, contrary to the NPPF (March 2012), Planning policy for traveller sites (March 2012), 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).

7.02 Density of the proposed development

Not applicable to this application.

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 application.

7.05 Impact on the green belt

This has been considered in Section 7.01 above.

7.06 Environmental Impact

Not applicable to this application.

7.07 Impact on the character & appearance of the area

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 conditions on site to suggest that this is no longer the case and this application seeks permission for the siting of additional residential structures. 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 application.

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

Appropriate provision could be made on site for the storage of waste and recycling which could have been conditioned if the application had of been recommended for approval.

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. The submitted Sustainability Statement adequately demonstrates that the site and proposed development could make a proportionate contribution to sustainability objectives. On this basis, the Council's Sustainability Officer does not raise an objection to the proposal on sustainability grounds.

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 original submission showed the two mobile homes connected to a 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.

Revised plans now show the two mobile homes connected to a septic tank and the Sustainability Statement advises that a septic tank was in fact installed on site in 2002 into which domestic waste fluid discharges. Furthermore, the Sustainability Statement advises that if permanent permission were to be granted, the applicant would replace the septic tank with a small package treatment plant.

The Council's Sustainability Officer advises that septic tanks are only suitable on a temporary basis and that as the site has had a series of temporary permissions, concerns regarding the maintenance of such equipment are heightened. If temporary permission is granted, then any further extension of time would render the use of a septic tank inappropriate. If the Council is to give a permanent permission, then the existing septic tank must be removed and replaced with a package treatment plant.

It is considered that the provision of a replacement package treatment plant could have been conditioned if the application had of been recommended favourably.

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 petition against the proposal and the comments in support are noted.

7.20 Planning Obligations

Not applicable to this application.

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 NPPF (March 2012), Planning policy for traveller sites (March 2012), 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

Not applicable to this application.

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. They considered that a temporary permission would enable the Local Planning Authority to progress the LDF and appropriate site-specific allocations to be made.

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 Inspector noted that the matter was finely balanced so that a 4 year temporary permission was justified 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. 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.

The harm would also be compounded by the proposed additional mobile home that would replace the unauthorised temporary showroom building.

The application is recommended for refusal.

11. Reference Documents

NPPF (March 2012)

Planning policy for traveller sites (March 2012)

London Plan (July 2011)

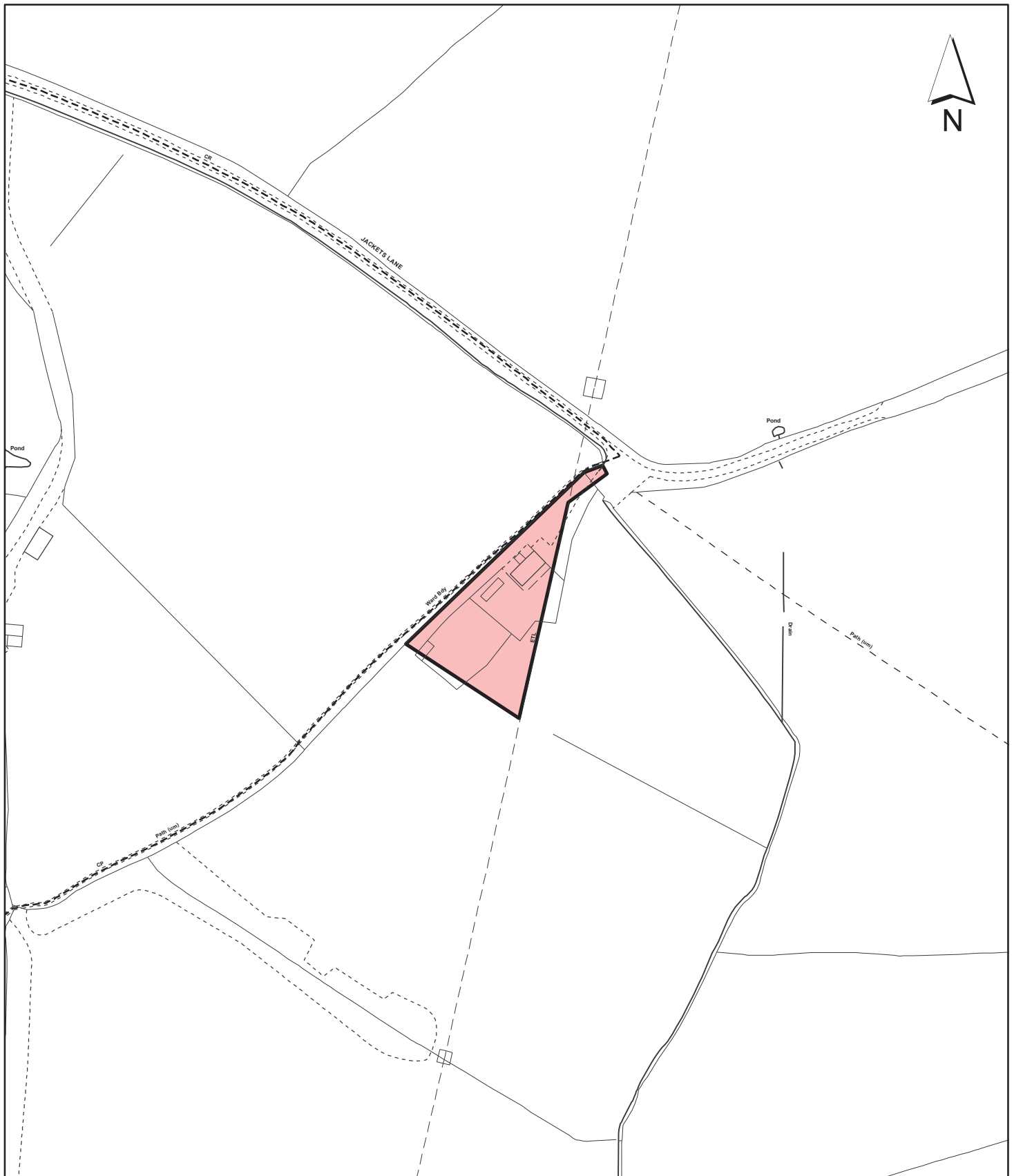
Adopted Hillingdon Unitary Development Plan Saved Policies (September 2007)

HDAS: Residential Layouts & Accessible Hillingdon

Consultation responses

Contact Officer: Adrien Waite

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>		