

Head of Planning
North Hertfordshire District Council
Council Offices
Gernon Road
Letchworth Garden City
SG6 3JF

04 April 2025

Dear Sirs,

**RE: PROPOSED GYPSY/TRAVELLER CARAVAN SITE
PULMORE WATER, ST ALBANS ROAD, CODICOTE**

Please find attached completed planning application forms, plans and supporting information in respect of the above-mentioned proposal.

DESIGN AND ACCESS STATEMENT

Planning History

On 20th September 2011 NHDC issued an enforcement notice in respect of a material change of use of land at Pulmer Water relating to a mixed use as a residential mobile home and caravan site and the storage of vehicles, machinery and equipment including associated works such as hardsurfacing, enclosures, containers, external lighting and other services. An appeal against the enforcement notice was submitted. On 8th March 2012 an appeal decision was issued granting a temporary planning permission for 5 years. The five-year temporary permission expired on 8 March 2017.

Planning permission was granted on 25 February 2021, under application No. 18/00794/FP, for "*Change of Use of land to use as a residential caravan site for 8 gypsy families including retention of hardstanding and existing lights*". Permission was granted for a temporary period expiring on 31 October 2022.

Use, Scale and Layout

The proposed development involves the change of use of land to use as a residential caravan site for 8 Gypsy/Traveller families, each with one static

caravan/mobile home, together with the laying of hardstanding (retrospective).

Essentially, the proposal is for retention of a development which began in 2012 and, has been occupied as a residential caravan site ever since.

Access

Access would be from St Albans Road, via the existing entrance to Pulmore Water Caravan Park.

PLANNING CONSIDERATIONS

National Planning Policy Framework (NPPF)

Paragraph 11 of the NPPF sets out the presumption in favour of sustainable development and states in paragraph 11d): *“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed;*
or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination”.*

Footnote ⁸ explains that development plan policies are out-of-date for applications involving the provision of housing, in situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78); or where the Housing Delivery Test indicates that the delivery of housing was

substantially below (less than 75% of) the housing requirement over the previous three years.

Paragraph 63 states that: *“Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing (including Social Rent); families with children; looked after children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers²⁷; people who rent their homes and people wishing to commission or build their own homes.”*

Footnote ²⁷ makes clear that Planning Policy for Traveller Sites sets out how travellers’ housing needs should be assessed for those covered by the definition in Annex 1 of that document.

Interpretation

Policies relating to the provision of sites for Gypsies and Travellers are to be considered out-of-date if the Local Planning Authority is unable to demonstrate that it has a five-year supply of deliverable land to satisfy the identified need. In such circumstances, the “tilted” balance should be applied whereby, planning permission should be granted for proposed traveller sites unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Green Belt

Paragraph 143 of the NPPF sets out the five purposes of including land within Green Belt as being:

- a. to check the unrestricted sprawl of large built-up areas;
- b. to prevent neighbouring towns merging into one another;
- c. to assist in safeguarding the countryside from encroachment;

- d. to preserve the setting and special character of historic towns; and
- e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 148 states that: *“Where it is necessary to release Green Belt land for development, plans should give priority to previously developed land, then consider grey belt which is not previously developed, and then other Green Belt locations”*.

In this context Grey Belt is defined in the Glossary as: *“land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. ‘Grey belt’ excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development.”*

Footnote ⁷ states that: *“The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 189) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote ⁷⁵); and areas at risk of flooding or coastal change.”*

Paragraph 153 sets out the presumption against inappropriate development. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness⁵⁵.

Paragraph 153 is qualified by footnote ⁵⁵ which makes clear that it applies other than in the case of development on previously developed land or grey belt land, where development is not inappropriate.

Paragraph 155 provides that the development of homes, commercial and other development in the Green Belt should not be regarded as inappropriate where:

- a) The development would utilise grey belt land and would not

fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;

- b) There is a demonstrable unmet need for the type of development proposed⁵⁶;
- c) The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework⁵⁷; and
- d) Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.

Footnote ⁵⁶: Which, in the case of applications involving the provision of housing, means the lack of a five year supply of deliverable housing sites, including the relevant buffer where applicable, or where the Housing Delivery Tests was below 75% of the housing requirement over the previous three years; and in the case of traveller sites means the lack of a five year supply of deliverable traveller sites assessed in line with Planning Policy for Traveller sites.

Footnote ⁵⁷: In the case of development involving the provision of traveller sites, particular reference should be made to Planning Policy for Traveller Sites paragraph 13.

Paragraph 110, referred to in paragraph 155(c), states amongst other things: *“opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making”*.

Interpretation

Openness in Green Belt terms is not freedom from all development but, is freedom from inappropriate development. The development of traveller sites is not to be regarded as inappropriate development in the Green Belt, where the Local Planning Authority does not have a five-year supply and, the development will take place on previously developed land or “Grey Belt”, i.e. land that does not contribute towards checking the unrestricted sprawl of large built-up areas; preventing neighbouring towns merging into one another; and, preserving the setting and special character of historic towns.

Planning Policy for Traveller Sites (PPTS)

Paragraph 16 of PPTS reiterates that inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are

inappropriate development unless [my emphasis] the exceptions set out in Chapter 13 of the National Planning Policy Framework apply.

Paragraph 18 makes clear that the “Golden Rules”, set out in chapter 13 of the National Planning Policy Framework, do not apply to traveller sites. Paragraph 28 states that: if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply.

Need for Traveller Sites

The Council’s Gypsy and Traveller Accommodation Assessment (GTAA) was published in January 2018 and, is based on information which is now almost 8 years old. It was also prepared at a time when the definition of Gypsy/Traveller was far more restrictive and, found to be unlawful.

Notwithstanding this, the GTAA found a need for the provision of 10 permanent pitches during the period 2017 – 2032. As far as the Council’s planning application records show, I cannot find any record of permanent pitches having been approved since the beginning of the assessment period and, therefore, not only is there an identified need but also, the Council is unable to demonstrate a five-year supply of deliverable land for traveller sites.

Sustainable Development

The absence of a five-year supply means that the development plan policies relevant to determination of this application must be considered to be out-of-date and, paragraph 11d of the NPPF is engaged by which planning permission should be granted unless any adverse impacts significantly and demonstrably outweigh the benefits, i.e. the tilted balance must be applied.

Green Belt

The site does not fall within any of the designations referred to in footnote 7 of the NPPF, except Green Belt, and does not contribute strongly to the purposes of including land in Green Belt, except to prevent encroachment into the countryside. As such, the site constitutes Grey Belt and, criterion a. of

paragraph 155 of the NPPF is satisfied. The absence of a five-year supply means that criterion b is satisfied and, criterion d is not relevant in the case of traveller sites. The final criterion (criterion c) concerns sustainability, having particular regard to paragraph 13 of PPTS. In this case, the provision of traveller pitches

would satisfy 7 of the 8 criteria set out in paragraph 13. Notwithstanding that PPTS does not mention distance to services or modes of transport, Pulmore Water is only about half-a-mile outside Codicote for access to community services and facilities. The site is clearly a sustainable location for a traveller site and, therefore, criterion c of paragraph 155 is satisfied. As such, the proposed development would fully comply with paragraph 155 and, is not inappropriate in the Green Belt.

Locally Specific Criteria

Policy HS7: Gypsies, Travellers and Travelling Showpeople sets out the Council's locally specific criteria for the determination of applications for new traveller sites.

"a) Planning permission for accommodation for Gypsies and Travellers or Travelling Showpeople will be granted where:

b) it satisfies a demonstrated local need for accommodation;

c) the intended occupants meet the planning definition of Gypsies and Travellers, or Travelling Showpeople, as set out in government guidance or case law;

d) residents of the proposed site can access local services such as shops, schools, public transport and medical facilities within a reasonable distance from the site and where those facilities have capacity to meet the needs of the site's residents;

e) the proposed site:

- i. *does not conflict with any other development plan policy or national policy including flood risk, agricultural land classification, contamination and hazardous development, and has no significant adverse impact on the character and appearance of the countryside, or on features of significant biodiversity or heritage importance;*
- ii. *has no significant adverse impact on the amenity of nearby residents or adjoining land users and can be successfully screened and contained within a specified boundary;*
- iii. *has adequate and safe access from a suitable road, and adequate parking, storage, turning and servicing on site;*
- iv. *is capable of being serviced with water, electricity, sewerage and rubbish disposal; and*
- v. *will provide a safe, inclusive and secure environment for the residents in an appropriate location to meet their needs."*

All of these criteria are satisfied by the proposed development. Criteria b. and d. have already been addressed and, criterion c can be addressed through the imposition of a planning condition. The development would not adversely affect the amenity of nearby residents (criterion e(ii)). It is already provided with safe access (criterion (iii)), is already serviced with mains water and electricity etc (criterion e (iv)), and would provide a satisfactory living environment (criterion e(v)).

The site is well screened from public vantage points and is not prominently located or obtrusive in the landscape. The proposed development would not have a significant adverse effect on the character or appearance of the countryside. The proposed development would therefore comply with all of the Council's locally specific criteria and, because appropriate in the Green Belt, planning permission should be granted in accordance with the presumption in favour of sustainable development.

I trust that Officers will support this application and, look forward to receiving the Council's decision in due course.

Kind regards,

PHILIP BROWN BA (Hons) Urban and Regional Planning