



hancocktownplanning

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7th April 2014

Dear Sirs,

**Sites for Gypsies and Travellers – Preferred Options for Sites
Site GTalt03 Henley Road / Hampton Road, Hampton on the Hill**

Hancock Town Planning Ltd acts for Mr and Mrs Mildenstein [REDACTED]
[REDACTED] Mr and Mrs Mildenstein wish to register their very strong **OBJECTION** to the identification site GTalt03 as a potential 'alternative' site to accommodate 15 gypsy and traveller pitches.

The reasons for the objection are set out below:

Planning policy background

The Preferred Options Consultation acknowledges the advice in the Government's 'Planning Policy for Traveller Sites' (2012) that traveller sites are inappropriate development within the Green Belt and should not be approved except in 'very special circumstances'. The Consultation document does not, however, refer to two very important recent clarifications of Government policy. The first of these is the Written Statement of 1st July 2013 by Brandon Lewis, Local Government Minister which states:

"Having considered recent planning decisions by Councils and the Planning Inspectorate, it has become apparent that, in some cases, the green belt is not always being given the sufficient protection that was the explicit policy intent of ministers. (HTP emphasis)

The Secretary of State wishes to make clear that, in considering planning applications, although each case will depend on its facts, he considers that the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the green belt and other harm to constitute the 'very special circumstances' justifying inappropriate development in the green belt.

The Minister's policy stance was further emphasised in a Ministerial Statement of 17 January 2014:

"The government's planning policy is clear that both temporary and permanent traveller sites are inappropriate development in the green belt and that planning decisions should protect green belt land from such inappropriate development. I also noted the Secretary of State's policy position that unmet need, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the green belt and other harm to constitute the 'very special circumstances' justifying inappropriate development in the green belt.

The Secretary of State wishes to re-emphasise this policy point to both local planning authorities and planning inspectors as a material consideration in their planning decisions. (HTP emphasis)

The Government's clear and unequivocal planning policy is therefore that there must be wholly exceptional circumstances to justify identifying traveller sites within the Green Belt. Applying this approach to the potential Green Belt site GTalt03, the fundamental question is therefore *"what are the very special circumstances which could possibly justify allocation of this prominent site for 15 pitches?"* We consider the relevant issues below.

Planning history

Planning application W09/0157 for *"the change of use of land to caravan site for occupation by gypsy family with associated operational development"* on the eastern part of the site was refused at appeal in November 2009. A copy of the appeal decision is attached at Appendix A. Following refusal of this application, the District Council subsequently took out an injunction to prevent any occupation whatsoever of the land by touring caravans / mobile homes. It is therefore untenable for the same Council to be currently considering promoting the site for a much larger development.

Sustainability

The Consultation notes that the site is 1.1 miles from the nearest medical centre and 1.5 miles from the primary school. However, there is nothing unusual for Green Belt land to be within 1 - 1.5 miles of such facilities. If such levels of proximity constituted 'very special circumstances' then land within a 1.5 miles of all large Green Belt settlements (such as Kenilworth and Lapworth) would theoretically be suitable for 'inappropriate' development. This is clearly not the intention of Government policy.

We also highlight that Hampton-on-the-Hill is not identified within either the adopted Warwick District Local Plan (2006) or within the District Council's draft Village Housing Options consultation as a sustainable location for any new residential development. If the Council accepts that the village is not a sustainable location for new market housing, then it should not be considered as a sustainable location for a traveller site.

Access

There is confusion regarding the site access arrangements which the District Council is suggesting might be acceptable. The Consultation Document states that access could be taken from Hampton Road. However, because the land rises several metres from Hampton Road into the site, it is likely that any access along this road frontage would have to be highly engineered, with adjacent retaining walls extending some distance into the site. This would be highly intrusive within the landscape.

However, we understand that the reference to access from Hampton Road may be an error and that the potential access could be from Henley Road at a point several metres east of the Hampton Lodge entrance. If this is the case, then an access within this vicinity would be close to the brow of a hill. This would result in reduced visibility, both for users of the access and vehicles approaching along the A4189. The safety risks of this reduced visibility would be exacerbated by the slow speed of touring caravan movements.

We also note that the Council's detailed supporting site appraisal recommends that a speed survey be carried out in order to assess the acceptability from Henley Road. To the best of our knowledge, this has not been undertaken.

The issue of access was a reason for refusal of application W09/0157, with the Inspector stating:

"In the present case, the access is onto a major road, which is clearly regarded as potentially hazardous by the Highways Authority because of the relatively low speed limit that has recently been imposed and the restriction on overtaking. Moreover, I consider that the increase in the number of vehicle movements could be considerable." (paragraph 16)

The Inspector went on to conclude:

"I consider that the development would have a harmful impact on the Green Belt and highway safety, and I am satisfied that these impacts can only be avoided by the dismissal of the appeal." (paragraph 16)

In the light of the Inspector's conclusion in relation to just one traveller pitch, we cannot see how the site be considered as even potentially suitable for 15 pitches.

If the site is to be retained as a possible alternative site, it will be incumbent upon the landowner to commission a speed survey in support of a specific access point to be identified and subject to a period of public consultation.

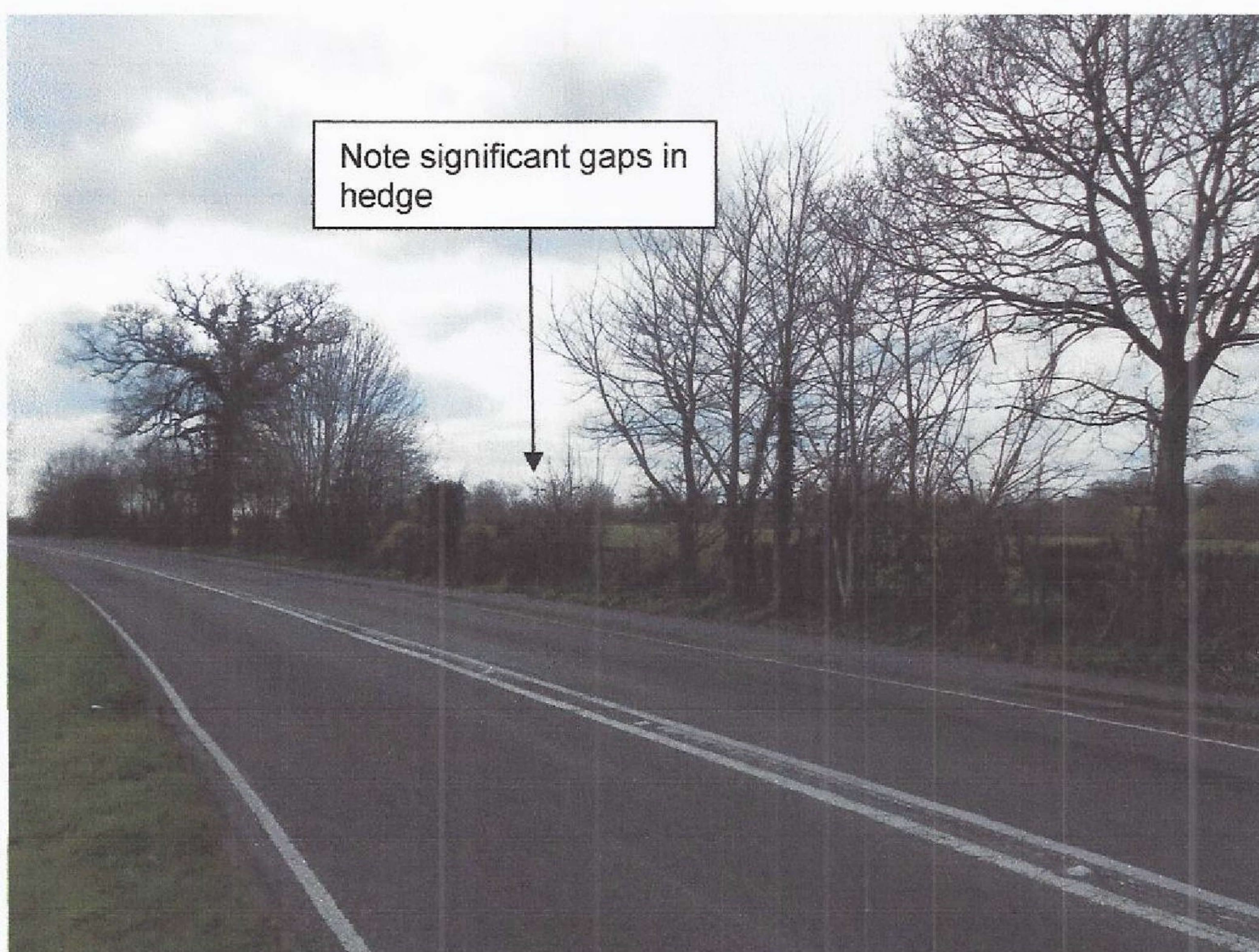
Visual impact

Site GTalt03 lies in an elevated position, with the land being at a higher level than the surrounding roads. Long distance views are available over large tracts of countryside. The site is also on an important gateway approach to Warwick. The development of a 15 pitch traveller site would therefore be very prominent and contrast sharply with, and detract from, the view towards Warwick where the local landmark of St Mary's Church can clearly be seen on the horizon.

Moreover, as can be seen from Photograph 1 on the next page, the frontage screening to Henley Road contains many gaps and is insufficient to prevent significant views into the site. The only way to prevent this would be by the erection of a close-boarded 1.8 m high fence – something which would have a highly urbanising effect in this prominent location.

In addition, the western end of the site adjoins a public footpath beyond which lies the Hampton on the Hill village allotments. The development of a 15 pitch traveller site immediately adjacent to the allotments would be highly intrusive and detrimental on the amenity of allotment holders. Given that allotment users especially value rural tranquillity, such a development would be highly inappropriate.

Photograph 1: View on the site frontage to Henley Road



The presence of high voltage power line

The site is crossed by a high voltage 33kV power line. Having discussed this with Western Power who is responsible for the maintenance of the line, I understand that this would either have to be diverted at great expense (and requiring a minimum 12 month notice period) or require a minimum separation distance between development and the line. Either way, this is a significant constraint to development.

Furthermore, Western Power and the Health and Safety Executive (HSE) have extremely strict health and safety rules regarding construction within the vicinity of power lines. Attached at Appendix B is the relevant HSE Guidance Note which recommends that the line be switched off or diverted before any works take place. In such cases, it is usual for operators to charge a levy to the landowner which we understand can be very substantial.

Notwithstanding the above, in the event that the site was to be developed as a traveller site, Western Power confirms that it requires unrestricted and unfettered 24 hour access to the line.

If further consideration were to be given to promoting site GTalt03, the landowner and District Council must provide detailed information as to how the development could take be implemented and retained under a high voltage power line.

Surface water flooding

We note that the detailed assessment of the site in the supporting Sustainability Appraisal undertaken by the District Council's consultant, Enfusion, states:

"It has been noted that surface water flooding occurs along the edge of the site and along Hampton Road and as a result this would pose a risk to caravans which are considered to be particularly sensitive development to flooding."

However, we note that this significant constraint is not mentioned in the site-specific Summary of Alternative Sites. Comparison can be made with many of the potential sites, including GTalt04, GTalt13 and GTalt18, where surface water flooding is given in the Site Summary Table as contributing towards the reasons for a 'red' unsuitable classification.

Noise

The Enfusion report also states:

"The south-east boundary of the site is adjacent to a main A road with potential for high levels of noise, poor air quality and possibly light pollution to have minor negative effects on the development; the site also has an electricity transmission lines crosses [sic] it North East to South West and the site is located on Green Belt land. In addition, as a result, there could be negative effects on health. It is recommended that a noise assessment is carried out to identify possible noise impacts and suggest appropriate mitigation"

Again, unlike other sites such as GTalt09, no mention is in the Sites Summary Table to noise being a significant constraint, a consideration which is consistent with a 'red' classification.

Availability of school places

The detailed appraisal of site GTalt03 states that:

"The Priority area school would be Budbrooke Primary School which is full or close to capacity so children looking for places could struggle"

Given that the District Council's draft Village Options Consultation is proposing an additional 100 dwellings at Hampton Magna, there must therefore be significant doubt as to the availability of local schooling should the site be developed for gypsy provision.

Summary

A proposal for just one gypsy and traveller pitch on part of Site GTalt03 was recently refused at appeal on the grounds of harm to the Green Belt and highway safety. The District Council then pursued an injunction to prevent the proposed use of the land. The same Council is now suggesting that an enlarged site could possibly accommodate 15 pitches, even though:

- the site is very visually prominent,
- the potential access would appear to be on the brow of a hill on the same busy road which the Planning Inspector concluded was unsuitable for a single pitch,
- the nearest village is deemed to be an unsustainable location for conventional housing,
- the site is crossed by high voltage 33kV power line,
- the site is prone to surface water flooding,
- the District Council's own consultants state that the site could be subject to high levels of noise, poor air quality and possibly light pollution, and

- the nearest school is stated as being full or close to capacity (even before a large scale housing allocation at Hampton Magna is taken into account).

The District Council has given no indication whatsoever within the Consultation as to what might possibly constitute the 'very special circumstances' necessary to justify considering the Henley Road / Hampton Road site. Given that the Government has firmly stated that unmet need is unlikely to justify traveller sites within the Green Belt, we can only conclude that the Council is attaching great weight to the landowner being "*very keen*" to secure development on his land. However, this cannot possibly constitute a 'very special circumstance'. If it did, any owner of land within the Green Belt would have an open door for successfully securing development on their land.

There are therefore no factors which could possibly constitute the very special circumstances necessary to support of the potential allocation of the Henley Road / Hampton Road site. In fact, quite the opposite – the site is subject to severe site specific constraints and should therefore be re-classified as a 'red' site which is unsuitable for further consideration.

We would be grateful if you could please consider these representations when progressing the Local Plan.

Yours faithfully,

HTP Ltd

Hancock Town Planning Ltd