

Application Ref: 21/00913/FUL

Proposal: Proposed 4 bed dwelling

Site: 197 Crowland Road, Eye Green, Peterborough, PE6 7TT

Applicant: Mr And Mrs B Smith

Agent: Tim Slater
3D Planning Ltd.

Referred by: Councillor Simons

Reason: Support:
i) There are no Local Plan policies that enable traveller families to settle down and become part of the settled community. Policy LP11 deals with replacement dwellings, but explicitly excludes replacement of mobiles homes with permanent dwellings and in this instance excludes the Applicants from replacing their mobile home with a permanent dwelling.
ii) The Applicants are a settled part of the local community and they have outgrown their current mobile accommodation and wish to fully settle with a new permanent home. In planning terms, the site already has residential use and the impacts of the new home will be very similar to that of the mobile in terms of traffic and visual amenity.
iii) It is my view that the proposal causes no material harm and should be approved.

Site visit: 01.09.2021

Case officer: Mr Jack Gandy

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Recommendation: **REFUSE**

1 Description of the site and surroundings and Summary of the proposal

Site and Surroundings

The application site comprises land that has previously been approved as a Gypsy and Traveller pitch. This one-pitch site was approved in 2014 under planning application reference 14/01242/FUL. Under this consent, only Gypsies and Travellers could use the land as a caravan site and the site was limited to hold no more than three caravans at any one time, with only one of the three caravans being a static caravan. The site is approximately 220 metres north of the village boundary of Eye Green and is therefore located within the open countryside. The site is served by a large gravel hardstanding to the front of site, with a garden to the rear, all which is enclosed by boundary walls and a gate directly onto Crowland Road.

Proposal

Permission is sought to construct a detached, 4no. bedroom dwellinghouse. The existing static caravan would be removed and the proposed dwelling would be constructed over and across the existing slab.

The proposed dwelling would measure approximately 17 metres in depth by 12 metres in width. There are a number of different roof forms proposed to the dwelling, but the main and highest ridge of the proposed dwelling would be approximately 6.3 metres from ground level, with the associated eaves to measure approximately 2.5 metres in height from ground level. The existing hard standing to the front of site, used for vehicular parking and turning, and the existing garden to the rear of

site, shall be retained.

Additional information

Annex 1 of the Planning Policy for Traveller Sites (PPTS, Department for Communities and Local Government (2015) defines 'Gypsies and Travellers' as:

'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such'.

The assessment section of the report reviews the Gypsy and Traveller status of the future occupiers of the proposed dwelling.

2 Planning History

Reference	Proposal	Decision	Date
21/00024/FUL	Replacement dwelling	Withdrawn by Applicant	08/06/2021
17/01897/FUL	Removal of mobile home and erection of dwelling	Refused	23/11/2017
15/00496/DISCHG	Discharge of conditions C1 (revised access details) and C6 (specification of mobile home) of planning permission 14/01242/FUL - Change of use from agricultural land to a one pitch traveller site - part retrospective	Determined	02/06/2015
14/01242/FUL	Change of use from agricultural land to a one pitch traveller site - part retrospective	Permitted	01/09/2014
14/00173/FUL	Change of use from agricultural land to a one pitch traveller site – retrospective	Withdrawn by Applicant	20/05/2014
08/00112/WCPP	Removal of condition C10 of planning permission 05/00637/FUL	Withdrawn by Applicant	02/04/2008
00/00659/FUL	Re-siting of vehicle access	Permitted	01/08/2000

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

Peterborough Local Plan 2016 to 2036 (2019)

LP02 - The Settlement Hierarchy and the Countryside

The location/scale of new development should accord with the settlement hierarchy. Proposals within village envelopes will be supported in principle, subject to them being of an appropriate scale. Development in the open countryside will be permitted only where key criteria are met.

LP08 - Meeting Housing Needs

LP8a) Housing Mix/Affordable Housing - Promotes a mix of housing, the provision of 30% affordable on sites of 15 or more dwellings, housing for older people, the provision of housing to meet the needs of the most vulnerable, and dwellings with higher access standards

LP8b) Rural Exception Sites- Development for affordable housing outside of but adjacent to village envelopes maybe accepted provided that it needs an identified need which cannot be met in the village, is supported locally and there are no fundamental constraints to delivery or harm arising.

LP8c) Homes for Permanent Caravan Dwellers/Park Homes- Permission will be granted for permanent residential caravans (mobile homes) on sites which would be acceptable for permanent dwellings.

LP10 - Gypsies and Travellers and Travelling Show-people

Permission will be granted provided that the site and use does not conflict with other local or national policies, the site is within reasonable travelling distance of a settlement with facilities, safe pedestrian and cycle access can be provided along with sufficient parking and turning, there is adequate drainage and there would not be any unacceptable impact upon neighbour amenity. Sites in the open countryside will be supported subject to need. Restrictions on use and the provision of permanent structures will be imposed.

LP11 - Development in the Countryside

Part A: Re-Use and Conversion of Non-Residential Buildings for Residential Use in the Countryside- Change of use proposals will be supported provided that the use has not ceased, for agricultural buildings they were not constructed in the last 10 years, no more than 3 units would be created, significant reconstruction is not required and there are no fundamental constraints to delivery or harm arising.

Part B: Replacement of Permanent Existing Dwellings in the Countryside- Proposals will be supported provided that the residential use has not been abandoned, it is a permanent structure and the dwelling is not of architectural or historic merit. The replacement dwelling should be of an appropriate scale and design and is located on the site of the original house (unless suitable justification is provided).

Part C: Mobile Homes/Temporary Dwellings in the Countryside- Applications will be considered in the same way as permanent dwellings.

Part D: New Dwellings in the Countryside- Permission for a permanent dwelling in the countryside for an agricultural worker will only be granted to support existing agricultural activities on a well established agricultural unit subject to demonstration of a functional need which cannot be met by an existing dwelling or conversion.

Part E: The Rural Economy- Development involving the expansion or conversion of an existing employment use/building or use for tourism/leisure will be supported provided it is an appropriate scale, would not adversely affect the local community/services and would not cause harm to the character of the area and would be accessible.

Part F: Protecting the Best and Most Versatile Agricultural Land- Proposals should protect this land to ensure the continuation of the agricultural economy. With the exception of allocated sites proposals affecting this land will only be accepted if there is lower grade land available, the impacts have been minimised through design solutions and where feasible the land is restored when the development ceases.

Part G: Agricultural Diversification- Proposals will be permitted provided that the location and scale are appropriate for the use and the scale is appropriate for the business.

LP13 - Transport

LP13a) New development should ensure that appropriate provision is made for the transport needs that it will create including reducing the need to travel by car, prioritisation of bus use, improved walking and cycling routes and facilities.

LP13b) The Transport Implications of Development- Permission will only be granted where

appropriate provision has been made for safe access for all user groups and subject to appropriate mitigation.

LP13c) Parking Standards- permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

LP16 - Urban Design and the Public Realm

Development proposals would contribute positively to the character and distinctiveness of the area. They should make effective and efficient use of land and buildings, be durable and flexible, use appropriate high quality materials, maximise pedestrian permeability and legibility, improve the public realm, address vulnerability to crime, and be accessible to all.

LP17 - Amenity Provision

LP17a) Part A Amenity of Existing Occupiers- Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

LP17b) Part B Amenity of Future Occupiers- Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

LP19 - The Historic Environment

Development should protect, conserve and enhance where appropriate the local character and distinctiveness of the area particularly in areas of high heritage value.

Unless it is explicitly demonstrated that a proposal meets the tests of the NPPF permission will only be granted for development affecting a designated heritage asset where the impact would not lead to substantial loss or harm. Where a proposal would result in less than substantial harm this harm will be weighed against the public benefit.

Proposals which fail to preserve or enhance the setting of a designated heritage asset will not be supported.

LP27 - Landscape Character

New development in and adjoining the countryside should be located and designed in a way that is sensitive to its landscaping setting, retaining and enhancing the landscape character.

LP32 - Flood and Water Management

Proposals should adopt a sequential approach to flood risk management in line with the NPPF and council's Flood and Water Management SPD.. Sustainable drainage systems should be used where appropriate. Development proposals should also protect the water environment.

LP33 - Development on Land Affected by Contamination

Development must take into account the potential environmental impacts arising from the development itself and any former use of the site. If it cannot be established that the site can be safely developed with no significant future impacts on users or ground/surface waters, permission will be refused.

4 Consultations/Representations

Eye Parish Council (20.08.21)

Objection: Eye Parish Council object to this application as it is an over development of the site.

Archaeological Officer (16.08.21)

No objection: The proposed development site and surrounding area contain no known heritage assets. In addition, the site has already witnessed development in the early 20th century when it was occupied by a brewery house and in more recent times with the construction of the current

dwelling. The proposal is considered to have negligible impact on preserved buried remains. Therefore, the implementation of a programme of archaeological work is not justified.

PCC Peterborough Highways Services (31.08.21)

No objection: There shall be more than adequate space within the site for the parking and turning of vehicles associated with the new dwelling.

Ideally, the driveway behind the gates should be hard surfaced for at least 5m into the site to prevent loose material from being transferred onto the highway and if this is carried out, a means of intercepting any surface runoff should be installed on the highway boundary, in line with the front boundary wall. Other than this issue, there is little of concern for the Local Highway Authority.

Conditions

- Temporary facilities
- Wheel wash
- Provision and retention of parking area.

PCC Pollution Team (26.08.21)

No objections: The application falls below threshold for the requirement of off-site POS Section 106 contributions. Furthermore, as the application would appear to not affect any existing public open space or amenity landscaping, there are no additional comments to make.

Senior Landscape Technical Officer (02.09.21)

No objections: The proposed development falls below the threshold for the requirements of off-site POS S106 contributions. Furthermore, the proposal would not impact upon any public open space or amenity landscaping.

North Level District Internal Drainage Board (18.08.21)

No objection: North Level District IDB have no comment to make with regard to this application.

PCC Wildlife Officer (16.08.21)

No objections: The proposed dwelling is extremely unlikely to create new negative impacts to the local biodiversity. The area being developed is hard standing with little to no ecological interest. There is no mention of removing or potential damage to the tree in the back garden. Removal of the tree may constitute an offense under the wildlife and Countryside Act 1981 if it is found to be habitat for any protected species such as nesting birds.

To ensure ecological protections, the Applicant is encouraged to include provisioning for bird boxes, feeders and/or wildflowers within the soft landscape design of the proposal. Any lighting should be cool with downward facing cowls to minimise impact on local nocturnal species.

Local Residents/Interested Parties

Initial consultations: 6

Total number of responses: 33

Total number of objections: 1 (Eye Parish Council)

Total number in support: 32

33no. letters of representation were received from local residents. 32no. letters is in support of the proposed development and 1no. letter from Eye Parish Council, as described above, is in objection. The following matters are raised:

Support

- The occupiers represent a caring beautiful family who would need their perfect house.
- The site would look better as a house and would improve the appearance of the area.
- This would improve the Applicant's living space massively and this would be more energy efficient than a mobile home.

- No objections.
- There is no reason why this project would not be granted planning permission. There are dwellings at the site and a more recent one to the rear. A tasteful dwelling would be better than the chalet-type structure that is there at the moment.
- The site's appearance would be better with a house instead of a mobile home.
- The application is fully supported and the Applicants are very respectful members of the community.
- The Smith family are such a lovely family and are part of the Eye community. The application would mean so much to them especially to their children who ask their parents on a regular basis "please can we just have a house " such a normal thing to most settled children but something these children have never experienced. I also personally think this would enormously improve things for the best visually when passing by and see no reason why this couldn't be approved as it sits back from the road and would not impede on anyone else what so ever.
- There has been far more intrusive growth within the village that have been approved. This proposal will have no impact on the surrounding neighbours nor have any negative impact on the supporting infrastructure of the village.
- Fully support this application families needing bigger homes should be allowed to make their current dwellings suitable for their families without the need to move out of the village.
- The land was purchased 10 years ago in 2011. The house at No. 199 Crowland Road and the equestrian centre are in the same ownership of the wider family. The Applicants have been on the site ever since. Now is the right time for them to be granted a permanent dwelling as they have outgrown their current dwelling. They have four children and need more living space.
- There is no reason this would not be approved. The Applicants are members of Eye community in so many ways, through schools, after school clubs, doctors, dentists, as well as lots of friends and family. They are so settled in eye and have no intention of travelling in caravans anymore, especially with their large family.
- The family have been on this land since day one. There has never been one problem brought to their door. If anything, people from the community approach them for help and advice as they are likeable people.
- The site is outside the village and not going to block any light to neighbours or cause noise.
- The application is supported. This would be an improvement visually for the end of Eye Green.
- The proposed dwelling would be a good use of the land which is currently a bit of an eyesore.
- The Applicants are friendly, community people with a growing family. There is no reason why there would be an objection to allow them planning permission for a house when there is already semi-permanent mobile homes on the plot. The plot is surrounded by houses with plenty of land space still available.
- The family are very accommodating. Whilst I am not a direct neighbour, they are close by and have been of great support to me during some difficult times.
- The house would be out of the way of others. There is no reason to believe that it would impede on anyone else and fully support their decision to build on the land.
- The plans look beautiful and the build will look lovely from the road when passing by, a massive improvement it will look far better to the eye when driving past.
- Over the years, the plot has been turned to the makings of a beautiful home to raise a family.
- The Smith family have been known as my neighbours since moving into No. 199 Crowland Road at the end of March 2021. It soon became apparent that we have such outstanding neighbours. Although we had only just met, Mr Smith helped out massively with our removal process and subsequently became friends with the whole family. The four children are a credit to their parents and we look forward to them developing friendships with our children in the years to come. Following numerous conversations had with Mr Smith, it is quite clear that the proposed house will be the Smiths' home for the foreseeable future. They have no intention of ever leaving No. 197 Crowland Road. With the size of the Smith family it is evident that their current dwelling is not ideal.

Councillor Simons has written in support of the proposal. The following matters are raised:

- There are no policies in the Local Plan that enable traveller families to settle down and become part of the settled community. Policy LP11 deals with replacement dwellings, but explicitly excludes replacement of mobile homes with permanent dwellings and in this instance excludes the Applicants from replacing their mobile home with a permanent dwelling.

- The Applicants are a settled part of the local community and they have outgrown their current mobile accommodation and wish to fully settle with a new permanent home. In planning terms, the site already has residential use and the impacts of the new home will be very similar to that of the mobile in terms of traffic and visual amenity.
- It is my view that the proposal causes no material harm and should be approved.

5 Assessment of the planning issues

The main considerations are:

- Principle of development
- Design and impact to the character and appearance of the site and the surrounding area
- Highway safety and parking provision
- Neighbour amenity
- Occupier amenity
- Meeting housing standards
- Flood risk
- Contamination
- Archaeology
- Wildlife
- Equalities Act and Human Rights Act

a) Principle of development

i) Development in the open countryside

The proposed development represents the addition of a dwelling within the open countryside to replace the existing caravan on-site. Policy LP2 directs all housing development unless one of its exemptions are met:

'Development in the countryside will be restricted to that which is:

- i) demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation and access to natural greenspace, transport or utility services; or*
- ii) residential development which satisfies the 'exception' test set out in Policy LP8; or*
- iii) development in accordance with Policy LP11; or*
- iv) minerals or waste development in accordance with the separate Minerals and Waste Development Plan Documents'.*

Points i), ii) and iv) do not apply to this proposal. For iii), Policy LP11 'Development in the Open Countryside' enables particular developments types to be supported in principle.

Under Policy LP11 (Part B), this policy supports the replacement of an existing dwelling in the countryside with a new dwelling will be supported in principle. However, paragraph h of Policy LP11 (Part B) states explicitly that the original dwelling to be replaced is a permanent structure, not a temporary or mobile structure. The caravan on site is a mobile structure and one that isn't permanent. As such, the relevant policies to this proposal, Policies LP2 and LP11 are not met and thereby it is the view of Officers that the proposal is unacceptable in principle.

The Applicant's Planning Agent is aware of the above but advises that although the residential use of the site was permitted as a mobile home in 2014 (and had been on-site for over six years), this was in effect affixed to the ground with hard utility connections. Additionally, the Agent advises that the underside of the 'dwelling' has been bricked in, meaning that in terms of scale and appearance, the property is in effect a permanent dwelling and has been for several years. Furthermore, the agent states the Council's Local Plan perpetuates a degree of separation and difference, advising that it does not provide for Gypsy and Travellers who wish to cease travelling and to settle within a permanent dwelling.

Turning to the underside of the unit being bricked in first, whilst the brick skim represents operational development, the structural integrity of the static caravan remains as a mobile structure

and thus it is not considered that the operation development around the caravan would identify it as a permanent dwelling.

Officers advise that the Local Plan is the 'first step' as to determining planning applications. The principle of development, as determined by Policies LP2 and LP11, is considered to be unacceptable. The site was approved as Gypsy and Traveller pitches, with conditions applied to ensure such be retained and avoid development in the open countryside. Officers do appreciate the vast quantity of support for the proposal from local residents, however, the proposal represents the creation of a dwelling in the open countryside and one which seeks to replace a static caravan, which would be contrary to Policy LP11 as described above, which is not acceptable.

ii) Gypsy and Traveller: Status and need

Policy LP10 seeks to retain Gypsy and Travellers sites in perpetuity. The most recent Gypsy and Traveller Accommodation Assessment (GTAA, October 2016), states that there is no need for further sites and hence, no new sites were put forward within the current adopted Peterborough Local Plan (2019). As such, existing Gypsy and Traveller sites should be retained and not be subject to loss to ensure existing Gypsy and Traveller needs are met. A new GTAA is being progressed but no updates are expected to be provided until the end of the year.

In terms of Gypsy and Traveller status, the Agent has advised that the father remains a traveller, however, the children are mostly settled given their uptake within the local schools. Officers are mindful that travelling could still occur for the children (for example, during the summer holidays outside of school hours). Given the parent's position where travelling has ceased only temporarily and not permanently, it is considered that the family would continue to meet the definition of Gypsy and Travellers as per Annex 1 of the Planning Policy for Traveller Sites (PPTS, 2015) and they could therefore occupy the site.

However, whilst this would mean that the Gypsy and Traveller status of the pitch would remain, this does not overcome the matter that the proposal would still represent a dwelling in the open countryside, which is contrary to policy as described above. Gypsy and Travellers can live in brick and mortar accommodation, but this generally refers to general housing stock such as market housing, which are predominantly located within established settled areas. Officers consider that although the Gypsy and Traveller status of the site would be retained, this does not outweigh the principle harm caused that the proposed dwelling is located within the open countryside. In addition, the 'loss' of the pitch to a brick dwelling would restrict its desirability / accessibility to those in gypsy and traveller community with an aversion to such accommodation (which is the group which perhaps can be said to face the largest challenges of finding sites for accommodation).

The Council maintains a positive housing supply and thus it isn't necessary to support dwellings within the open countryside. The principle of development is therefore considered to be unacceptable. The assessment of the relevant material planning considerations follows below.

b) Design and impact to the character and appearance of the site and the surrounding area

The existing site measures 380sqm in area and is enclosed with a boundary wall, with a vehicular gate to the front of site. To the west boundary of the site is the residential dwelling No. 199 Crowland Road. To the south of site is Abraham's Cottage, a two storey dwelling which fronts Crowland Road. There is no established layout within the immediate proximity of the site, as such, it is not considered that the proposed siting is unacceptable in terms of layout character.

The proposed dwelling would be located centrally within the site, in a similar siting to the existing static caravan. The dwelling has a larger footprint compared to the existing building on site, however, given the sizable site area, it is not considered that this is unacceptable in character terms and this view also gives consideration to the sizable footprint at 199 Crowland Road to the west. The proposed dwelling would be served by a projecting porch as well as two gables to the front elevation. The front facing gables, although sizable, add to the character of the front elevation and it is not considered any harm results from its symmetrical appearance. The projecting porch is

considered to be satisfactory, albeit its roof shape is out-of-keeping with the proposed gables. However, the impact is considered to be not unacceptable.

Given the dwelling's height, it would be visible with the surrounding area. The impact in character terms is not considered to be unacceptable. Officers considered that the boundary wall and gates will offer some level of screening and, in addition, the dwelling's siting is one where it would not be appreciated from the surrounding street scene given the lack of public footway and the increasing speed of passing traffic travelling north of Eye Green. The proposed dwelling would be sited approximately 19.7 metres from the access into the site and Officers consider this separation distance would further limit the character impact of the proposal to the surrounding area.

It is considered necessary to secure details of materials to ensure an appropriate appearance if the proposal is approved. Officers do not consider that the proposal would adversely impact upon the character and appearance of the site and the surrounding area.

On the basis of the above, the proposal is considered to accord with Policy LP16 of the Peterborough Local Plan (2019).

c) Highway safety and parking provision

The Local Highway Authority raise no objection to the proposed development. The proposed change from a mobile home to a dwellinghouse would not adversely increase the number of trips in/out of the site onto Crowland Road and thus the access would not be intensified in use. Furthermore, the site is served by a sizable gravel frontage and whilst there is no formal parking layout, Officers consider that the site would continue to enable two vehicles to park and turn and leave the site in a forward gear.

In light of the above, the proposal is considered to accord with Policy LP13 of the Peterborough Local Plan (2019).

d) Neighbour amenity

The site is located within the open countryside and therefore there are limited neighbours surrounding the site. As described earlier, 199 Crowland Road is a dwelling to the west of site, with Abraham's Cottage to the south of the application site.

199 Crowland Road

This dwelling was constructed under approval under planning permission reference 05/00637/FUL (varied under 09/00825/WCPP) and is solely used for residential purposes without any ties. This dwelling is approximately 4 metres from the boundary shared with 197 Crowland Road. There would be approximately 20 metres of separation between the rear elevation of the proposed dwelling and this boundary, totalling approximately 24 metres between the two buildings. Given this separation distance, Officers do not consider that adverse impacts of overbearing, overshadowing or an unacceptable loss of privacy would result between the two dwellings

Abrahams Cottage

Abrahams Cottage is south of the application site and it situated approximately 16.3 metres from the shared boundary. The proposed dwelling would be sited approximately 7.5 metres from the shared boundary. The combined separation distances are considered to be sufficient to avoid any overbearing impact from the proposed dwelling or any direct loss of privacy to this property. Additionally, with Abrahams Cottage sited south of the proposed dwelling, unacceptable shadowing impacts would not result upon this neighbouring dwelling.

Rallye Spares International Workshop

The unit is situated to the west of the rear elevation of Abrahams Cottages. Given its non-residential use, it is not considered that the proposed dwelling would impact upon the amenity of this workshop.

On the basis of the above, the proposal is considered to be in accordance with Policy LP17 of the Peterborough Local Plan (2019).

e) Future occupier amenity

Further to review of the proposed plans and visiting the site, it is considered that the proposed dwelling would adequately cater for the amenity of future occupiers. The proposed 4bed/8 person dwelling exceeds 124sqm requirement recommended by the Nationally Described Space Standards and the habitable rooms within the proposed dwelling would be served by acceptably sized windows to provide both light and outlook provisions. The existing, sizable hardstanding to the front of site would adequately serve the parking and turning needs to the occupiers of the proposed dwelling and the garden to the rear of the existing static caravan would be retained. Overall, it is considered that the proposed dwelling would acceptably cater for the future occupiers of the proposed dwelling.

Officers consider that, in light of the above, the proposal to be in accordance with Policy LP17 of the Peterborough Local Plan (2019).

f) Meeting housing standards

Policy LP8 requires all new dwellings to be constructed in accordance with Part M4(2) of the Building Regulations unless there are exceptional design reasons for not being able to do so (such as topographical or listed building constraints).

The proposed dwelling would provide sufficient circulation space to both the ground and first floor of the dwelling. Not all of the bedrooms are identified to have the 0.75m clearance space to the side and rear of the bed, however, the actual position of the beds can be relocated to ensure this standards is met. Additionally, a minimum clearance of 1.2 metres is required ahead of all kitchen units. It is considered that this can be acceptably achieved if the position of the dining table was shifted slightly, but this would not have any adverse impact upon the circulation space of the dwelling.

The car parking area is in gravel and it is not proposed to alter. Part M4(2) requires surfaces to be firm and laid with no loose materials. The loose composition of gravel is considered to identify the proposal as not according with Part M4(2). However, Officers consider it is unreasonable to refuse the proposal on this basis given that the sizable parking area already serves the occupation of a caravan on-site and has done so for a number of years.

Therefore, although the proposal does not fully accord with the requirements of Part M4(2) of the Building Regulations, Officers do not consider it reasonable to refuse the application on this basis. On the basis of the above therefore, the proposal is considered to be in accordance with Policy LP8 of the Peterborough Local Plan (2019).

g) Flood risk

The application site does not fall within Flood Zones 2 or 3. As such, it is not considered that the proposal would be at adverse risk to flooding and not would it increase flood risk within the immediate area.

Policy LP32 requires all new dwellings achieve the Optimal Technical Housing Standard of 110 litres per day for water efficiency, described under Part G2 of the Buildings Regulations to help minimise impact on the water environment. It is considered appropriate and reasonable to secure compliance with the standard as a planning condition, in the event that this proposal is approved.

On the basis of the above, the proposal is considered to be in accordance with Policy LP32 of the Peterborough Local Plan (2019).

h) Contamination

The City Council's Environmental Health Officer raises no objections to the proposal on contamination grounds. However, in the event that the proposal is approved and that unknown contamination is discovered, a condition to assess and to 'deal with' the contamination shall be secured through a planning condition.

In light of the above, Officers consider the proposal is in accordance with Policy LP33 of the Peterborough Local Plan (2019).

i) Archaeology

The City Council's Archaeologist raises no objections to the development. The Officer advises that the application site and surrounding area contain no known heritage assets and the site has previously been subject to development. It is considered that the proposal would have a negligible impact upon any preserved buried remains and Officers do not consider that a programme of archaeological work is necessary or justifiable in this instance.

On the basis of the above, the proposal is considered to be in accordance with Policy LP19 of the Peterborough Local Plan (2019).

j) Wildlife

The City Council Wildlife Officer advises that the proposal is very unlikely to produce unacceptable impacts upon wildlife. The existing area is predominantly comprised of hard standing material with little ecological interest and the tree to the rear of the site is not proposed to be removed. Officers share this view. The City Council's Wildlife Officer has requested bird boxes, feeders and/or wildflowers within the soft landscaping design of the proposal, however Officers do not consider that these requests are necessary for the proposal to be permitted and therefore would not meet the six tests for planning conditions, given the site's existing low biodiversity value.

In light of the above, the proposal is considered to be in accordance with Policy LP28 of the Peterborough Local Plan (2019).

k) Equalities Act & Human Rights Act

It is accepted that the family have protected status and are from a disadvantaged group in society. In making planning decisions, regard should be had to this. The family currently reside on the site and do so lawfully under a planning permission. The application has not given any reason why a brick dwelling is necessary to accommodate their needs. Given the context of the existing situation there appears to be no special circumstances in relation to the status of family and either the Equalities Act or Human Rights Act that can be given weight in favour of granting planning permission.

6 Conclusions

The proposal is unacceptable having been assessed in light of all material considerations, including weighing against relevant policies of the development plan and for the specific reasons given below.

7 Recommendation

The case officer recommends that Planning Permission is **REFUSED for the following reason:**

- R 1 The proposal seeks to create a new dwelling, to replace a static caravan on a Gypsy and Traveller pitch within the open countryside. Development in the open countryside is restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation and access to natural greenspace, transport or utility services; or residential development which satisfies the 'exception' test set out in Policy LP8 or development in accordance with Policy LP11. The proposed dwelling does not fall within any of these specified categories. Additionally, the proposed dwelling would replace a mobile structure, which is contrary to paragraph h of Policy LP11 (Part B). Therefore, the principle of development is unacceptable even having had regard to the provisions of the Equality Act and Human Rights Act. Accordingly, the proposal is contrary to Policies LP2 and LP11 of the Peterborough Local Plan (2019).

Copies to Ward Councillors Allen, Brown and Simons.