



3.1 The site (some 019ha) is located on the eastern side of Hurdletree Bank some 2.4km to the north-west of Whaplode St Catherine. It is currently occupied by a twin unit static caravan (with veranda), a number of timber sheds and a polythene tunnel. It has high hedging around its perimeter.

3.2 Three pairs of semi-detached houses are situated to the south of the site.

## 4.0 RELEVANT PLANNING POLICIES

### 4.1 The Development Plan

#### 4.2 South East Lincolnshire Local Plan, March 2019

If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Policy 1 - Spatial Strategy  
Policy 2 - Development Management  
Policy 3 - Design of New Development  
Policy 4 - Approach to Flood Risk  
Policy 11 - Distribution of New Housing  
Policy 17 - Providing a Mix of Housing  
Policy 19 - Rural Exception Sites  
Policy 20 - Accommodation for Gypsies, Travellers and Travelling Showpeople  
Policy 28 - The Natural Environment  
Policy 31 - Climate Change and Renewable and Low Carbon Energy  
Policy 32 - Community, Health and Well-being  
Policy 36 - Vehicle and Cycle Parking  
Appendix 6 - Parking Standards

### 4.3 National Guidance

#### 4.4 National Planning Policy Framework (NPPF), 2019

2. Achieving sustainable development  
4. Decision-making  
5. Delivering a sufficient supply of homes  
8. Promoting healthy and safe communities  
11. Making effective use of land  
12. Achieving well-designed places  
14. Meeting the challenge of climate change, flooding and coastal change  
15. Conserving and enhancing the natural environment

#### 4.5 DCLG Planning Policy for Traveller Sites (August 2015)

Policy A: Using evidence to plan positively and manage development  
Policy B: Planning for traveller sites  
Policy C: Sites in rural areas and the countryside  
Policy D: Rural exception sites  
Policy H: Determining planning applications for traveller sites  
Policy I: Implementation  
Annex 1

#### 4.6 The Housing and Planning Act 2016

#### 4.7 Caravan Sites and Control of Development Act 1960 - Section 5

#### 4.8 Planning Practice Guidance (PPG)

## 5.0 RELEVANT PLANNING HISTORY

5.1 H23-1471-06 - Full - Change of use of agricultural land to paddock (retrospective) - Granted 20 December 2006.

### 5.2 Recent planning decisions within the District preceding the adoption of the SELLP

5.3 H16-1003-13. Land off Drain Bank North, Spalding - Provision of gypsy and traveller caravan site with 10 pitches each accommodating up to 10 caravans (permanent site). Approved 20 May 2014.

5.4 H23-0440-17. Eccles Place, Hurdletree Bank, Whaplode St Catherine - Use of land for siting of caravan. Approved. 22 January 2018.

### 5.5 Recent planning decisions within the District post adoption of the SELLP (March 2019).

5.6 H06-0233-19. Green Acres Park, Ropers Gate, Gedney - Change of use of land (part retrospective) to provide five additional gypsy/traveller pitches with one day room per pitch and existing stables converted to dayrooms. Also, erection of one new store and retention of sheds for pitch 1, with construction of internal road to facilitate separate ingress and egress to and from the site, including hardstanding. Approved 5 September 2019.

5.7 H16-0734-19. Akita Place, Clay Lake, Spalding - Siting of mobile home (retrospective) - re-submission of H16-0030-17. Approved 20 September 2019.

5.8 H23-0848-19. Bleu Raye Farm, Millgate, Whaplode - Proposed residential gypsy/traveller site. Approved 26 June 2020.

5.9 H20-0513-20. The Stables, Baulkins Drove, Sutton St James - Residential gypsy caravan site for one family with 2 caravans (retrospective) - approved under H20-0287-06. Modification of Condition 1 to allow the name on the planning approval to be changed to Ms West. Approved 25 August 2020.

## 6.0 REPRESENTATIONS

### 6.1 Whaplode Parish Council

This is not a designated travellers site and it is unsustainable in its present location.

### 6.2 LCC Highways/SUDs

Does not wish to restrict the grant of planning permission.

### 6.3 Environmental Protection

No comments or objections.

### 6.4 Private Sector Housing Community and Neighbourhood Services

If approved the applicant will be required to apply for a site licence with the Caravan Sites and Control of Development Act, 1960.

### 6.5 Residents

No comments received.

## 7.0 CONSIDERATIONS

## 7.1 Planning Considerations

7.2 The main issues in this case are the principle of the development, the likely impact upon the amenity of nearby residents and flood risk.

### 7.3 Policy/Principle

7.4 The principle of this proposal is to be considered in the light of the NPPF, the Government's Planning Policy for Traveller Sites (August 2015, published by DCLG) and the policies of the South East Lincolnshire Local Plan, 2019.

7.5 The DCLG document, Planning Policy for Traveller Sites, sets out that in determining planning applications for such sites, applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites.

7.6 Policy C of the DCLG document sets out that:

*When assessing the suitability of sites in rural or semi-rural settings, Local Planning Authorities should ensure that the scale of such sites does not dominate the nearest settled community.*

Policy H sets criteria for determining planning applications for traveller sites and, in particular, paragraph 24 states:

*Local Planning Authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:*

- a) the existing level of local provision and need for sites*
- b) the availability (or lack) of alternative accommodation for the applicants*
- c) other personal circumstances of the applicant*
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites*
- e) that they should determine applications for sites from any travellers and not just those with local connections*

7.7 The South East Lincolnshire Local Plan, 2019 (SELLP) acknowledges there is both a 'known' and 'unknown' unmet need for additional Gypsy/Traveller residential accommodation within its district between the period 2011-36.

7.8 At 3.2.17, the SELLP states *Housing needs may also, by exception, be justified in the Countryside; for example, for Gypsy, Traveller and Travelling Showpeople accommodation (Policy 20: Accommodation for Gypsies, Travellers and Travelling Showpeople)...*

7.9 Below, Policy 20, Accommodation for Gypsies, Travellers and Travelling Showpeople, is set out in full.

7.10 *The redevelopment or change of use of an Existing Residential Gypsy/Traveller Site or Existing Residential Travelling Showperson's Site (as identified on the Policies Map) will be permitted only if an assessment has been undertaken which has clearly shown that the site is no longer required to meet the accommodation needs of the Gypsy/Traveller or Travelling Showpersons communities.*

*Between 2011 and 2036, evidence suggests that, in South East Lincolnshire, there will be a need for the provision of:*

*4 new permanent residential pitches for gypsies and travellers; and 1 new permanent residential plot for travelling showpeople.*

*This need will be met through the development of the sites identified on the Policies Map and listed below:*

*Land at The Stables, Baulkins Drove, Sutton St James allocated as a 'Proposed Residential Travelling Showperson's Site', to provide accommodation for one additional household; and*

*Land at Bleu Raye Farm, Mill Gate, Whaplode Fen, allocated as a 'Proposed Residential Gypsy/Traveller Site', to provide accommodation for four households.*

*Planning permission will be granted for the development of these sites, provided that proposals:*

- 1. will be adequately provided with appropriate infrastructure such as electricity, drinking-water, waste-water treatment and recycling/waste management;*
- 2. will not have a significant adverse effect on the amenities of existing local residents or adjoining land users (and proposals must, therefore, give careful consideration to layout, landscaping, external lighting schemes, and the type of business uses that would be appropriate (if mixed residential and business use is proposed); and*
- 3. will be successfully assimilated into both their immediate environs and the wider landscape. the SELLP identifies 4 new permanent residential pitches for gypsies and travellers; and 1 new permanent residential plot for travelling showpeople, subject to criteria relating to appropriate infrastructure, such as electricity, drinking-water, waste-water treatment and recycling/waste management; no significant adverse effect on the amenities of existing local residents or adjoining land users; and will be successfully assimilated into both their immediate environs and the wider landscape.*

*Additional needs which may arise during the Local Plan period will be met through the determination of planning applications on other, unallocated sites. Planning permission will be granted for proposals on such sites, provided that they meet criteria 1 to 3 above, and they:*

- a. provide occupants with an acceptable standard of amenity;*
- b. are not located adjacent to uses likely to endanger the health of occupants, such as a refuse tip, water recycling centres or contaminated land;*
- c. respect the scale of the nearest settled community;*
- d. will not place undue pressure on local infrastructure;*
- e. will not adversely affect heritage assets or areas of importance to nature conservation;*
- f. will not prejudice highway safety or give rise to problems of parking or highway access;*
- g. for sites for permanent residential use they:*
  - i. provide occupants with access to education, health care and recreational facilities, shops and employment within reasonable travelling distances, preferably by walking, cycling or public transport;*
  - ii. are suitable (or capable of being made suitable) for mixed residential and business use;*
  - iii. are not located within Flood Zone 3a or 3b and, if located in Flood Zone 2, the Sequential and Exception Tests have been passed; and*
- h. for sites for transit or stopping place use, are not located within Flood Zone 3b and, if located within Flood Zone 3a, the Sequential and Exception Tests have been passed.*

7.11 It is considered that this application proposal meets all points of this policy and is, therefore, acceptable in principle. The matters of flooding and impact on neighbouring properties is addressed further below.

#### 7.12 Identifiable Need for this Development

7.13 As part of the SELLP work, an independent Gypsy and Traveller Accommodation Assessment was undertaken on behalf of the Joint Planning Unit, and the report published in November 2016. At the time of the report, in South Holland there were no public sites; 10 private sites with a total of 57 pitches; 1 unauthorised site with 10 pitches; and 3 Travelling Showpeople yards with 14 plots. There was no other provision for Gypsies, Travellers or Travelling Showpeople.

- 7.14 This report concluded that at the time of publication there are 5 Gypsy or Traveller households identified in South Holland that meet the government definition and 37 'unknown' households that may meet the definition. This approach is consistent with the outcomes of a recent Planning Appeal where access to a site was not possible but basic information was known about the number of households residing there. (Planning Inspectorate Ref: APP/Z6950/A/14/2212012).
- 7.15 The components of future need are as follows:
- Older teenage children in need of a pitch of their own.
  - Households living on sites with temporary planning permissions.
  - New household formation.
  - In-migration.
- 7.16 The need for 4 additional pitches for the household that meets the definition is made up of new household formation based on the demographics of household members - this allocation has been set as the land at Bleu Raye Farm.
- 7.17 In addition, the report goes on to set out that there may be a need across the plan period for up to 13 additional pitches for 'unknown' households.
- 7.18 It is considered that the provision of a site for the applicants' and their family would contribute to the future need for pitches within the local plan period, in accordance with the policies set out above.
- 7.19 Sustainability
- 7.20 During the past four years, the applicants' have been searching for a parcel of land, whereby they could settle down on a more continual basis than they currently are able to - with the view of finding a site to call home and settle down with their growing family. The location of the new piece of land is vital to the family as they now have 4 children in total and need to settle in the area where they currently live, to provide security and stability for the children. Mr Smith has, within the last 3 years moved very successfully into the motor trade - buying and selling second hand cars. He now runs his business from a separate pitch, with sufficient capacity to store and sell the cars. It is within this trade where his future lies.
- 7.21 The application site is located adjacent to existing residential accommodation, and although within the open countryside, is part of a small enclave of development and reads as part of the ribbon development that has occurred. It is not closely related to large Sub-Regional or Main Service Centres such as Spalding and Holbeach, although it does have road links. It would enable the 3 school age children to continue to attend the Cowbit Primary School, since it is within the school catchment area. The family have also registered with a doctor, dentist and other agencies in the area.
- 7.22 Taking into account that the proposal would contribute to the future need for pitches within the Local Plan period and the aforementioned socio and economic factors it is considered, on balance, that the proposed development is sustainable.
- 7.23 Impact on Neighbouring Dwellings
- 7.24 The nearest residential properties are three pairs of semi-detached houses situated to the south. The site is well screened by high hedging, which would be retained. The twin static unit has its main openings facing north and the three pitches are within the northernmost section of the site. The caravans would be occupied by a single family and their immediate relatives. No business activity would be undertaken on site. It is considered that the amenity of nearby residents would not be materially harmed in terms of lack of overlooking, lack of privacy, noise and disturbance, etc.
- 7.25 Flood Risk
- 7.26 The site lies within Flood Zone 1 defined by the Environment Agency Flood Maps. The hazard

mapping within the South East Lincolnshire Flood Risk Assessment shows the site to be unaffected if a breach of the flood defence were to occur. The site is therefore sequentially preferable in flood risk terms. Concerning the exceptions test, it is recommended that the finished floor level of the new utility block be set 300mm above existing ground level. The twin unit should be attached to the ground by means of chains.

#### 7.27 Planning Balance

There is an identified need for the development, which is considered to be a sustainable form of development because of socio and economic factors. The proposal satisfactorily complies with Policies C and H of the Government's Planning Policy for Traveller Sites (August 2015, published by DCLG) and Policy 20 of the South East Lincolnshire Local Plan, 2019. The amenity of neighbouring residents would not be materially harmed and the proposal satisfies the sequential test in flood risk terms. Whilst the site is not closely related to large Sub-Regional or Main Service Centres such as Spalding and Holbeach, it does have road links. This alone is not sufficient in this case to indicate against the proposal and to outweigh factors in favour of the proposal.

#### **Additional Considerations**

#### 7.28 Public Sector Equality Duty

7.29 In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

7.30 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.31 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

7.32 It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

#### 7.33 Human Rights

7.34 In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

7.35 It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

#### 7.36 **Conclusion**

7.37 There is an identified need for the development, which is considered to be a sustainable form of development because of socio and economic factors. The proposal satisfactorily complies with Policies C and H of the Government's Planning Policy for Traveller Sites (August 2015, published by DCLG) and Policy 20 of the South East Lincolnshire Local Plan, 2019. The planning balance is in favour of the proposal.

## 8.0 RECOMMENDATIONS

8.1 Grant permission subject to conditions outlined in Section 9.0 of this report.

## 9.0 CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans:  
1:1250 Location Plan;  
137488/1;  
137488/2;  
137488/3;  
Planning Statement submitted by Fraser Dunchurch Ltd.

Reason: For the avoidance of doubt and in the interests of proper planning.

2. This permission shall operate for the benefit of Mr and Mrs M. Smith and their immediate family. The static/touring caravans hereby approved shall be removed in their entirety from the site and the residential occupation cease at such time as Mr & Mrs M. Smith cease to occupy the site.

Reason: Permission has been granted based on the personal circumstances and justification of the applicants'. Occupation of this site by non-gypsy/traveller individuals or families would be contrary to established national and local policies of rural restraint.

This Condition is imposed in accordance with Policies 1, 2 and 20 of the South East Lincolnshire Local Plan, March 2019 which reflect national guidance contained in both the National Planning Policy Framework 2019 and 'Planning Policy for Traveller Sites, 2015'.

3. No more than 1 static caravan and 3 touring caravans shall be sited on the land at any one time and no storage or sales of materials, machinery, vehicles, waste or other commercial uses or processes, shall take place on the site.

Reason: To define the terms of the permission, in the interests of the appearance of the development, levels of residential amenity and the visual amenity of the area in which it is set. This Condition is imposed in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan, March 2019 which reflect national guidance contained in both the National Planning Policy Framework 2019 and 'Planning Policy for Traveller Sites, March 2015'.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), none of the following developments or alterations shall be carried out other than approved by virtue of this permission:

- i) the erection of freestanding curtilage buildings or structures including car ports, garages, sheds, greenhouses, pergolas or raised decks;
- ii) the erection of extensions including conservatories, garages, car ports, porches or pergolas;
- iii) alterations including the installation of replacement or additional windows or doors and the installation of roof windows;
- iv) the erection of walls, fences or other means of enclosure.

Reason: To ensure that the Local Planning Authority retains control over the future extension and alteration of the development, in the interests of its architectural and visual integrity, levels of residential amenity and the visual amenity and character of the area within which it is set. This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

5. The existing hedging along the boundaries of the site shall be retained and maintained at a height of at least 3 metres. In the event of the existing hedgerow being removed or dying, it shall be replaced to a specification that shall first have been approved in writing by the Local Planning Authority. The new hedgerow plants shall be maintained by the owner or owners of the land on which they are situated for the period of five years beginning with the date of completion of the scheme and during that period all losses shall be made good as and when necessary.

Reason: To ensure the protection of the existing hedging on the site, in the interests of the amenities of the locality.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019 and national guidance contained in Section 15 of the National Planning Policy Framework, 2019.

6. The following flood mitigation measures shall be incorporated within the development:
- The static caravan shall be secured to the ground to prevent it becoming mobile during a flood event;
  - The floor level of the static caravan and utility room shall be set a minimum of 300mm above the existing ground level.

Note: The applicants' are advised to sign up to the Environment Agency's free Floodline Warnings Direct Service.

Reason: To reduce the risk and impact of flooding on the development and future occupants. This Condition is imposed in accordance with advice within Section 14 of the National Planning Policy Framework, 2019.

7. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and subsequently determining to grant planning permission.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

8. Note: The applicants' are advised of the requirement to apply for a site licence in accordance with the Caravan Sites and Control of Development Act, 1960.

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Background papers:- Planning Application Working File

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**Lead Contact Officer**

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**Appendices attached to this report:**

Appendix A Plan A

# MapThat Scale Print Title

