

COMMITTEE AGENDA REFERENCE: 5E

APPLICATION REF:	RU.22/0109
LOCATION	Willow Farm, Chobham Road, Ottershaw, KT16 0QE
PROPOSAL	Change of use of the land to create 4 pitches for an extended Traveller family
TYPE	Full Planning Permission
EXPIRY DATE	21/07/2022
WARD	Ottershaw
CASE OFFICER	Adam Jackson
REASON FOR COMMITTEE DETERMINATION	Number of letters of representation
<i>If you have questions about this report please contact Ashley Smith, Victoria Gibson or the case officer.</i>	

1. SUMMARY OF RECOMMENDATION

It is recommended the Planning Committee authorises the HoP:

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| 1. | Grant temporary consent subject to the conditions set out in Section 11 of this report. |
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2. DETAILS OF THE SITE AND ITS SURROUNDINGS

- 2.1 Willow Farm is a site of 0.45ha located on the northern side of Chobham Road (A319), approximately 75 metres to the southwest of the settlement of Ottershaw. The site is adjoined to the north and east by woodland and the west by South Lodge, which is a residential property. Vehicular access to the site is from Chobham Road.
- 2.2 The application site is located within the Green Belt. The band of trees along the site frontage is covered by Tree Preservation Order 7. The application site is within 5km of the Thames Basin Heaths Special Protection Area.
- 2.3 The application site currently comprises of Gypsy/Traveller pitches, granted temporary consent under application RU.16/1747. This permission, which expired in August 2020, restricted the use to 4 pitches, 2 caravans per pitch, and for use by the applicant and their family only.

3. APPLICATION DETAILS

- 3.1 The application seeks the change of use of the site to provide 4 gypsy/traveller pitches. It has not been specifically stated in the application how many mobile homes are proposed, however the Site Survey Plan (RSPR2100115/01) submitted in support of the application shows 7 x mobile homes (2 per pitch apart from pitch 3), 8 x sheds/outbuildings (2 per pitch) and an area of hardstanding on each pitch which at the time of the site visit were occupied by 3 x touring caravans.
- 3.2 The site is currently in use, following the grant of temporary permission in 2017 under application RU.16/1747, however that permission has since expired and was restricted to just 2 caravans per pitch and the officer report for that application sets out that each pitch includes 1 mobile home, 1 no. touring caravan, 1 no. shed and 2 parking spaces. The application therefore proposes an intensification of the use in terms of the scale of the development.

4. RELEVANT PLANNING HISTORY

- 4.1 The site has an extensive planning and enforcement history.
- 4.2 An Article IV exists for the Urban Area of Chertsey, including the application site, which restricts permitted development rights with respect to temporary buildings. In December 1970, the Secretary of State confirmed an Article IV Direction on an extensive area of land on the north side of Chobham Road, including the application site, removing permitted development rights in respect of enclosure and agricultural and forestry buildings.
- 4.3 In early 2003, three touring caravans were brought onto the site and hardcore deposited on the land. The occupiers advised of their intention to locate 5 mobile homes/chalets on the site. A Stop Notice and an Enforcement Notice were issued which required the owners to stop laying the hardcore and reinstate the land. The landowner did not stop the works and more caravans were brought onto the land. An emergency injunction was obtained to prevent any further works and any further increase in caravans on the site in April 2003. A further Enforcement Notice was issued in April 2003 requiring the removal of the caravans occupying the site. An appeal was made against the Enforcement Notices and a Public Inquiry was held in January 2004. The appeal was dismissed and the Enforcement Notice upheld in April 2004. The occupiers of the site were given one year to vacate the site. The landowners complied with the Enforcement Notice and the site was vacated between late 2005 and mid 2006, but caravans were subsequently brought back onto the land.
- 4.4 Subsequently there have been a number of planning applications, summarised as follows:

Reference	Details
RU.08/1220	Sought permission for the change of use of the site to include the stationing of caravans for 4 no. gypsy/traveller pitches with utility/day room building and hardstanding ancillary to the use. The application was REFUSED in April 2009 and a public Inquiry was held in October 2009. The appeal was DISMISSED in November 2009. Subsequent appeals to the High Court and Supreme Court were also dismissed.
RU.13/0416	Sought permission for the temporary use of land for 3 years to create 4 pitches for an extended traveller family and associated works including 2 parking spaces per pitch and septic tank. Temporary planning permission

	was GRANTED on 26 October 2013 for a period of 3 years, personal to the occupiers of the site: Kelly Rooney, Freddie and Rosemary Loveridge, Margaret Rooney and their respective children and Eileen and Martin Rooney. The permission was subject to conditions limiting the number of pitches and caravan on the site, the removal of corrugated iron sheds, and further investigation, assessment and remediation of contamination on the site.
RU.14/0179	Provided details pursuant to condition 9 (Site investigation and detailed quantitative risk assessment) and 10 (Detailed remediation scheme) of planning permission RU.13/0416. APPROVED February 2014.
RU.15/1565	Details pursuant to condition 11 (Validation report) of RU.13/0416. APPROVED October 2015.
RU.16/1746	Sought the permanent change of use of the site to create 4 pitches for an extend traveller family. Essentially, it sought to continue the use of the site as temporarily approved under RU.13/0416 on a permanent basis. This application was for 4 pitches including 1 mobile home, 1 touring caravan, 1 shed and 2 parking spaces per pitch. This application was REFUSED August 2017 as the proposal represented inappropriate development in the Green Belt, the harm of which was not outweighed by very special circumstances or the personal circumstances of the applicant's family.
RU.16/1747	Sought the retention of four pitches for an extended traveller for a further temporary period following the previous temporary permission RU.13/0416. Each pitch included 1 mobile home, 1 touring caravan, 1 shed and 2 parking spaces per pitch. Temporary planning permission was GRANTED August 2017 for a period of 3 years, personal to the occupiers of the site: Kelly Rooney, John Rooney Margaret Rooney and their respective children, and Eileen and Martin Rooney.

5 SUMMARY OF MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

5.1 National Planning Policy:

- National Planning Policy Framework and Guidance (2021)
- Planning Policy for Traveller Sites (2015)

5.2 The Runnymede 2030 Local Plan was adopted on 16 July 2020 and the policies have to be read as a whole. Any specific key policies will be referred to in the planning considerations.

5.3 Any other supplementary planning documents and guidance that may be of relevance:

- Runnymede Parking Guidance SPD (2022)
- Runnymede Design SPD (2021)
- Green and Blue Infrastructure SPD (2021)
- Thames Basin Heaths Special Protection Area SPD (2021)

- Infrastructure Delivery and Prioritisation SPD (2020)
- Trees, Woodland and Hedgerows SPG (2003)

6. CONSULTATIONS CARRIED OUT

6.1 19 letters of representation have been received from individual addresses. **1 LETTER IS IN SUPPORT** of the application, **18 LETTERS HAVE BEEN RECEIVED IN OBJECTION**. Representations can be summarised as follows:

Support

- There are very special circumstances for allowing the development within the Green Belt
- The development will have little to no harm on openness on the Green Belt
- The mobile homes will have no negative visual impact or impact on amenity
- There is currently a huge amount need for traveller sites
- There is currently a lack of alternative sites
- The site is already established as a traveller site
- There are children and elderly living on the site
- Returning the site to its former state would be a waste of materials

Objections

- The site has been occupied contrary to planning for nearly 20 years
- The occupants have made no attempt to find an alternative site
- Runnymede has made changes allowing pitches to be provided in new developments
- The occupants have felled protected trees
- The siting of mobile homes has resulted in damage to the woodland screening
- The development encroaches on and harm the Green Belt
- The development encroaches into the countryside
- The development contributes to the coalescence of Ottershaw and Chobham
- The development has an adverse effect on wildlife
- The development harms the character and appearance of the area
- Complaints have been lodged with regards to noise nuisance
- Complaints have been lodged with regards to highway safety

6.2 Consultees responses

Consultee	Comments
County Highway Authority	<ul style="list-style-type: none"> Is the access wide enough for two-way vehicular movements? Please can a detailed plan of the access onto Chobham Road be provided
Natural England	<ul style="list-style-type: none"> Natural England would agree that mitigation is not required for this COU application given that the site was occupied prior to the designation of the Thames Basin Heaths Special Protection Area and that contributions were not requested in 2013.
RBC Planning Policy	<ul style="list-style-type: none"> There is a need over the next 5 years for 83 new pitches (16.6 pitches per year) At the time of writing, I am of the opinion that, the Council are unable to demonstrate a 5-year supply for pitches.
RBC Contaminated Land	<ul style="list-style-type: none"> There are still outstanding conditions relating to former planning applications at the site, namely RU.14/0719. To fully discharge conditions relating to contaminated land, a validation report showing remedial works have been completed successfully.
Surrey Police	<ul style="list-style-type: none"> This is a small compact residential development within a rural landscape which has been in existence for some years. There are no incidents within the last five years that could constitute material considerations for planning purposes.
Surrey Gypsy Traveller Communities Forum	<ul style="list-style-type: none"> We would like to support the provision of new pitches for Gypsies and Travellers as there is a serious shortage of sites and pitches.

7. PLANNING CONSIDERATIONS

7.1 In the determination of this application regard must be had to the Development Plan and National policy within the National Planning Policy Framework (NPPF). Regard must also be had for the Planning Policy for Traveller Sites (PPTS). The application site is located within the Green Belt where there is a presumption against inappropriate development. This must be considered in light of the presumption in favour of sustainable development advocated by the NPPF. The key planning matters are:

- the effect of the proposal on the openness and purposes of the Green Belt
- the impact the proposal has on the character and appearance of the area
- the impact on the residential amenity
- the impact on highway safety
- the impact on wildlife and biodiversity and the impact on the Thames Basin Heaths Special Protection Area,
- whether there are any very special circumstances to outweigh any identified harms.

7.2 Policy SL22 of the Runnymede 2023 Local Plan sets out that there is a need for 83 Gypsy/Traveller pitches in the Borough over the Local Plan period and that Gypsy and Traveller and Travelling Showpeople accommodation will be granted provided that the following criteria are met:

- (i) the site is suitably connected by sustainable and active modes of transport to a settlement with existing health care, retail and school facilities.
- (ii) The impact of the development would not harm landscape character
- (iii) The site can be safely accessed by pedestrians, vehicles and caravans to and from the highway
- (iv) The site is located in flood zone 1 as shown on the Policies Map or in flood zone 2 if it can be demonstrated that both the sequential and exceptions tests can be passed.
- (v) The site can be suitably connected to clean and foul water utilities.
- (vi) All pitches/plots would be able to accommodate the reasonable amenities of the occupiers.

Para 11 of the Planning Policy for Traveller Sites also sets out that Local Planning Authorities should ensure that Traveller sites should be sustainable economically, socially and environmentally.

With regards to point (i) the site is c. 0.5 miles from the outskirts of Ottershaw, where education, healthcare, retail, and other services and facilities are available. Public transport is not available from the site to Ottershaw, however it should be noted that the applicants have been on site for a number of years and are well integrated within the community in terms of their use of local education and health facilities.

With regards to point (iv), the application site is not within an area liable to flooding.

With regards to point (v), the application site already benefits from clean and foul water facilities.

All other points have been considered in more detail below.

Whether the proposal is an appropriate form of development in the Green Belt

7.3 Paragraph 137 of the National Planning Policy Framework (NPPF) states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and permanence. There is a presumption against new development in the Green Belt, however paragraph 150 (e) sets out that material changes in the use of land are not inappropriate in the Green Belt provided the change of use preserves its openness and does not conflict within the purposes of including land within it. This is consistent with policy EE19 of the Runnymede 2030 Local Plan which seeks to exercise strict control over development involving a change of use within the Green Belt.

7.4 Furthermore, policy EE19 goes onto say that proposals for independent residential use of land are considered to be inappropriate development and harmful to the Green Belt in principle. Paragraph 16 of Policy E of the Planning Policy for Traveller Sites (PPTS) sets out that Traveller Sites in the Green Belt, whether temporary or permanent, are inappropriate development.

- 7.5 Whilst temporary permission has been granted previously, this permission expired in August 2020. The site has formerly been used for agriculture and was occupied by agricultural buildings; however the site is understood to have been vacant when mobile homes were first brought onto the site in 2003; the proposal therefore constitutes a material change in use of the land. Given paragraph 16 of the PPTS and policy EE19 of the Local Plan above, the proposed development is inappropriate development in the Green Belt and should not therefore be approved except in very special circumstances, however for completeness and in accordance with paragraph 150 of the NPPF, an assessment of the impact of the development on the openness of the Green Belt and on the purposes of the Green Belt has been carried out below.
- 7.6 The openness of the Green Belt has a spatial as well as a visual aspect. In terms of the spatial impact of the development on the openness of the Green Belt, the proposed plans show 7 x mobile homes occupying an area of approximately 325sqm, 8 x sheds/outbuildings with a combined floor area of approximately 50sqm, areas of hardstanding on each pitch large enough to accommodate a touring caravan, and an area of stone/gravel to the rear of the site for car parking, all of which will have a spatial impact on the openness of the Green Belt. The lawful use of the site is agricultural and there have previously been low level agricultural buildings on site, however according to aerial imagery and photographs of the site available to the Council, these buildings have not existed on site since at least 2016, and given the grant of temporary permission in 2013, likely longer.
- 7.7 In terms of the visual impact, views of the development from outside of the site would be limited by the trees and vegetation along the front boundary which restrict views into the site, however the proposed use is significant, and the number of caravans and structures associated with it would result in a visual impact on the openness of the Green Belt.
- 7.8 Paragraph 150 of the NPPF also sets out that the development should not conflict with the purposes of including land within the Green Belt. These are:
1. the checking of unrestricted sprawl;
 2. the prevention of neighbouring towns merging into one another;
 3. to assist in safeguarding the countryside from encroachment;
 4. to preserve the setting and special character of historic towns;
 5. and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Whilst the site is set between Chobham and Ottershaw, it is not considered that the development would have any material conflict with the first two purposes given its scale and location adjoining an existing residential site and the fact that there are other residential properties located sporadically along this part of Chobham Road. The development would result in additional encroachment into the Countryside, although this would be limited. The proposal is not considered to conflict with purposes 4 & 5.

- 7.9 Overall, the development, when compared to the existing lawful agricultural use of the site would have a clear spatial and visual impact on the openness of the Green Belt. Whilst the visual impact is reduced as a result of the front boundary trees, the amount of development, including new hardstanding, gravel for car parking, the siting of both mobile homes and caravans (10 in total at the time of the site visit), and sheds/outbuildings associated with the use of the site, there would be a clear significant impact on the openness of the development as a result of the development. Furthermore, the development would also result in further

harm, although limited, due to conflict with the purposes of the Green Belt. In any case, as set out above, the proposal is inappropriate development in principle under policy EE19 and paragraph 16 of the PPTS. In accordance with paragraph 147 of the NPPF, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Whether very special circumstances exist which outweigh the harm to the Green Belt and any other harm is considered in the planning balance section at the end of this report. It is noted that the applicant acknowledges in paragraph 26 of their Planning Statement that the development is inappropriate development.

The impact the proposal has on the character and appearance of the area

- 7.10 In terms of whether the proposal has an acceptable impact on the character and appearance of the area, policy EE1 of the Local Plan and paragraph 130 of the NPPF are relevant. Policy EE1 sets out that all development proposals will be expected to achieve high quality design which responds to the local context including the built, natural and historic character of the area whilst making efficient use of the land.
- 7.11 The proposed development provides 7 x mobile homes, 8 x sheds/outbuildings, and space for touring caravans and parking. The latest permission on site gave consent in 2017 for 4 x traveller pitches on a temporary basis. The Officer Report accompanying that decision sets out that there was no harm to the visual amenities of the street scene as the caravans were set back from the road and would be viewed in the context of buildings on neighbouring land. The previous application was not supported by a site layout, however the description of development stated that the application was for 4 x pitches and that each pitch would include 1 x mobile home, 1 x touring caravan, 1 x shed, and 2 x parking spaces. The number of proposed caravans/mobile homes and sheds/outbuildings is therefore greater than in 2017, however, they are still largely set back from the front boundary and are well screened by the boundary trees and vegetation.
- 7.12 The front of the application site is covered by an area Tree Preservation Order (No. 7). It is understood that many of the trees within the TPO area have already been removed, both from the front of the site and adjacent to the access track/driveway which, as set out below, has been widened without planning permission. No details have been provided surveying the trees remaining on site and therefore it is not clear what harm has already been caused, however this is a separate enforcement matter. It is not considered that the retention of the Traveller pitches on site would have a material impact on trees.

The impact on the residential amenity

- 7.13 In terms of the impact on the amenity of existing adjoining neighbours, the application site is adjacent to South Lodge, however the property on that site is in the southwest corner, set away from the shared boundary. The mobile homes are also not of a scale that would result in any harm to this neighbour's amenity in terms of light, overbearingness, or privacy. It is noted that some neighbours have raised concerns with noise from the site, however it is considered unlikely that the proposed use of the site would have a materially harmful impact on noise or generate materially more noise than any other residential use. If noise is an issue on the site, this would be a matter for Environmental Health. There is nothing inherently noisy about the proposed use itself.
- 7.14 In terms of the amenity that would be afforded to the occupiers of the Traveller site, the site is large enough to accommodate 4 pitches as per the standards set out in Appendix 5 of the Runnymede Design Supplementary Planning Document, and it is considered that the proposal complies with the criteria set out within this appendix with regards to site layout and facilities. An individual amenity block is not provided, however each mobile home is provided

with its own amenities including electricity and water supply.

The impact on highway safety

- 7.15 The site is accessed via a track/driveway in the southeast corner of the site. This track is approximately 4m wide, and the widening of the track along with other improvement works, including the placement of gabion baskets containing stone to act as a retaining wall, appear to have been carried out without planning permission at some point near the end of 2021. However, the access has not been applied for under this application and the works carried out are therefore a separate matter for Planning Enforcement. The County Highway Authority have raised concerns over whether the track is wide enough to accommodate two-way traffic, however it should be noted that this track has been used as the access for the site since at least 2013. The track was also used to access the site when it was still in agricultural use which could generate significantly more traffic and larger vehicles. The proposed development would not therefore have an unacceptable impact on highway safety or a severe impact on the road network as per the tests set out in paragraph 111 of the National Planning Policy Framework.

The impact on wildlife and biodiversity and the impact on the Thames Basin Heaths Special Protection Area

- 7.16 Policy EE9 of the Runnymede 2030 Local Plan sets out that the Council will seek net gains in biodiversity, through creation/expansion, restoration, enhancement and management of habitats and features to improve the status of priority habitats and species. No information has been submitted with the application which demonstrates how the development will comply with this policy. Furthermore, it is understood that existing protected trees on the site have been removed which will have had a net negative impact on site biodiversity. Notwithstanding the above, given the size and nature of the site, it is considered that a net gain in biodiversity is achievable and that these details could be secured by condition should permission be granted.
- 7.17 The application site is within 5km of the Thames Basin Heaths Special Protection Area (SPA). The SPA is protected under European and UK law and is designated due to the presence of breeding populations of birds which are vulnerable to disturbance from informal recreation use such as walking and dog walking. Policy EE10 of the Local Plan sets out that all additional residential development beyond the 400m exclusion zone but within 5km of the SPA, will need to put in place adequate measures to avoid and mitigate potential effects on the SPA. The identified avoidance strategy to ensure no adverse effect on the integrity of the SPA from new residential development is mitigation in the form of SANG (Suitable Alternative Natural Greenspace), the purpose of which is to attract potential users away from the SPA. Mitigation is usually in the form of financial contributions towards Council SANG as well as SAMM (Strategic Access Management and Monitoring).
- 7.18 However, in this case the applicants have occupied the site prior to the designation of the Thames Basin Heaths Special Protection Area and mitigation was not requested in 2013 when the first temporary permission for Traveller pitches was granted, nor in 2017 when the most recent temporary permission was granted. Natural England have confirmed therefore that mitigation is not required in this instance. The number of mobile homes / caravans shown has increased from that approved in 2016, however the application is still for 4 pitches as it was in 2013 and the site is occupied by the same family as in 2013 and 2016.

Other considerations

- 7.19 The Contaminated Land Officer has commented that there are still outstanding conditions

relating to former planning applications at the site, and that a validation report showing remedial works have been completed successfully is required to fully discharge conditions relating to contaminated land, however this is not actually the case as the validation report was approved in 2015.

- 7.20 The application is for a change of use only. The mobile homes/caravans on site do not constitute operational development and as such there is no new residential floorspace requiring a Community Infrastructure Levy (CIL) to be paid.

Planning Balance/Whether there are any very special circumstances to outweigh any identified harms.

- 7.21 The Local Plan adheres to the NPPF by establishing that inappropriate development is harmful to the Green Belt and should not be approved unless very special circumstances exist which clearly outweigh the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal.
- 7.22 The proposal would constitute inappropriate development within the Green Belt, which would, by definition, be harmful. There would be a further harm due to a conflict with maintaining the openness of the Green Belt and supporting the purposes of including land within it. As per paragraph 148 of the NPPF, this combined harm is given substantial weight.

Need for Gypsy/Traveller pitches in the Borough

- 7.23 The PPTS states that Local Planning Authorities should prepare and maintain an up-to-date understanding of the likely accommodation needs of their area over the lifespan of the development plan. The PPTS also states that Local Planning Authorities should identify a 5-year supply of specific deliverable sites.
- 7.24 Policy SL22 of the Local Plan seeks to address the need for a supply of Gypsy and Traveller pitches in the Borough, pursuant to the Council's latest 2018 Gypsy and Traveller Accommodation Assessment (GTAA). The policy identifies a need for 83 Gypsy and Traveller pitches to be delivered over the plan period. 35 of these are allocated as part of the Local Plans major housing allocations. Beyond the allocations, sites are to be delivered in other ways listed in the policy, including bringing back into use 48 existing pitches which are authorised for Gypsy/Traveller pitches but are not currently being used for such. The policy also sets out that planning permission for Gypsy and Traveller pitches outside of the site allocations will be granted provided certain criteria is met, which as set out in paragraph 7.2 this site complies with.
- 7.25 It was set out and agreed at the recent appeal hearing for the extension of an existing Gypsy/Traveller site within the Borough at New Oak Farm, Chertsey, that although the GTAA counts Gypsies and Travellers living on certain unauthorised sites, the people on these sites were not carried forward into the need figure of 83 pitches set out in policy SL22. The Inspector considered that this indicates a degree of need in the Borough which is not being directly met by policy SL22. Furthermore, the Inspector noted that whilst the policy sought to have delivered 71 pitches by now, a significantly lower amount (22 at the time of appeal) have been delivered or granted permission, and none of the 48 pitches which the Local Plan seeks to bring back into their authorised Gypsy and Traveller pitch use have been returned to Gypsy/Traveller use to date.
- 7.26 There is therefore currently an unmet need for Gypsy and Traveller pitches in the Borough, and although there has been progress made in implementing the strategy contained in the Local Plan, it is accepted that at the time of writing the Council is unable to demonstrate a 5-year supply. It is also accepted that there is a lack of alternative sites for the occupiers of

Willow Farm, with long waiting lists at the Local Authority sites within Runnymede. A recent decision from the Lisa Smith v SSLUHC & Ors case has also found the definition of Gypsies and Travellers within the PPTS to be unlawfully discriminatory to those who have permanently ceased to pursue nomadic lifestyles. The New Oak Farm Inspector considered that the Lisa Smith judgement therefore calls into question the integrity of the Local Plans strategy for the allocation of pitches which is largely built upon the definition of Gypsies and Travellers set out in the PPTS. There is therefore potentially further unmet need not addressed within policy SL22.

- 7.27 The lack of alternative available sites for the applicant and the provision this application would make towards meeting unmet need for Gypsy and Traveller pitches within the Borough is given substantial weight. Further moderate weight is given to the failure of the policy to consider those that do not fall within the definition of Gypsies and Travellers set out in the PPTS. However, paragraph 16 of the PPTS sets out that subject to the best interests of the child, personal circumstances and unmet need, are unlikely to clearly outweigh harm to the Green Belt.

Personal Circumstances

- 7.28 In addition, the applicant sets their and the need of others on the site to access consistent medical facilities as well as the need for a settled base and consistent electricity supply for their medical equipment. This is supported by hospital and GP letters. This is given significant weight.
- 7.29 Regarding the best interest of the children, there are currently 8 children under 18 on site in total, 4 of which attend local schools. At the time of the statement being written, one of the occupants is also expecting another child. Outside of the above, very little information has been provided with regards to the children on site or what the anticipated impacts refusing planning permission would be. Notwithstanding, the best interest of the children applies and forms a critical part of the personal need case put forward by the applicant. There are obvious benefits to children having a stable and consistent education, and the lack of alternative sites for Travellers in the Borough could result in disruption to the children's education should planning permission not be granted. This consideration is given substantial weight.

Planning Balance Summary

- 7.31 There is a current unmet need for Traveller pitches within the borough, and refusing the application would have an adverse effect on the applicant and their family, including children by making settled education and medical care more difficult. Significant weight is given to the personal circumstances of the applicant and substantial weight is given to both the best interests of the children and to the contribution these pitches would make to the unmet need in the borough. Furthermore, there is a potential further unmet need not identified by the policy, however as weight is already given to unmet need this attracts only moderate weight.
- 7.32 Conversely, whilst not as much progress has been made in addressing the need as anticipated and a five-year supply of pitches cannot be demonstrated, the Local Plan does set out a strategy for addressing need and good progress has been made in providing sites, specifically:
- 5 pitches have been granted planning permission at Chertsey Bittams A (RU.21/0272) subject to the signing of the legal agreement.
 - 5 pitches have been granted planning permission at Pycroft Road, Chertsey

(RU.21/0893) subject to the signing of the legal agreement.

- 1 pitch has been granted outline planning permission at Virginia Water South (RU.22/0278) subject to the signing of the legal agreement.
- 1 pitch has been granted outline planning permission at Thorpe Lea Road West (RU.21/1324) subject to the signing of the legal agreement.
- 2 pitches are proposed as part of the application at Ottershaw East which is currently being considered by the Council (RU.22/0479)
- 10 plots for showmen are proposed as part of the application at Longcross South which is currently being considered by the Council.

This demonstrates that there has been real progress made in implementing the strategy contained in the Local Plan to bring forward new permanent pitches for Gypsies and Travellers in the Borough.

- 7.33 Furthermore, the harm that would be caused to the Green Belt, which must be given substantial weight, would be significant due to the inappropriate nature of the development; the impact on the openness from new hardstanding, gravel/parking, mobile homes, touring caravans and sheds/outbuilding associated with the residential use; and the conflict of the development with the purposes of including land within the Green Belt. It is considered therefore, that the other considerations, even when taken together, do not clearly outweigh the harm identified.
- 7.34 Paragraph 28 of the Planning Policy for Traveller Sites sets out that Local Planning Authorities should consider how they could overcome planning objections to particular proposals using planning conditions or planning obligations which could include a condition restricting the time period for the use to be carried out (temporary permission). Circumstances where a temporary permission may be appropriate include where it is expected that the planning circumstances will change in a particular way at the end of that period. Given that the Council are making good progress towards meeting their unmet need for Traveller pitches it is considered that a temporary permission would be appropriate in this case. A temporary permission would reduce the harm to the Green Belt by reducing the time period in which mobile homes and associated buildings and development would be on site, and would also allow the children to continue to attend the same school and ensure consistent medical care for the rest of the family.
- 7.35 Therefore, whilst the benefits do not outweigh the harm to the Green Belt or indicate that a permanent permission should be granted, the unmet need; lack of a deliverable five-year supply; lack of alternative sites; and the personal circumstances of the applicant and their family, including the best interests of the children, do clearly outweigh the identified harm so as to justify the development on a temporary basis.
- 7.36 Furthermore, it is considered necessary to limit the number of caravans on site to 1 x static caravan and 1 x touring caravan per pitch. This is in line with what was given temporary consent previously under RU.16/1747 in 2017.
- 7.37 Whilst there would be interference with the applicants' rights under Article 8 of the Human Rights Act in future, the protection of the public interest cannot be achieved by means which are less interfering. The measures proposed are proportionate and necessary in the circumstances and would not result in a violation of said rights.

8. EQUALITY AND HUMAN RIGHTS CONSIDERATIONS

- 8.1 Consideration has been given to Articles 1 and 8 of the First Protocol of the European Convention on Human Rights. It is not considered that the decision would result in a violation of any person's rights under the Convention.

Consideration has been given to s149 of the Equality Act 2010 (as amended), which has imposed a public sector equality duty that requires a public authority in the exercise of its functions to have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic 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.

It is considered that the decision would have regard to this duty.

9. CONCLUSIONS

- 9.1 In accordance with the tests set out in policy EE19 of the Runnymede 2030 Local Plan and paragraph 150 (e) of the National Planning Policy Framework, the proposed change of use of the site is inappropriate development within the Green Belt. As per paragraph 147 of the NPPF, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, significant harm would result due to the impact the proposed development on the openness of the Green Belt and conflict with the purposes of including land within the Green Belt. Paragraph 148 sets out that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt.
- 9.2 Other considerations in favour of approving the application are not considered to clearly outweigh the harm and therefore justify approving the development on a permanent basis, however it is considered that they do justify approving the development on a temporary basis.
- 9.3 It is recommended that the committee approve the application subject to the conditions set out in section 11 below.
- 9.4 The development has been assessed against the following Development Plan policies – SD4, SD7, EE1, EE9, EE11 and EE19 of the Runnymede 2030 Local Plan, the policies of the NPPF, guidance in the PPG, and other material considerations including third party representations. It has been concluded that the development would not result in any harm that would justify refusal in the public interest. The decision has been taken in compliance with the requirement of the NPPF to foster the delivery of sustainable development in a positive and proactive manner.

10. FORMAL OFFICER RECOMMENDATION

The CHDMBC be authorised to grant planning permission subject to the following planning conditions:

1. Time Limit and Personal Permission

The use hereby permitted shall be carried on only by Michael Rooney, Michael Rooney Jr, John Rooney, Jacqueline, Martin Rooney, Bridget Rooney, Kelly Rooney, Danny Rooney and their respective dependants for a period of 3 years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter.

When the caravans cease to be occupied by the persons named above and children etc. or at the end of 3 years, whichever shall first occur, the use hereby permitted shall cease, all materials and equipment brought on to the premises in connection with the use (including the sheds hereby approved) shall be removed and the land restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the local planning authority.

Reason: In order to comply with the terms of the application and to comply with Policy EE19 of the Runnymede 2030 Local Plan, and guidance in the National Planning Policy Framework and Planning Policy for Traveller Sites.

2. Approved Plans

The development hereby permitted shall be carried out in accordance with the following approved plans:

- Unnumbered Location Plan
- Site Survey (RSPR2100115/01)

Reason: To ensure high quality design and to comply with Policy EE1 of the Runnymede 2030 Local Plan and guidance in the NPPF.

3. Use of the Site

Notwithstanding what is shown on the approved site survey (RSPR2100115/01), there shall be no more than 4 pitches occupied at the site and no more than 2 caravans per pitch, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than 1 shall be a static caravan or mobile home per pitch) shall be stationed on each pitch on the site at any one time.

Reason: To ensure that the change of use has an acceptable impact on the openness of the Green Belt and to comply with policy EE19 of the Runnymede 2030 Local Plan and paragraph 150 (e) of the National Planning Policy Framework.

4. Boundary treatment

The boundaries of each pitch shall be denoted by 1-metre-high post and rail fencing only and no other walls, fences or gates shall be erected.

Reason: In the interest of the openness of the Green Belt and to comply with policy EE19 of the Runnymede 2030 Local Plan and paragraph 150 (e) of the National Planning Policy Framework.

5. Sheds/Outbuildings

The sheds on the site shall be used solely in connection with the residential use of the site and for no other purposes. No further buildings, sheds or utility blocks shall be erected without the prior written approval by the Local Planning Authority.

Reason: In the interest of the openness of the Green Belt and to comply with policy EE19 of the Runnymede 2030 Local Plan and paragraph 150 (e) of the National Planning Policy Framework.

6. Commercial Vehicles

No more than one commercial vehicle per plot shall be kept on the land for use by the occupiers of the caravans hereby permitted, and they shall not exceed 3.5 tonnes in weight.

Reason: In the interests of the visual amenity of the area and to accord with guidance in the NPPF and Planning Policy for Traveller Sites.

7. Commercial Activities

No commercial activities shall take place on the land, including the storage of materials and no burning of materials shall take place within any pitch.

Reason: In the interests of the visual amenity of the area and to accord with guidance in the NPPF and Planning Policy for Traveller Sites.