

**Standing up for Hertfordshire's countryside**

Eilis Edmonds  
Development Control  
East Herts Council  
Wallfields  
Pegs Lane  
Hertford  
SG13 8EQ

Our Ref:

Your Ref:

24<sup>th</sup> May 2019 (by email)

Dear Mr. Edmonds,

**Application No. 3/19/0893/FUL**  
**Change of use of land to 10 Gypsy/Traveller pitches accommodating the siting of 10 mobiles homes and stationing of 10 touring caravans and 10 utility buildings. Formation of access road and hardstandings.**  
**on Land Off Chapel Lane, Little Hadham, Hertfordshire SG11 2AB**

CPRE Hertfordshire object to this proposal as inappropriate development in the Rural Area Beyond the Green Belt. Regrettably the documentation included with the application is rudimentary and our ability to comment in detail is limited.

The Government revised National Planning Policy for Gypsy and Traveller sites in September 2015 states that, where it can be demonstrated that the applicants have given up travelling permanently, then applications for planning permission should be considered as they are for the settled communities within the National Planning Policy Framework. It is unclear from the application whether this is intended to be a permanent or transient site.

The East Herts District Plan has specifically allocated a number of sites to meet the needs of Gypsies, Travellers and Travelling Show People. This is not one of them. Consequently, as a non-allocated site, it must be considered under the provisions of section (g) of District Plan Policy GBR2 which in turn refers to Policies HOU9 & HOU10.

The purpose of Policy GBR2 is to maintain the openness and character of the countryside beyond the Green Belt. That countryside is recognised in the District Plan as being “*a considerable and significant countryside resource, which Policy GBR2 seeks to maintain by concentrating development within existing settlements.*” This proposed development is some distance outside of the village boundary as shown on the District Plan Policies maps.

Policy HOU9 is intended to cover transient use by Gypsies, Travellers and Travelling Show People, Policy HOU10 for non-nomadic (i.e. permanent use). The criteria in both policies are the same except for the requirement in HOU10 that proposals for non-nomadic sites must be in accordance with the NPPF and PPTS. Of the criteria included in the policies we would comment on the following:

CPRE is working nationally and locally for a beautiful and living countryside

CPRE Hertfordshire is a Charitable Incorporated Organisation

President:  
Sir Simon Bowes Lyon, KCVO

Chairman: Richard Bullen

Registered Charity 1162419

*(b) The site is suitable in terms of vehicular access to the highway, parking, turning, road safety and servicing arrangements and has access to essential services such as water supply, sewerage, drainage and waste disposal.*

We accept that the site has direct access on to Chapel Lane and it will be for the Highway Authority to determine whether or not the proposed access on to a narrow country lane is suitable. However, apart from references to soakaways and a cesspit in the Application Form no details are provided of either water supply, electricity supply or waste disposal. The Council will have to satisfy itself on these points before granting permission.

*(c) The proposals make adequate provision for on-site facilities for storage, play, residential amenity and sufficient on site utility services for the number of park homes proposed.*

The site plan indicates the positioning and details of utility services, but the application does not address the other required facilities.

*(d) The proposal is well related to the size and location of the site and respects the scale of the nearest settlement.*

and

*(g) The proposals ensure that the occupation and use of the site would not cause undue harm to the visual amenity and character of the area and should be capable of being assimilated into the surrounding landscape without significant adverse effect.*

As mentioned above, this site is some distance outside the village. Beyond its junction with New Road, Chapel Lane becomes a narrow rural lane bounded on either side by open fields and woodland. The site itself is open agricultural land abutted by a small wood on its Western boundary. The proposed development would constitute a prominent residential enclave in this open landscape, clearly visible from both Chapel Lane and the surrounding countryside. As such it would cause significant harm to the visual amenity and landscape character. The proposal would be at odds with the rural character and appearance of the wider area, and would have a detrimental impact on the ecology and the openness of the countryside in this location.

*(e) The site can be integrated into the local area to allow for successful co-existence between the site and the settled community.*

and

*(f) The proposals provide for satisfactory residential amenity both within the site and with neighbouring occupiers and thereby do not detrimentally affect the amenity of local residents by reason of on-site business activities, noise, disturbance, or loss of privacy.*

As the comments posted on the Council website attest, there is considerable local opposition to this application and it is difficult to assess at this stage whether the requirements of (e) can be met. Anecdotally (in press reports) there has been both noise and other disturbance. The Government's policy for Traveller Sites is set out in National Planning Policy for Traveller Sites. This provides specific guidance on the preparation of

development plans and decision taking. The overarching aim of the Government's policy for traveller sites is to ensure *'fair and equal treatment for Travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.'* This has a direct bearing on the Planning Balance when considering these criteria. If minded to approve, the Council will have to determine which conditions it can apply to mitigate such issues.

In section 25 of the planning application the applicant certifies that none of the land to which the application relates is, or is part of, an agricultural holding. This is incompatible with the purpose of the application which is for a change of use from agricultural land to residential. The fact that the applicant has purchased the land and improperly placed residential units on the site does not negate its current designation as agricultural land. The NPPF advises that the presence of best and most versatile agricultural land (defined as grades 1, 2 and 3a of the Agricultural Land Classification) should be taken into account alongside other sustainability considerations when determining the application. Development should not be permitted on these grades of land unless opportunities have been assessed for accommodating the development on previously developed sites or on land within the boundaries of existing urban areas. The application does not include reference to the agricultural grade of the land, nor does it provide an assessment of alternative sites. As the agricultural land around Little Hadham is predominantly Grades 2 and 3 the Council will have to satisfy itself of the grade status of this site before authorising a change of use.

In assessing the planning balance the Council will have to take into account the case law determined in EWHC 3660(2012) *AZ v. Secretary of State and South Gloucestershire D.C.* That judgement held that in determining applications for gypsy and traveller caravan sites the Council should give significant weight to the needs of the children involved under Article 8 of the Human Rights Act. As we are not party to the assessment of those needs, and they are not referred to in the application, we cannot comment on the merits of that aspect of this particular application but remind the Council that the regulation of land use is essentially a matter of public policy, which requires the balance of the interests of individuals with the public interest in controlling development.

We have particular concerns that this proposal will result in the introduction of residential development into open countryside to the detriment of the openness and character of the landscape contrary to Policy GBR2. As such we oppose the application.

Yours sincerely,

David Irving