

Report of the Head of Planning, Transportation and Regeneration

Address WILLOW FARM JACKETS LANE HAREFIELD

Development: Change of use of existing agricultural land to a Gypsy site for six Gypsy Traveller Families. Siting of six static caravans, four touring caravans with associated hardstanding and infrastructure (Part retrospective).

LBH Ref Nos: 57685/APP/2017/4374

Drawing Nos: BP-01-2017(1)
LP-01-2017
Confidential Health Report
Design and Access Statement

Date Plans Received: 05/12/2017 **Date(s) of Amendment(s):**

Date Application Valid: 05/12/2017

1. **SUMMARY**

This application seeks permanent planning permission for the use of the site as a gypsy and traveller caravan site. Previous applications have been granted twice at appeal but only on a temporary basis due to health reasons. The application has been advertised as a departure from the Development Plan.

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. An appeal for the permanent use of the site was dismissed by the Secretary of State in 2014.

Previously Inspectors were 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. The LDF has been progressed and an extension of the existing site has been allocated as shown on Map A on the Local Plan: Part Two Site Allocations and Designations (2015). The occupants of the site have changed over time.

The Applicant has presented health need details of two current occupants, noting the applicants require a suitable and culturally appropriate place to live in order for the families to maintain good health with access to healthcare and education. However, the application fails to justify why these needs cannot be met on an allocated site. The application involves some operational development in that the submitted plans show 6 static caravans whereas in the past, under the temporary consents, there was one existing main mobile home on site. The number of mobile caravans does add to the proliferation of structures on site and would add to its built up appearance.

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 represents 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 or temporary 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, contrary to the National Planning Policy Framework (including the accompanying Government Guidance 'Planning Policy for Traveller sites'), Policy 7.16 of the London Plan (2016), Policy EM2 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies OL1 and OL4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and Chapter 3, Paragraphs 3.18-3.20 of the Emerging Local Plan:Part Two (2015).

2 NON2 Non Standard reason for refusal

The introduction of a residential use to the site and the siting of caravans and associated landscaping works, including an extensive area of hardstanding, together with the paraphernalia associated with a residential use would be detrimental to the character and appearance of the Countryside Conservation Area, contrary to the NPPF (2018), Policy 7.8 of the London Plan (2016) and Policy BE4 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012).

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) as incorporated into the Hillingdon Local Plan (2012) 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
NPPF- 13	NPPF-13 2018 - Protecting Green Belt land
NPPF- 15	NPPF-15 2018 - Conserving and enhancing the natural environment
NPPF- 2	NPPF-2 2018 - Achieving sustainable development
H3	Loss and replacement of residential accommodation
H4	Mix of housing units
LPP 2.6	(2016) Outer London: vision and strategy
LPP 3.2	(2016) Improving health and addressing health inequalities

LPP 3.8	(2016) Housing Choice
LPP 5.13	(2016) Sustainable drainage
LPP 5.14	(2016) Water quality and wastewater infrastructure
LPP 5.15	(2016) Water use and supplies
LPP 7.16	(2016) Green Belt
LPP 7.2	(2016) An inclusive environment
LPP 7.4	(2016) Local character
OL1	Green Belt - acceptable open land uses and restrictions on new development
OL4	Green Belt - replacement or extension of buildings
EC1	Protection of sites of special scientific interest, nature conservation importance and nature reserves Replaced by PT1.EM7 (2012)
EC3	Potential effects of development on sites of nature conservation importance
BE4	New development within or on the fringes of conservation areas
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.
BE32	Development proposals adjacent to or affecting the Grand Union Canal
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE7	Development in areas likely to flooding - requirement for flood protection measures
AM7	Consideration of traffic generated by proposed developments.
AM14	New development and car parking standards.
HDAS-LAY	Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
LDF-AH	Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010

3 159 Councils Local Plan : Part 1 - Strategic Policies

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant saved policies (referred to as policies from the Hillingdon Unitary Development Plan - Saved Policies September 2007), then London Plan Policies. On the 8th November 2012 Hillingdon's Full Council agreed the adoption of the Councils Local Plan: Part 1 - Strategic Policies. Appendix 5 of this explains which saved policies from the old Unitary Development (which was subject to a direction from Secretary of State in September 2007 agreeing that the policies were 'saved') still apply for development control decisions.

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, 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.

3.2 Proposed Scheme

The proposal is for the permanent use of the land as a gypsy and traveller caravan site. The submission pack includes a site plan and a site location plan. This shows a large area of hardstanding, 6 static caravans, 4 touring caravans, a shed and screening. Tree planting and a new hedge is also shown along the line of the new fencing.

3.3 Relevant Planning History

57685/APP/2002/2129 Land At Willow Farm Jackets Lane Harefield
PART RETENTION AND USE OF SITE AS PERMANENT PRIVATE FAMILY CARAVAN SITE
(PITCHES)

Decision: 24-04-2003 Refused

57685/APP/2003/241 Land At Willow Farm (Field 3116) Jackets Lane Harefield
USE OF LAND FOR THE STATIONING OF MOBILE HOMES AND CARAVANS FOR
RESIDENTIAL PURPOSES AND THE PARKING AND STORAGE OF COMMERCIAL VEHICLE
(APPEAL AGAINST ENFORCEMENT NOTICE; APPLICATION FOR PLANNING PERMISSION
DEEMED TO HAVE BEEN MADE PURSUANT TO SECTION 174 OF THE TOWN AND
COUNTRY PLANNING ACT 1990)

Decision: 13-01-2004 NFA **Appeal:** 13-01-2004 Allowed

57685/APP/2004/1083 Land At Willow Farm (Field 3116) Jackets Lane Harefield
DETAILS OF THE SITE LAYOUT SCHEME IN COMPLIANCE WITH CONDITION 4(i) OF
APPEAL REF.APP/R5510/C/02/1107124 DATED 13/01/2004: USE OF LAND FOR THE
STATIONING OF MOBILE HOMES AND CARAVANS FOR RESIDENTIAL PURPOSES AND
THE PARKING AND STORAGE OF COMMERCIAL VEHICLES AND THE BREEDING AND
KEEPING OF HORSES AND ASSOCIATED OPERATIONAL DEVELOPMENT (APPEAL
AGAINST ENFORCEMENT NOTICE)

Decision: 27-05-2004 Approved

57685/APP/2004/418 Land At Willow Farm (Field 3116) Jackets Lane Harefield
DETAILS OF THE SITE LAYOUT SCHEME IN COMPLIANCE WITH CONDITION 4(i) OF
APPEAL REF: APP/R5510/C/02/1107124 DATED 13/01/2004 'USE OF LAND FOR THE
STATIONING OF MOBILE HOMES AND CARAVANS FOR RESIDENTIAL PURPOSES AND
THE PARKING AND STORAGE OF COMMERCIAL VEHICLES AND THE BREEDING AND
KEEPING OF HORSES AND ASSOCIATED OPERATIONAL DEVELOPMENT (APPEAL
AGAINST ENFORCEMENT NOTICE)'

Decision: 07-05-2004 Refused

57685/APP/2006/120 Land At Willow Farm (Field 3116) Jackets Lane Harefield
RENEWAL OF PLANNING PERMISSION GRANTED ON APPEAL UNDER REF.R5510/C/02/
1107124 DATED 13/01/2004 FOR THE USE OF THE LAND FOR THE STATIONING OF MOBI

HOMES AND CARAVANS FOR RESIDENTIAL PURPOSES AND THE PARKING AND STORAGE OF COMMERCIAL VEHICLES AND THE BREEDING AND KEEPING OF HORSES AND ASSOCIATED OPERATIONAL DEVELOPMENT.

Decision: 27-07-2006 Refused

Appeal: 20-06-2007 Allowed

57685/APP/2011/1450 Land At Willow Farm (Field 3116) Jackets Lane Harefield

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).

Decision: 09-10-2012 Refused

Appeal: 27-10-2014 Dismissed

Comment on Relevant Planning History

An enforcement notice was served on the site under Ref: RH/ENF/200/14 in December 2017 against the material change of use of the land without planning consent. The enforcement notice is currently under appeal which is due to be heard at a hearing in January 2018. It should be noted that the proposal includes fewer caravans than the existing situation on site. The enforcement notice requires:

- the cessation of residential use of the land;
- removal of all mobile homes/static caravans;
- removal of touring caravans;
- removal of all sheds;
- removal of gravel/scalpins and hard surfaces;
- removal of other fixtures and fittings that facilitate residential use of the land; and
- removal of all debris, items, building materials, plant and machinery.

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.H3 (2012) Gypsy and Traveller Pitch Provision
- PT1.BE1 (2012) Built Environment
- PT1.EM1 (2012) Climate Change Adaptation and Mitigation
- PT1.EM2 (2012) Green Belt, Metropolitan Open Land and Green Chains
- PT1.EM3 (2012) Blue Ribbon Network
- PT1.EM6 (2012) Flood Risk Management

PT1.EM7 (2012) Biodiversity and Geological Conservation

PT1.EM8 (2012) Land, Water, Air and Noise

Part 2 Policies:

LPP 3.1 (2011) Ensuring equal life chances for all

NPPF- 13 NPPF-13 2018 - Protecting Green Belt land

NPPF- 15 NPPF-15 2018 - Conserving and enhancing the natural environment

NPPF- 2 NPPF-2 2018 - Achieving sustainable development

H3 Loss and replacement of residential accommodation

H4 Mix of housing units

LPP 2.6 (2016) Outer London: vision and strategy

LPP 3.2 (2016) Improving health and addressing health inequalities

LPP 3.8 (2016) Housing Choice

LPP 5.13 (2016) Sustainable drainage

LPP 5.14 (2016) Water quality and wastewater infrastructure

LPP 5.15 (2016) Water use and supplies

LPP 7.16 (2016) Green Belt

LPP 7.2 (2016) An inclusive environment

LPP 7.4 (2016) Local character

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

OL4 Green Belt - replacement or extension of buildings

EC1 Protection of sites of special scientific interest, nature conservation importance and nature reserves Replaced by PT1.EM7 (2012)

EC3 Potential effects of development on sites of nature conservation importance

BE4 New development within or on the fringes of conservation areas

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.

BE32 Development proposals adjacent to or affecting the Grand Union Canal

BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.

OE1 Protection of the character and amenities of surrounding properties and the local area

OE7 Development in areas likely to flooding - requirement for flood protection measures

AM7 Consideration of traffic generated by proposed developments.

AM14 New development and car parking standards.

- HDAS-LAY Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006
- LDF-AH Accessible Hillingdon , Local Development Framework, Supplementary Planning Document, adopted January 2010

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- 2nd March 2018

5.2 Site Notice Expiry Date:- 2nd March 2018

6. Consultations

External Consultees

This application was consulted on between 07-02-18 and 28-02-18. 2 responses were received which are summarised below:

- Objection to permanent site.
- No objection for temporary consent provided the site is screened and there are appropriate waste facilities.

Harefield Tenants and Residents Association

The site is within the Green Belt and residential development is an inappropriate use of the land. Although temporary permission was given in the past due to the then applicants health needs that is not the case now Mr Connors Snr has passed away and needs to be looked at afresh. In our view there are no very special circumstances shown to override Green Belt policy. The reference to the lack of available sites in the area and the Human Rights Act is not a sound reason to go against Policy. We request refusal.

Internal Consultees

Trees and Landscaping

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 a static mobile homes, with various ancillary sheds / caravans located within the triangular site. 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. It is situated 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 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.

COMMENT the site has been the subject of previous planning applications, including 2011/1450, which was refused on appeal. The current proposal is to change the use of the existing agricultural land to a gypsy site for six gypsy traveller families. The siting of six static caravans, four touring caravans and the provision of parking for 12 cars with associated hardstanding and infrastructure is proposed.

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. 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.

7. MAIN PLANNING ISSUES

7.01 The principle of the development

Paragraph 61 of the NPPF (2018) advises within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies including service families and travellers.

Policy 3.8 of the London Plan (2016) 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.'

Policy H3 of the Local Plan: Part One (November 2012) 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. The Council has completed an updated Gypsy and Traveller and Travelling Showpeople Accommodation Assessment in November 2017 to reflect the requirements of the Government's Planning Policy for Traveller Sites (August 2015). The study identifies a need for three additional pitches for travellers during the Local Plan period. These pitches will be provided at the Council-owned Colne Park site, as shown on Map A. 3.20. New proposals for Gypsy and Traveller pitches will be assessed against the provisions of policy DMH 9 in the Development Management Policies document.

Paragraph 133 of the NPPF (2018) 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 143 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.

In August 2015, the Government produced planning policy for traveller sites which is intended to be read in conjunction with the NPPF. Following on from paragraph 61 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 143 of the NPPF (2018) unequivocally states that 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 no policy justification that suggests this site should now be considered as being more suited to provide a permanent gypsy/traveller site.

With regards to 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 who has now passed.

In considering the last appeal (Ref: 57685/APP/2011/1450) the Secretary of State was clear in his decision in October 2014 that the impact of the proposal would result in substantial harm to the Green Belt by reason of inappropriateness and additional significant harm both through loss of openness and through encroachment. At the time, the Secretary of State was clear that that unmet need is unlikely to outweigh harm to the Green Belt and other harm to constitute very special circumstances justifying inappropriate development in the Green Belt. This harm was not outweighed by other factors such as the personal health circumstances of the applicants.

Since the Secretary of State's decision, the Council has recently completed an updated Gypsy and Traveller and Travelling Showpeople Accommodation Assessment to reflect the requirements of the Government's Planning Policy for Traveller Sites, issued in August 2015. The study identifies a need for three additional pitches for travellers during the Local Plan period. These pitches will be provided at the Council-owned Colne Park site, as shown on Map A. As such there is no justification for either temporary or permanent use of the site at Willow Farm, Jackets Lane as a gypsy/traveller site.

The applicant has supplied a health report for two applicants, whilst the health matters of the occupants is a significant material consideration, this fails to justify why these needs cannot be met at the Council-owned Colne Park site, as shown on Map A. This does not provide a compelling reason by itself for the occupation of this site at Willow Farm, Jackets Lane.

A confidential report has been supplied by the Gypsy Council which details the health needs of two applicants which has been authored by a registered nurse with a background that has links to the Roman Gypsy and Irish Traveller communities. The report outlines several medical conditions associated with one of the applicants which has forced her to move onto the site in Jackets Lane in close proximity to her granddaughter which has allowed her health conditions to improve. The other applicant also requires high levels of care due to a number of conditions she suffers from. Both applicants report they do not have alternative accommodation and would be forced to live or reside at the side of the

road whereas the Jackets Lane site affords them increased level of comfort and security. The applicants have failed to justify why these needs cannot be met on an allocated site within Colne Park and could not provide appropriate facilities to meet their comfort and needs.

Whilst the health needs are a material consideration, this has to be weighted against the continuing and permanent occupation of the site. The site has been occupied for over 14 years with the extension of harm to the Green Belt that the use entails. In the past, Inspectors have been clear 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, the Inspectors were 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 and the Secretary of State have made it clear that the site is not suited for permanent retention.

It is also 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 (2018), Planning policy for traveller sites (August 2015), Policy 7.16 of the London Plan (2016) and Policies H3 of the Local Plan: Part One (November 2012) and OL1 and OL15 of the adopted Unitary Development Plan Saved Policies (November 2012).

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.

7.07 Impact on the character & appearance of the area

The last Inspector and the Secretary of State 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 Inspectors and Secretary of State then went on to consider the use of landscaping but considered that this was unlikely to overcome the harm, particularly in nearer views. It has been 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 Inspectors and the Secretary of State's decision 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 (November 2012).

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 was recommended for approval.

7.16 Renewable energy / Sustainability

Not applicable to this application.

7.17 Flooding or Drainage Issues

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.

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 (2018), 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). The enforcement notice is currently at appeal

7.22 Other Issues

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

8. Observations of the Borough Solicitor

General

Members must determine planning applications having due regard to the provisions of the development plan so far as material to the application, any local finance considerations so far as material to the application, and to any other material considerations (including regional and national policy and guidance). Members must also determine applications in accordance with all relevant primary and secondary legislation.

Material considerations are those which are relevant to regulating the development and use of land in the public interest. The considerations must fairly and reasonably relate to the application concerned.

Members should also ensure that their involvement in the determination of planning applications adheres to the Members Code of Conduct as adopted by Full Council and also the guidance contained in Probity in Planning, 2009.

Planning Conditions

Members may decide to grant planning consent subject to conditions. Planning consent should not be refused where planning conditions can overcome a reason for refusal. Planning conditions should only be imposed where Members are satisfied that imposing the conditions are necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Where conditions are imposed, the Council is required to provide full reasons for imposing those conditions.

Planning Obligations

Members must be satisfied that any planning obligations to be secured by way of an agreement or undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 are necessary to make the development acceptable in planning terms. The obligations must be directly related to the development and fairly and reasonably related to the scale and kind to the development (Regulation 122 of Community Infrastructure Levy 2010).

Equalities and Human Rights

Section 149 of the Equalities Act 2010, requires the Council, in considering planning applications to have due regard to the need to eliminate discrimination, advance equality of opportunities and foster good relations between people who have different protected characteristics. The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The requirement to have due regard to the above goals means that members should consider whether persons with particular protected characteristics would be affected by a proposal when compared to persons who do not share that protected characteristic. Where equalities issues arise, members should weigh up the equalities impact of the proposals against the other material considerations relating to the planning application. Equalities impacts are not necessarily decisive, but the objective of advancing equalities must be taken into account in weighing up the merits of an application. The weight to be given to any equalities issues is a matter for the decision maker to determine in all of the circumstances.

Members should also consider whether a planning decision would affect human rights, in particular the right to a fair hearing, the right to respect for private and family life, the protection of property and the prohibition of discrimination. Any decision must be proportionate and achieve a fair balance between private interests and the public interest.

9. Observations of the Director of Finance

Not applicable to this application.

10. CONCLUSION

The two previous Inspectors including the Secretary of State 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 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. This has now been addressed in Map A of the Local Plan: Part 2 (2015) which extend the area within Colne Park.

Personal circumstances of two occupants of the site have been presented, however it is considered that given the site allocation within Local Plan: Part Two (2015), the applicants have failed to justify very special circumstances demonstrating their needs cannot be met elsewhere at a more suitable site outside the Green Belt within this Borough.

The application is recommended for refusal.

11. Reference Documents

NPPF (2018)

Planning policy for traveller sites (August 2015)

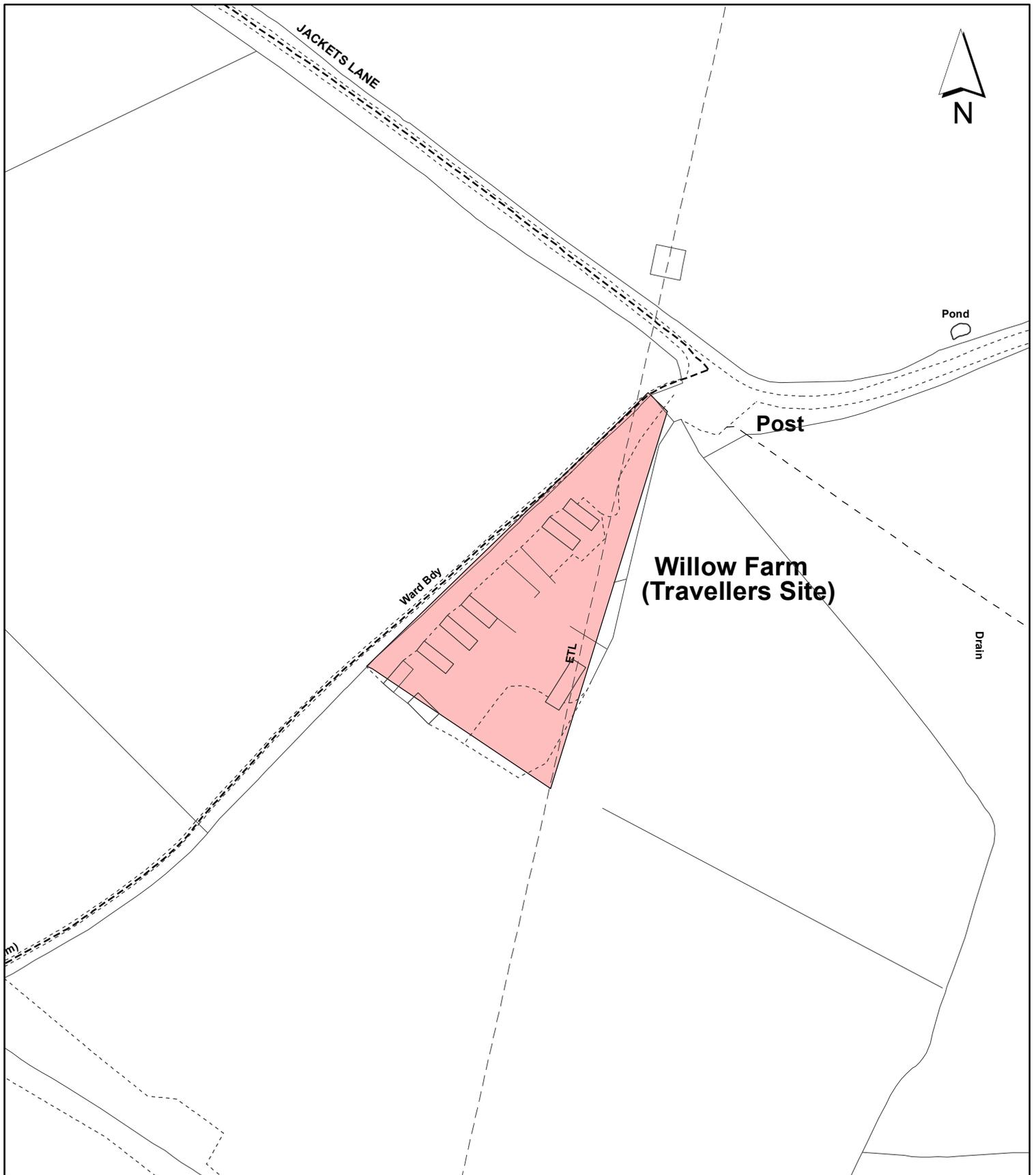
London Plan (2016)

The Hillingdon Local Plan: Part 1 - Strategic Policies (November 2012)

Hillingdon Local Plan: Part 2 - Local Plan: Part Two (November 2012)
HDAS: Residential Layouts & Accessible Hillingdon
Emerging Local Plan: Part Two (October 2015)

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<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). Unless the Act provides a relevant exception to copyright.</p> <p>© Crown copyright and database rights 2018 Ordnance Survey 100019283</p>	<p>Site Address:</p> <p>Willow Farm Jackets Lane Harefield</p>		<p>LONDON BOROUGH OF HILLINGDON Residents Services Planning Section Civic Centre, Uxbridge, Middx. UB8 1UW Telephone No.: Uxbridge 250111</p>  <p>HILLINGDON LONDON</p>
	<p>Planning Application Ref:</p> <p>57685/APP/2017/4374</p>	<p>Scale:</p> <p>1:1,250</p>	
	<p>Planning Committee:</p> <p>North</p>	<p>Date:</p> <p>December 2018</p>	