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WARWICK DISTRICT COUNCIL
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| WDC PLANNING |
| Ref |
| Officer |
| - 9 APR 2014 |
| SCANNED |
| CC CR PD MA |
| PRE GEN DIS |

Dear Madam/Sir

Re Warwick District Council's Consultation, March 14 – Sites for Gypsies and Travellers – Preferred Option for Sites : Response to Proposed Site GT19 (land adjacent to Shell Filling Station, Birmingham Road, Budbrooke, Warwick)

Neil and I have considered the various arguments mooted by Hampton Magna Residents' Association, the Consultation Document and the criteria for responses, and as a result we wish the following to be considered as our personal submission on the above Consultation.

Criterion 1 IMPACT ON THE GREEN BELT

Site GT19 is the only one of the five shortlisted sites within the Green Belt. The Government has consistently stated that Green Belt land should be used only in very exceptional circumstances.

On July 1st 2013, in his written statement to Parliament, Brandon Lewis MP, Local Government Minister, stated:

*'Our policy document planning policy for traveller sites was issued in March 2012. It makes 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...it has become apparent that, in some cases, **the Green Belt is not always being given sufficient protection** that was the explicit policy intent of ministers...The Secretary of State wishes to make clear that, in considering planning applications, although each case will depend on the 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 on the Green Belt.'*

This was reiterated by Brandon Lewis in his January 17th 2014 statement: *'The Secretary of State remains concerned about the extent to which planning appeal decisions are meeting the government's clear policy intentions, particularly as to whether sufficient weight is being given to the importance of Green Belt protection. Therefore he intends to **continue to consider for recovery appeals involving traveller sites in the Green Belt.**'*

Planning Policy for Traveller Sites (PPTS) states:

'Policy E: Traveller Sites in Green Belt –

*14 Inappropriate development is harmful to the Green Belt and should not be approved, except in very exceptional circumstances. **Traveller sites (temporary or permanent) in the Green belt are inappropriate development.**'*

Warwick District Council (WDC) has not shown that very exceptional circumstances exist for including GT19 in the list of preferred sites. This contravenes explicit Government policy.

The Consultation Document merely states that previous development has been permitted on the proposed site, but it is equally the case that planning permission has also been refused because of its impact on the Green Belt.

In addition, the Green Belt argument was used against Kite's Nest site being a Gypsy and Traveller Site. It is less than a mile away and the sites are in several aspects similar, therefore this argument applies equally if not more so to Site GT19. To oppose the Kites nest site on the grounds of impact on Green Belt, and propose GT19 which is on Green Belt shows a lack of consistency in WDC's appraising of sites with similar issues.

The Inspector's report from Kites Nest refusal states:

*'For development to be allowed in the Green Belt, **very special circumstances** need to be identified. What constitutes very special circumstances is not identified by local planning authorities. The term is consequently a moving target, as appear to be the weights and measures used to arrive at a weighted decision. The appellants (at Kites Nest) provided a list of 15 issues that could be considered as very special circumstances as to why the development should be allowed. These did not include such common issues as health, education or children. The issues are complicated and fraught.'*

Negative impact on the Green Belt should alone be a sufficient ground for refusal.

Criterion 2 AVAILABILITY OF THE SITE (INCLUDING IMPACT ON THE EXISTING USES ON THE SITE)

The Owner of the land at site GT19, Robert Butler, does not want to sell it for a Traveller and Gypsy site. Therefore a compulsory purchase order (CPO)

would be needed and WDC has said that a CPO could be used. This is in direct contravention of ministerial statements.

The use of a CPO could set up conditions for a legal challenge.

If the GT19 site were approved, it would put the current owner's business at considerable risk, so that there would be an issue of compensation for suffering of the owner's business as a consequence.

Expenditure on these challenges and a CPO would not be an appropriate use of the limited financial resources of WDC.

Criterion 3 PROXIMITY TO OTHER RESIDENTIAL PROPERTIES

The Kites Nest inspector found, and the Secretary of State agreed that the Kites Nest site was situated within the local community of about 10 households, and that the community would be **dominated** by a 13 or 8 pitch scheme.

The same argument applies to site GT19, which is set within a group of 4 houses to the south, a Shell petrol station to the north, followed by a further 10 houses. The provision of 5 pitches on this site would increase the housing density by 25 % and thus substantially change the local dynamics.

The use of the term *community* is deliberate, it is not the same as *settlement* (or that term would have been used). There is a close-knit and neighbourly sense of community amongst the occupiers of the 10 or so dwellings in the immediate vicinity of the proposed GT19 site.

The Kites Nest inspector accepted that the scattered houses do form an identifiable community. Birmingham Road houses similarly form a community and therefore it could well be argued that approval of site GT19 would fly in the face of the inspector's comments which have helped WDC in the past.

PPTS Policy B, para 11(a) states that policies should '*promote peaceful and integrated co-existence between the site and the local community.*'
PPTS Policy C states that authorities should '*ensure that the scale of such sites does not dominate the nearest settled community.*'

For the above reasons, selection of the GT19 site would appear to contravene these policies.

Criterion 4 SAFE ACCESS FROM THE SITE FOR VEHICLES AND PEDESTRIANS

Approval of the GT19 site would locate the pitches between the canal and a fast and busy road (Birmingham Road A4177). Traffic on this road is already dangerous and if proposed housing developments are allowed to happen then

traffic would substantially increase. This road has had two fatal accidents in the last five years. There was also another serious accident in March 14.

Movement of caravans and large vehicles in and out of the site on such a fast and busy road would not only be potentially dangerous to the proposed occupiers of the GT19 site, but it could also increase the likelihood of more accidents to other traffic. In fact, an application by the current owner for the importation, storage and cutting of timber was refused on the grounds of Green Belt, citing the fact that the site is on a busy and fast main road. To refuse the landowner's application on such grounds and then to ignore those grounds when assessing the GT19 proposal is contradictory.

Criterion 5 IMPACT ON VISUAL AMENITY INCLUDING THE VISIBILITY OF THE SITE AND SURROUNDING AREA

The previous inspector involved with Kites Nest found that the development was very prominent through '*gappy hedges*' and from public footpaths, and that the existing caravans were an '*extremely jarring element*'. The Secretary of State agreed with this assessment. Site GT19 would be similarly visible through gappy hedges.

The road is higher than the proposed site so that the site would be overlooked. In the current consultation document, reference is made to a habitat buffer being required to the canal side of the development. It could well be argued that similar screening would be required on the roadside to give the residents privacy from passing traffic and to screen off the caravans from the neighbouring houses. Screening issues for Site GT19 are even more extensive than those for Kites Nest.

Site GT19 would also be visible from the canal, and the canal towpath, both of which are tourist attractions, mainly because of the many locks in the relatively short flight. The present canal dates back to 1799 and the flight of 21 locks is well known among waterways aficionados and a greatly valued heritage asset. There is a great deal of narrowboat traffic, especially in the summer months, to see and use the 21 locks. Walkers, cyclists and other groups and individuals also use the towpath extensively (see below).

Criterion 6 DISTANCE TO NEARBY SCHOOLS

Education would have to be provided for travelling and gypsy children and it has been suggested that these children would be able to attend Budbrooke Primary School. However, Budbrooke School is currently struggling with numbers owing to a rising local population. Budbrooke is likely to be unable to further expand owing to recent events within the School. Ferncombe School in Hatton is also full.

Criterion 7 Impact of land contamination, noise and other disturbance

The 5 pitches without doubt present potential noise and disturbance for families living in close proximity to the site.

Compliance with PPTS – health and wellbeing –

NB It is noted that no criterion is listed to address this policy – we feel strongly that there should be a related criterion

PPTS Policy B, Paragraph 11(e) states that local planning authorities should ensure that their policies

'provide for proper consideration of the effect of local environment quality (such as noise and air quality) on the health and wellbeing of any travelers that may locate there or on others as a result of new development'.

The GT19 site is adjacent to a canal. There could be detrimental effects to the health and wellbeing, not to mention safety, of young children living so near to a waterway.

As previously touched upon, to install young children very close to a dangerous road also may well contravene this Policy.

Criterion 8 Impact on heritage assets and setting of heritage assets

The flight of 21 locks was opened in 1799 and known as 'the stairway to heaven'. The tourist heritage site of Budbrooke is currently underdeveloped. Ramblers, joggers, dog walkers, cyclists, photographers, bird watchers and other groups use the towpath. Then there is the river traffic. Narrowboat owners travel along the canal at weekends and for holidays. Boats are often also rented for holidays.

To locate the Gypsy and Traveller Site adjacent to this area would not enhance it but have an adverse effect on the history and heritage of the area.

We understand that the current owner of the proposed site GT19 has, in conjunction with British Waterways, drawn up plans for a marina with a restaurant and conference area. This would include a heritage area with photographs, paintings and artefacts of traditional life and work on the waterway, so that local people and visitors would be able to see and appreciate the lives of former generations.

The viability of this proposal should at least be considered in order to examine whether it could increase the tourist industry in the area and provide employment opportunities for local people.

Conclusion

Neil and I feel very strongly that encouraging tourism, preservation of heritage and possible employment opportunities should take precedence over inappropriate use of WDC funds through expenditure on CPO and potential financial compensation.

Please regard this document as our personal representations against the proposals for the GT19 Gypsy and Traveller Site.

With thanks.

