

REFERENCE NO: CR/2017/0829/NCC

LOCATION: [PULLCOTTS FARM NURSERY, PEEKS BROOK LANE, POUND HILL, CRAWLEY](#)
WARD: Pound Hill North
PROPOSAL: REMOVAL OF CONDITIONS 1 (TEMPORARY PERMISSION) AND 3 (PERSONAL PERMISSION) PURSUANT TO CR/2012/0465/FUL FOR CHANGE OF USE OF LAND TO MIXED USE TO INCLUDE STATIONING OF CARAVANS FOR RESIDENTIAL ACCOMMODATION, TEMPORARY UTILITY BUILDING, NEW ACCESS, FENCING/GATES, STABLE BLOCK, OPEN FRONTED BARN, POLYTUNNEL AND SEPTIC TANK

TARGET DECISION DATE: 21 November 2017

CASE OFFICER: Mr H. Walke

APPLICANTS NAME: Mr K Martin

AGENTS NAME: Heine Planning Consultancy

PLANS & DRAWINGS CONSIDERED:

26/09/2017, Plan 1, Site Location Plan

CONSULTEE NOTIFICATIONS & RESPONSES:-

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| 1. | GAL - Aerodrome Safeguarding | The site lies within the Gatwick Safeguarding Area and would be required for a second runway. GAL objects to a permanent permission, which would be contrary to Policy GAT2. The proposal is incompatible with the need to protect land for possible future expansion of the airport, which would be of national importance. GAL is not opposed to a short term temporary planning permission, if the Council is minded to grant temporary consent. Also concerned about aircraft noise. At 66dba, the site is above the highest acceptable noise level for residential development. Mitigation of noise is more difficult for caravans and mobile homes than bricks and mortar properties. |
| 2. | WSCC – Highways | No objection to the existing access. |
| 3. | National Air Traffic Services (NATS) | No safeguarding objection in relation to air traffic. |
| 4. | CBC - Environmental Health | Object due to the impact of noise upon long term health of occupants. As the site is proposed to be a permanent site and it does not comply with the requirements of the new Local Plan, recommend that permission is refused. The applicant has had ample time to find alternative accommodation since 2012. |

NEIGHBOUR NOTIFICATIONS:-

Peeks Brook Lane

1 & 2 Pullcotts Farm Cottages, The Cottage, Cleveland, Landwade, Petersville, Amoy and Gable Cottage, Residents Group of Peeks Brook Lane.

RESPONSES RECEIVED:-

Two letters of objection have been received from local residents, one from the Residents Group of Peeks Brook Lane and Henry Smith MP has also written objecting to the application.

The letters state that Peeks Brook Lane has seen increases in HGV and Gatwick parking traffic, is used as a rat run and that there are road safety, speeding and encroachment on verges and private property issues. They feel that a site expansion with increase in traffic would be dangerous. Peeks Brook Lane is a narrow lane with no street lighting or footways. The site was intended for a small family group and expansion would alter the character from a farm to a residential site and degrade the local environment. Proposal would cause erosion of privacy. The site lies within the Gatwick Airport safeguarded area and the number of people living/working there should not increase. There are insufficient school places, shops, doctors' surgeries and other infrastructure to cope with residential expansion. Proposal would urbanise the site and would be out of keeping with the rural character. Site is unsustainable as it is not within walking distance of local amenities. It would cause more vehicle movement and pollution. Inadequate consultation has been carried out. The site was offered for sale in 2009 as agricultural and part of the Gatwick Strategic Gap where development is not allowed.

Henry Smith MP objects to the proposal as it would negatively impact nearby Crawley neighbourhoods.

REASON FOR REPORTING TO COMMITTEE:-

Councillor Belbin has requested that the application be determined by Planning Committee.

THE APPLICATION SITE:-

- 1.1 The application site, formerly part of Pullcotts Farm, has an area of approximately 1.6 hectares and is located to the east of Peeks Brook Lane and south of Church Lane. The site is accessed by a private driveway from Peeks Brook Lane, with 1.8 metre high solid timber gates on the road frontage. The site is used for the stationing of two static residential caravans, one touring caravan and related buildings including a stable block, open fronted barn, utility building, septic tank and polytunnel. At the time of the case officer's site visit, there was a second touring caravan occupied by the applicant's son also located on the site. There is a field used for grazing, also owned by the applicant, located directly to the east with an additional area of approximately 3.8 hectares.
- 1.2 The site is located behind Pullcotts Farm Cottages, which are Locally Listed buildings fronting Peeks Brook Lane. Otherwise, the site is surrounded by fences, established hedgerows and trees. There are no other residential properties adjoining the site. The M23 motorway is located approximately 150m east of the application site.
- 1.3 In terms of Local Plan designations, the site is located outside the Built Up Area Boundary, within the countryside area defined as the North East Crawley High Woodland Fringes. The site also falls within the area safeguarded for a potential second runway at Gatwick Airport.

THE PROPOSED DEVELOPMENT:-

- 2.1 Planning permission is sought for the removal of condition 1 (Temporary permission) and condition 3 (Personal permission) pursuant to planning permission CR/2012/0465/FUL. The 2012 permission was for change of use of the land to mixed use to include stationing of caravans for residential accommodation, temporary utility building, new access, fencing/gates, stable block, open fronted barn, polytunnel and septic tank.
- 2.2 Condition 1 of the permission reads:
The development hereby permitted shall be for a period of four years from the date of this permission. At the end of this period the use hereby permitted shall cease, the caravans and all

materials and equipment brought on to the land in connection with the use shall be removed, and the land restored to its former condition.

REASON: Use of this site for residential purposes would normally conflict with the NPPF, Local Plan policy GD17 and Core Strategy policy H7.

2.3 Condition 3 reads:

The permission hereby granted shall enure only for the benefit of the following, Kevin Martin, Jim Martin, Rachel Martin and Billy Morris for a period of 4 years from the date of this permission, or until such a time as Kevin Martin, Jim Martin, Rachel Martin and/or Billy Morris cease to satisfy the definition of gypsies and travellers as defined within annex 1 of the Planning Policy for Traveller Sites (2012), whichever is the shorter.

REASON: The permission is granted specifically because of the special circumstances of these individuals, the proposal would otherwise be contrary to Core Strategy policies C1 and G2.

2.4 Other conditions attached to the 2012 permission covered the number of caravans, restricted commercial activity, removed permitted development rights and required further details of surfacing and drainage. The required surfacing and drainage details were subsequently approved on 5 December 2014 (ref CR/2012/0465/CC1).

2.5 Granting planning permission as requested through the current application would have the effect of granting a permanent consent for use of the site for the purposes listed above and without restriction upon who could occupy the site. In correspondence during the course of processing the application, the agent has recognised the airport safeguarding issues but requests that, if a temporary permission is considered, it could be for a five year period as she feels that this would give the applicant some certainty and that a significant change in the airport second runway situation is unlikely over that period.

PLANNING HISTORY:-

3.1 **CR/2012/0465/FUL** – Retrospective change of use for the stationing of caravans for residential accommodation, a temporary utility building, the construction of a new access, the erection of fencing/gates, a stable block, an open fronted barn and polytunnel. Non-retrospective application for the installation of a septic tank (Amended description and plans received). Permitted for a four year period subject to conditions, including those set above.

PLANNING POLICY:-

Planning policy for traveller sites (PPTS) (August 2015)

4.1 The updated PPTS, revising the 2012 original, sets out the Government's planning policy for traveller sites and forms a material consideration, in combination with the adopted development plan, where the functional test of gypsy status as detailed within Annex 1 of the PPTS is met.

4.2 Annex 1 of the revised PPTS states that:

For the purposes of this planning policy "gypsies and travellers" means:

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

4.3 The Annex goes on to state that:

In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) whether they previously led a nomadic habit of life*
- b) the reasons for ceasing their nomadic habit of life*

c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

- 4.4 Policy H sets out requirements, when determining planning applications, that applications must be determined in accordance with the development plan, unless material considerations indicate otherwise (paragraph 22), and that the existing level of traveller site provision, the availability of alternative sites, personal circumstances, locally specific criteria should be considered (paragraph 24).
- 4.5 Local Planning Authorities should very strictly limit new traveller site development in open countryside away from existing settlements or outside areas allocated in the development plan. Local Planning Authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure (paragraph 25). Further considerations include use of brownfield land, provision of landscaping, ensuring opportunities for promoting a healthy lifestyle exist (paragraph 26).
- 4.6 Where an up-to-date five year supply of deliverable sites is not demonstrated, this should be a significant material consideration when considering whether to grant temporary planning permission (paragraph 27).

National Planning Policy Framework (NPPF) (March 2012)

- 4.7 The National Planning Policy Framework (NPPF) was published in March 2012 and introduced the presumption in favour of sustainable development in approving developments that accord with the development plan without delay or where the development plan is absent, silent or relevant policies are out of date, unless there would be significant adverse impacts or it would be contrary to the policies in the NPPF. More specifically:
- Paragraph 14 – Presumption in favour of sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
 - Paragraph 17 – Core planning principles. Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
 - Section 6 – Delivering a wide choice of high quality homes to create mixed, sustainable and inclusive communities.
 - Section 7 – Requiring good design. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
 - Planning decisions should also aim to avoid adverse impacts on human health and quality of life (paragraph 123), such as through noise.

Crawley Borough Local Plan 2015-2030

The following policies are relevant to this planning application:

- Policy SD1 (Presumption in Favour of Sustainable Development) In line with the planned approach to Crawley as a new town, and the spatial patterns relating to the neighbourhood principles, when considering development proposals the Council will take a positive approach to approving development which is sustainable.
- Policy CH1: Neighbourhood Principles states that the neighbourhood principle would be enhanced by maintaining the neighbourhood structure of the town with a clear pattern of land uses and arrangement of open spaces and landscape features.
- Policy CH2: Principles of Good Urban Design States that all proposals for development in Crawley will be required to respond and reinforce local distinctive patterns of development and landscape character, and create continuous frontages onto streets and spaces enclosed by development which clearly defines private and public areas.
- Policy CH3 (Normal Requirements of All New Development) All proposals for development in Crawley will be required to be based on a thorough understanding of the site and its context, be of high quality in terms of their urban, landscape and architectural design and relate sympathetically to their surroundings in terms of scale, density, height, massing, orientation, views, landscape, layout, details and materials, retain a good standard of amenity, retain trees and provide appropriate access, manoeuvring and circulation space.

- Policy CH7 (Structural Landscaping) identifies key areas of soft landscaping which contribute to the character, setting and screening of the town.
- Policy CH9 (Development Outside the Built-Up Area) seeks to maintain Crawley's compact nature and attractive setting through ensuring appropriate design and visual appearance taking account of surrounding character. The North East Crawley High Woodland Fringes is important in maintaining the separate identities of Crawley, Horley and Gatwick Airport.
- Policy CH12 (Heritage Assets) protects designated and non-designated heritage assets by treating them as a finite resource and ensuring that their key features are not lost through development.
- Policy CH16 (Locally Listed Buildings) states that all development will seek to secure the retention of buildings included on the Crawley Borough Local Building List. Development should also maintain features of interest, and respect or preserve the character or setting of the building.
- Policy H5 (Gypsy, Traveller and Travelling Showpeople Sites) allocates the Broadfield Kennels site to the south-west of Crawley as a reserve Gypsy and Traveller site for up to ten pitches. The policy states that the site is likely to be developable between years 6-15 (2020-2030) of the Local Plan. The second part of the policy sets out criteria for assessing proposals for other permanent or transit sites. It states:

“Proposals for a new permanent or transit Gypsy, Traveller and Travelling Showpeople site will only be considered suitable if the proposed site:

 - a) is not subject to existing or predicted air, road and/or rail noise in excess of 57 decibels for permanent sites, 60 decibels for long term temporary sites of up to one month, and 66 decibels for temporary sites;*
 - b) does not create a design and amenity impact that is incompatible with the surrounding area, particularly when located within residential areas or on land beyond the Built-up Area Boundary;*
 - c) is not located in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans;*
 - d) is in a sustainable location that reduces the need for long distance travelling, and to reflect traditional lifestyles, whereby some travellers live and work in the same location;*
 - e) avoids placing undue pressure on infrastructure and community services; and*
 - f) meets an identified local need for Gypsy, Traveller and Travelling Showpeople accommodation.*

Where proposals are located in areas predicted to be noise affected at some point in the future, temporary planning permission may be appropriate.”
- Policy ENV1 (Green Infrastructure) seeks to protect Crawley's established multi-functional green infrastructure network.
- Policy ENV2 (Biodiversity) states that development proposals will be expected to incorporate features to encourage biodiversity where appropriate, and where possible enhance existing features of nature conservation value within and around the development.
- Policy ENV6 (Sustainable Design and Construction) states that all new development should take account of sustainability objectives, including minimising carbon emissions and water usage.
- Policy ENV11 (Development and Noise) states that residential development will be permitted where it can be demonstrated that users of the development will not be exposed to unacceptable noise disturbance from existing or future uses. Noise sensitive uses proposed in areas that are exposed to significant noise, including from transport (air, road, rail and mixed) sources will be permitted where it can be demonstrated that appropriate mitigation, through careful planning, layout and design, will be undertaken to ensure that the noise impact for future users will be made acceptable. Proposals that would expose future users of the development to unacceptable noise levels will not be permitted. For transport sources, the Unacceptable Adverse Effect is considered to occur where noise exposure is above 66dB LAeq,16hr (57dB LAeq,8hr at night).
- Policy IN3 (Development and Requirements for Sustainable Transport) Development should be located in locations where sustainable travel patterns can be achieved through the use of the existing transport network including public transport and the cycling and walking network.
- Policy IN4 (Car and Cycle Parking Standards) states that development will be permitted where the proposals provide the appropriate amount of car and cycle parking to meet its needs when it is being assessed against the borough council's car and cycle parking standards
- Policy GAT2 (Safeguarding for a Second Runway) identifies land which will be safeguarded from development which would be incompatible with expansion of the airport to accommodate

the construction of an additional wide spaced runway (if required by national policy) together with a commensurate increase in facilities that contribute to the safe and efficient operation of the expanded airport. Minor development within this area will normally be acceptable and, where appropriate, planning permission may be granted on a temporary basis.

Supplementary Planning Documents

Urban Design SPD – October 2016

This document provides further advice on the principles of good urban design highlighting in particular the importance of massing and materials, public realm, street design and parking and sustainable design.

Annex 1 contains the Borough's indicative minimum parking standards. For residential uses outside central locations, the requirements are for between 1.2 and 3 car parking spaces per dwelling. Cycle parking should be provided at one space per one bedroom dwelling and two spaces per two or more bedroom dwelling.

- 4.8 In addition to the planning policies set out above, other legislation is relevant to consideration of this planning application.

Human Rights Act 1998

- 4.9 Article 8 of the Convention (in Schedule 1 to the Human Rights Act) provides for everyone to have the right to respect for their private and family life, home and correspondence. This is subject to the proviso that there shall be no interference by a public authority with the exercise of this right except in accordance with the law and where necessary in a democratic society in pursuit of one or more of the following aims: in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health and morals, or for the protection of the rights and freedom of others. Article 8 applies even when there is no planning permission for a person's home. The right to a home is not absolute, but may be subject to interference which is lawful, proportionate and for one of the stated purposes set out above. Protection of the environment and the amenity of an area are accepted by the European Court for Human Rights as potentially proper purposes for interference with a person's right to respect for their home, and may therefore constitute a legitimate aim for the Local Planning Authority to pursue.

Equality Act 2010

- 4.10 Under the Equality Act Local Planning Authorities are subject to the public sector equality duty, which means that they must have due regard to the need to—
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic (such as race) and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

English Romany gypsies are recognised in law as a distinct racial group and would therefore qualify for consideration by the Local Planning Authority in accordance with this duty.

PLANNING CONSIDERATIONS:-

The main issues for consideration are:

- Gypsy and traveller planning policy
- Impact upon the potential second runway at Gatwick
- Principle of residential use within the countryside and Strategic Gap
- Noise implications on health of occupants
- Neighbouring amenity
- Impact upon locally listed buildings
- Highways and transport matters
- Human rights

Before considering these issues, it is worth emphasising that the proposal would involve no change to the ongoing current use or the appearance of the site. There has been some confusion on this in consultee responses, but officers can confirm that the proposal would simply continue the existing use, rather than intensify or expand it.

Gypsy and traveller related national and local planning policies

- 5.2 As detailed earlier, Annex 1 of the PPTS sets a functional test to determine whether a person is a gypsy or traveller and therefore whether the PPTS is a material consideration in determining a related planning application. Gypsy and traveller status is alterable according to Government policy, which states that applicants need to be living a travelling lifestyle, or to have ceased living a travelling lifestyle for one of the specified reasons at the time of determination, with lifestyle considered separately from ethnicity. For this application, the agent has provided information to confirm that the applicant and his family travel regularly for work in connection with their pallet business and to horse fairs. The information provided shows, on the balance of probabilities, that the applicant and other family members to varying degrees undertake habitual travel for employment purposes and that this has been over a time period long enough and frequently enough to constitute a habitual travelling lifestyle. Officers therefore consider that they meet the requirements of the PPTS functional test.
- 5.3 The requirements of the PPTS set out in paragraphs 22-26 are therefore particularly relevant. They require the Local Planning Authority to consider issues such as existing provision and the availability of alternative accommodation, the personal circumstances of the applicant, local criteria, landscaping and the site's appearance in determining the application.
- 5.4 There is currently no alternative available local provision for gypsies and travellers within the Borough. Appropriate gypsy and traveller sites are generally in short supply. The applicant has no other land on which he and his family could live. The applicant chose to buy and occupy the site of his own free will, in full awareness of the level of noise exposure which is addressed below.
- 5.5 The Local Plan does contain an allocated gypsy and traveller site at Broadfield Kennels. This site has yet to be delivered and it was envisaged in preparing the Local Plan that it would not come forward until years 6-15 of the Plan (sometime between 2020 and 2030). The Broadfield Kennels site therefore does not currently form an alternative option for the applicant.

Principle of residential use in relation to the potential second runway

- 5.6 Policy GAT2 of the Local Plan safeguards the required land take for a second runway at Gatwick Airport, meaning that development in the identified area should not prejudice the expansion of the airport. Gatwick Airport has objected to a permanent permission on the application site for these reasons. Officers also do not support a permanent permission, as requested by the applicant, for the reason set out in the policy that incompatible development would add constraints or increase the costs or complexity of the development or operation of a second runway.
- 5.7 However, the airport does not object to a further temporary permission. A temporary permission would accord with Policy GAT2 and allow future consideration of the continuing suitability of the site for gypsy and traveller use in light of developments in national aviation policy over the next few years.

Principle of residential use within the Countryside and Strategic Gap

- 5.8 The site is located outside the Built Up Area boundary in a location designated by the Local Plan as countryside. Crawley Borough Local Plan policy CH9 seeks to limit new residential development in countryside locations to ensure the character of the countryside is retained and, in this area, to maintain physical separation between Gatwick, Crawley and Horley. No new physical development of the site is proposed and its current appearance, previously approved on a temporary basis, would be retained.
- 5.9 The scale of activity on the site is wholly residential in character and relatively low key. The caravans are of the same height as single storey buildings. The site is extensively screened from Peeks Brook Lane and the surrounding area by landscaping, the gates and fencing, to the extent

that the buildings are not publicly visible. The siting of temporary residential, barn and stable buildings is not necessarily out of character with a countryside setting that is predominantly agricultural in character. Although not prominent in views of Pullcotts Farm Cottages, the buildings together do form a cluster of small scale development, rather than the proposal creating new and isolated development. In the context of a temporary permission, use of this site for the residential purpose sought is not considered detrimental to the countryside setting or the strategic gap and the proposal does not therefore conflict with Local Plan policy CH9.

Noise implications on the future health of occupants

- 5.10 Environmental Health's comments confirm that the latest noise contours indicate that the site is located just outside the 2015 66dB daytime contour (LAeq16hour). It is within the 2015 60dB night time contour (LAeq8hour) and within both the 66dB (day) and 60dB (night) noise levels predicted for a second runway. The site therefore fails to meet the first criteria of policy H5 relating to noise levels for permanent accommodation in relation to night noise (current single runway and proposed twin runways) and daytime noise (proposed twin runways). Environmental Health stress the adverse health impact that continued noise exposure at these levels can have upon residents.
- 5.11 In addition to aircraft noise, the M23 is located approximately 200 metres to the east and is an additional source of noise. No specific noise data is available for the site, although it is noted that the motorway at this point is located in a cutting, reducing noise exposure.
- 5.12 The Environmental Health team has provided a clear professional opinion on the level of noise affecting the application site, concluding that aircraft noise data shows noise exposure at a level detrimental to the health of individuals who live in such locations. Therefore, the application site is not a location considered suitable for new permanent residential accommodation (which in this case means for periods of greater than 3 days at any one time) and in the context of the proposed caravan accommodation, it would be difficult to provide adequate noise mitigation to safeguard human health.
- 5.13 Environmental Health object to the proposed permanent permission and stress the inappropriateness of the location for permanent residential habitation. The applicant has not addressed these concerns, other than to state that he bought the site in full awareness of noise levels and is willing and able to live with the noise of the planes. It would be extremely difficult to adequately mitigate noise within a mobile home or touring caravan.
- 5.14 In response to a query from the case officer, Environmental Health has confirmed that they would not support a temporary permission for longer than it would take for the occupants to find alternative accommodation. This is on the basis of the ongoing impact of noise upon the occupants' health and given the up to date Local Plan policy.
- 5.15 The issue of noise is a key material planning consideration weighing against the current proposal. However, the decision must also be taken in the context of the PPTS requirements set out above, including the level of local provision, the availability of alternative accommodation for the applicant and the applicant's personal circumstances.

Impact on neighbours' amenity

- 5.16 The site is located to the rear (east) of Pullcotts Farm Cottages. No other residential neighbours adjoin or are in close proximity to the application site. The rear gardens to Pullcotts Farm Cottages are approximately 15 metres deep, abutting the western fenced boundary of the application site. There is a large outbuilding in the intervening space within one of the cottage's curtilage, providing physical and visual separation. All boundaries are extensively screened by hedgerows, fencing and mature trees. The application site's caravans and other buildings are situated approximately 35 metres to the east of Peeks Brook Lane and have extremely limited visibility from the road. They do not overlook the adjoining cottages. By virtue of the degree of separation between Pullcotts Farm Cottages, the single storey nature of the mobile homes and other buildings and as there is ample space for the site to meet the operational requirements for habitation, the proposal is not considered to harm residential amenity for the occupants of Pullcotts Farm Cottages or residents within the wider area.

Impact of the proposal on Locally Listed buildings

- 5.17 Pullcotts Farm Cottages are adjoining Locally Listed Buildings. For the reasons set out above regarding residential amenity, the separation created by the gardens of the cottages, the large outbuilding and fencing and vegetation mean that the use of Pullcotts Farm Nursery has minimal impact upon the setting of the Locally Listed Buildings. In the light of the site being unsuitable for a permanent permission, any impact would also be of a temporary nature and is considered acceptable.

Highways

- 5.18 No changes to the existing vehicular access, parking/manoeuvring area or the intensity of the site's use are proposed. There is ample space for vehicle and cycle parking within the site. The Local Highway Authority has raised no safety or highways concerns about the current use.
- 5.19 Local residents and the residents' group have expressed concerns about traffic issues in the area, including HGV traffic, Gatwick related parking and rat-running. These concerns are understood and, in some cases, have been the subject of investigation and enforcement action by the Local Planning Authority. However, there is no evidence that these issues arise from the application site which, given the low intensity use, generates low numbers of vehicular movements. There are no HGVs on the site.
- 5.20 The proposal is considered acceptable in highways terms.

Impact of the decision on the occupants' human rights

- 5.21 Refusal of the planning application would constitute an interference with the occupants' article 8 rights (and rights under article 1 of the First Protocol). However, the protection of the rights of others by way of environmental protection, and the protection of the occupants' own health, is also of consideration. For the various reasons set out above and summarised below, the proportionate approach is considered to be the further granting of permission on a temporary basis until the situations regarding Gatwick Safeguarding and the Local Plan allocated gypsy and traveller site have been further resolved.

CONCLUSIONS:-

- 6.1 The site lies within the Gatwick safeguarding area and may be required in future in connection with a second runway. It also experiences high existing, and potentially future, noise levels due to its proximity to the airport and motorway. There is little that can be done to effectively mitigate noise impact within mobile homes and caravans. The site is not therefore considered suitable for a permanent gypsy and traveller permission as requested by the applicant.
- 6.2 It is clear though that the applicant has no alternative accommodation and the Council is unable to assist with this at present. Whilst serious concerns relate to noise exposure and a permanent permission would be contrary to Gatwick safeguarding policy, a temporary planning permission for a further four years would offer a compromise between noise exposure, future aviation policy, the human rights of the applicant and surrounding land owners. This approach would ensure the Local Authority has taken a proportionate approach to the needs of the applicant, the requirements placed on it by the PPTS and considering human rights issues. A further temporary planning permission would avoid the possibility of rendering the applicant and his family homeless. It would also allow time for the Broadfield Kennels' site to come forward, which may assist with the accommodation needs of some or all of the site's occupants.
- 6.3 A balanced judgement of the issues identified has led to an officer recommendation that a temporary planning permission is a proportionate compromise to the needs, personal circumstances and human rights of the applicant and his family, to the amenity of neighbouring land owners, the airport and noise concerns identified and to the requirements placed on the Council by the PPTS to provide suitable land for habitation by gypsies and travellers. It is recommended that planning conditions are used to limit the duration and nature of use of the site to the current residents. This approach also ensures that the impact on the countryside setting, strategic gap and safeguarding is controlled. The decision to recommend a temporary 4 year planning permission in no way should be seen as setting a precedent for future occupation of this site or any other potentially more

harmful sites in the countryside or land safeguarded for a second runway. This officer recommendation has been taken on its merits, in the context of the applicant and his family choosing of their own will to purchase and occupy the site, and the current position that exists in terms of Gypsy and Traveller site supply and planning policy.

- 6.4 For the reasons explained in this report, it is recommended the Committee grant a further temporary and personal planning permission.

RECOMMENDATION RE: CR/2017/0829/NCC

PERMIT subject to the following conditions:

1. The development hereby permitted shall be for a period of four years from the date of this permission. At the end of the period, the use hereby permitted shall cease, the mobile homes, touring caravans and all materials and equipment brought on to the land in connection with the use shall be removed, and the land shall be restored to its former condition.
REASON: Due to the need to safeguard the site in relation to a possible future second runway at Gatwick Airport, due to the site not being suitable as a permanent residential site for airport related noise reasons and due to the site's countryside location and in accordance with policies CH3, CH9, ENV11, GAT2 of the Crawley Borough Local Plan, the National Planning Policy Framework and the Planning Policy for Travellers Sites.
2. The development hereby permitted shall not be carried out other than in accordance with the approved plans as listed below save as varied by the conditions hereafter:
(Drawing numbers to be added)
REASON: For the avoidance of doubt and in the interests of proper planning.
3. The permission hereby granted shall enure only for the benefit of Kevin Martin, Jim Martin, Rachel Martin and Billy Morris for a period of 4 years from the date of this permission, or until such a time as Kevin Martin, Jim Martin, Rachel Martin and/or Billy Morris cease to satisfy the definition of gypsies and travellers as defined within Annex 1 of the Planning Policy for Traveller Sites (2015), whichever is the shorter.
REASON: The permission is granted specifically because of the special circumstances of these individuals, the proposal would otherwise be contrary to policies CH3, CH9, ENV11, GAT2 of the Crawley Borough Local Plan, the National Planning Policy Framework and the Planning Policy for Traveller Sites.
4. No more than two static caravans and one touring caravan as indicated on plan 2 Rev A (20.5.2013) shall be stationed on the site at any time, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968.
REASON: To minimise the impact of residential caravans on the character of the countryside location and to minimise noise exposure to individuals not specified within Condition 3 in accordance with policies CH3, CH9, ENV11, GAT2 of the Crawley Borough Local Plan, the National Planning Policy Framework and the Planning Policy for Traveller Sites.
5. There shall be no external or internal storage of materials used for commercial purposes on the site at any time.
REASON: To ensure the temporary use does not detrimentally harm the character of the countryside location in accordance with policy CH9 of the Crawley Borough Local Plan.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Class A of Part 5 of Schedule 2 of the Order (as listed in paragraphs 2, 3, 4, 5, 6, 7, 8 and 9 of the Caravan Sites and Control of Development Act 1960) shall take place without the prior written permission of the Local Planning Authority.
REASON: To minimise the impact of residential caravans on the character of the countryside location and to minimise noise exposure to individuals not specified within Condition 3 in accordance with policies CH3, CH9, ENV11, GAT2 of the Crawley Borough Local Plan, the National Planning Policy Framework and the Planning Policy for Traveller Sites.

INFORMATIVES

1. The development is close to the aerodrome and the approach to the runway. We draw attention to the need to carefully design lighting proposals. This is further explained in Advice Note 2, 'Lighting near Aerodromes' (available at www.aoa.org.uk/policy-safeguarding.htm). Please note that CAP393: Air Navigation The Order & The Regulations, Part 28, Article 221(1) grants the Civil Aviation Authority power to serve notice to extinguish or screen lighting which may endanger aircraft.
2. The site to which this application relates lies wholly within the Gatwick Safeguarding area delineated on the Crawley Borough Local Plan Proposals Map, being land which Gatwick Airport Limited (GAL) anticipates would be required for airport development in the event of permission being granted for a second runway at the airport.

1. NPPF Statement

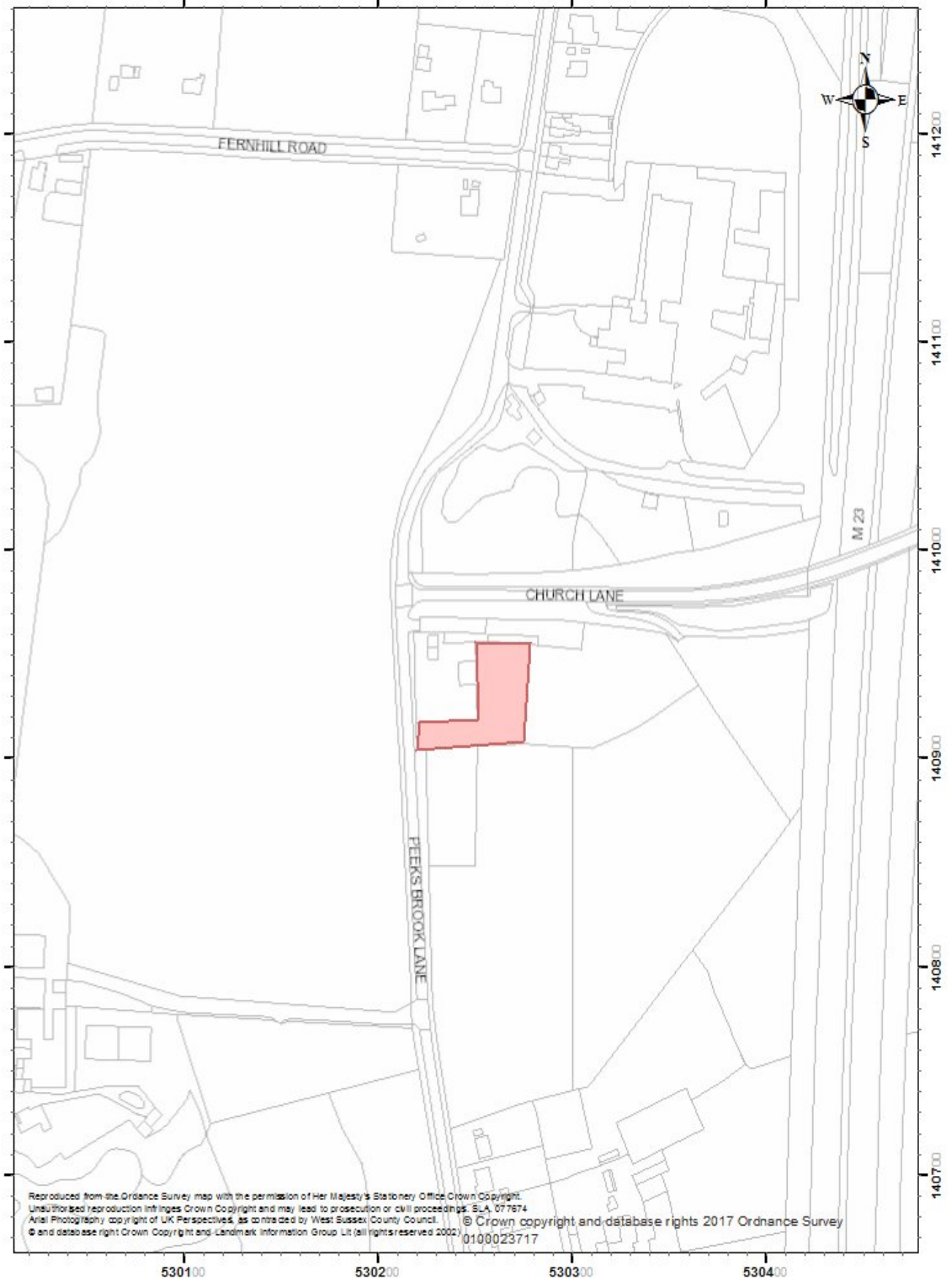
In determining this planning application, the Local Planning Authority assessed the proposal against all material considerations and has worked with the applicant in a positive and proactive manner based on seeking solutions where possible and required, by:

- Liaising with the agent and discussing the proposal where considered appropriate and necessary in a timely manner during the course of the determination of the application.
- Seeking additional information to address identified issues during the course of the application.

This decision has been taken in accordance with the requirement in the National Planning Policy Framework, as set out in article 35, of the Town and Country Planning (Development Management Procedure) Order 2015.

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