



PLANNING APPLICATIONS WEEKLY LIST NO.1758
Week Ending 23rd May 2025

NOTE:

- (i). Decision Notices will be issued in accordance with the following recommendations unless **ANY MEMBER** wishes to refer any application to the Development Committee on the 27th June 2025.
- (ii). Notification of any application that is to be referred must be received no later than 1:00pm on Wednesday **28th May 2025** this needs to include the application number, address and the planning reasons for the referral via email to the PBC Technical Support team pbctechnicalsupport@rochford.gov.uk .If an application is referred close to the 1.00pm deadline it may be prudent for a Member to telephone PBC Technical Support to ensure that the referral has been received prior to the deadline.
- (iii) Any request for further information regarding applications must be sent to Corporate Services via email.

Note

Do ensure that, if you request a proposal to go before Committee rather than be determined through officer delegation following a Weekly List report, you discuss your planning reasons with Emma Goodings Director of Place. A planning officer will then set out these planning reasons in the report to the Committee.

Index of planning applications: -

1. Recommended Approve - Cherry Hill Farm - Land Opposite Witherdens Farm Chelmsford Road Rawreth pages 2-22

Application No :	25/00102/FUL Zoning : MGB
Case Officer	Mr Richard Kilbourne
Parish :	Rawreth Parish Council
Ward :	Downhall And Rawreth
Location :	Cherry Hill Farm - Land Opposite Witherdens Farm Chelmsford Road Rawreth
Proposal :	Use of land as a traveller site; Plot 4 - 1 x residential dwelling (2 bed) with outbuildings and day room (retrospective) Plot 7 - 1 x residential dwelling (3 bed) 1 x static caravan and day room outbuilding (retrospective) Plot 8 - 1 x static caravan (proposed) 2 x touring caravan storage and outbuilding/dayroom (retrospective) Plot 11 - 1 x residential dwelling (2 bed) and outbuilding for laundry (retrospective)

SITE AND PROPOSAL

1. The application site consists of 1 Cherry Hill Farm, a large parcel of land and Traveller site located to the east side of Chelmsford Road, south of the junction with Rawreth Lane within the settlement boundary of Rawreth. The existing site is entirely within the Metropolitan Green Belt. The Cherry Hill site is currently in use as a Traveller site and is sub-divided into 12 plots.
2. Some of the plots on the site benefit from retrospective planning permission granted in 2024 to regularise the use of the site as a Traveller site. The application seeks retrospective planning permission to regularise several plots, namely Plots 4, 7, 8, and 11. These plots are comprised of a variety of building structures such as static caravans, dwellings, and outbuildings. Access to the site is gained from the A1245 and comprises of a hardstanding parking area extending into the site to serve each plot.

RELEVANT PLANNING HISTORY

3. Application No. 04/00342/COU - Continuation of the use of the site for the stationing of 8 touring caravans, five mobile homes that have been sub-divided into 6 residential plots for a further 2 years. Permission refused 30th June 2004 for reasons of Green Belt, use of a substandard access and non - sustainability of the site lacking access to public transport. Appeal dismissed 14th March 2006.
4. Application No. 10/00582/COU - Change use of site to provide 12 No. residential travellers caravans and retain existing access. Permission

refused 1st November 2010 for reasons of Green Belt, use of a substandard access and non - sustainability of the site lacking access to public transport. Appeal dismissed 6th December 2011.

5. Application No. 24/00540/FUL – Use of land as Gypsy and Traveller pitch. 1x mobile home, 1x touring caravan, 1x day room (Retrospective). – Application permitted – 13/11/2024.
6. Application No.24/00541/FUL – Use of land as Gypsy and Traveller pitch. The retention of a pitched roof 2 bedroom dwelling, 1x day room, 1x touring caravan/motor home (Retrospective) – Application permitted – 20/11/2024.

MATERIAL PLANNING CONSIDERATIONS

7. The proposed development must be assessed against relevant planning policy and with regard to any other material planning considerations. In determining this application regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.
8. The relevant parts of the adopted Development Plan are the Rochford District Core Strategy (2011), the Allocations Plan (2014) and the Development Management Plan (2014).

Background Information

9. The family purchased the land known as Cherry Hill Farm in the early 1980s. In late 2002, the applicant and his family along with other family members moved onto Cherry Hill Farm. The Council issued two Enforcement Notices dated 18 October 2002. The Notices were for the change of use of the land for stationing caravans for residential purposes and a further notice relating to the laying of a hard surface and driveway. The Enforcement Notices were appealed. The appeals were dismissed on 13th June 2003 with the Inspector granting an extension to the time for compliance to 12 months to allow for a Council owned site to come forward or a more suitable site to become available
10. No alternative sites became available and the family remained on the site. In 2004, a planning application was submitted to regulate the development, but this was also refused and dismissed at appeal, despite an 81-signature petition from local residents in support of the site remaining. No further enforcement action was taken as the Council did not have alternative sites for the occupants.
11. In 2010 the Council's Head of Planning and Portfolio Holder for Planning visited the applicant and from the meeting a further application was submitted. However, this was also refused at the

Planning Committee and a further appeal dismissed. The families have remained on the site since, and no further enforcement action has been taken due to the lack of provision in the area. After 22 years of living on the site the families are settled at Cherry Hill Farm.

12. By 2024, no further sites had become available for relocation of the families that currently live on Cherry Hill Farm. As a result, in 2024, retrospective permission was granted by Rochford District Council to regularise a development of 1x Mobile Home, 1x Touring Caravan, 1x Day Room at plot adj. No. 1 Cherry Hill Farm (Application No. 24/00540/FUL) and The Retention of a Pitched Roof 2 Bedroom Dwelling, 1x Day Room, 1x Touring Caravan/Motor Home at plot No. 1 Cherry Hill Farm (Application No. 24/00541/FUL).

Green Belt considerations

13. Section 13 – Protecting Green Belt land of the National Planning Policy Framework 2024 as amended (NPPF) states that great importance is attached to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate except for in a limited number of circumstances. Development that does not fall to be considered under one of these categories will be considered inappropriate development and by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
14. The National Planning Policy for Traveller Sites (revised in December 2024) document, which sits alongside the NPPF, considers traveller sites (temporary or permanent) in the Green Belt to constitute inappropriate development. In addition, the document states that subject to the best interests of the child, personal circumstances and unmet need are unlikely to outweigh the harm to the Green Belt so as to establish very special circumstances.
15. Moreover, para. 155 of the framework, which enunciates that a number of other circumstances when it is considered that development within the green belt does not constitute inappropriate development, and these are: -

The development of homes, commercial and other development in the Green Belt should also 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 proposed;
 - c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and
 - d. Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157.
16. Of particular relevance is exception b) of para 155 which states *"There is a demonstrable unmet need for the type of development proposed"*. This is further clarified in the footnote which states *"...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"*.
17. The National Planning Policy for Traveller Sites (2024) para. 25 requires that in addition to the above, when making decisions on such planning applications the following criteria are considered:
- 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
18. Furthermore, Policy H7 contained within the Council's Core Strategy (2011) document states that the Council will allocate 15 pitches for gypsy and traveller accommodation by 2018. Policy GT1 of the Council's Allocations Document (2014) allocates a site of 1 hectare (removed from the Green Belt) for gypsy and traveller accommodation in the Western part of the district. Policy GB1 of the Core Strategy (2011) seeks to protect Green Belt land by directing development away from Green Belt land so far as is practicable.

Impact on the character and openness of the Green Belt

19. Policy CP1 of the Council's Core Strategy and policies DM1 and DM3 of the Council's Development Management Plan are applicable to the consideration of design and layout. The NPPF encourages the effective use of land in meeting the need for homes whilst maintaining the desirability of preserving an area's prevailing character and setting taking into account matters including architectural style, layout, materials, visual impact and height, scale and bulk.

20. The Green Belt has both a spatial and a visual dimension and the impact on openness has to take account of both. In a spatial sense, any building on land that was previously free of development will have some impact on the openness of the Green Belt. In assessing the harm to openness in a visual sense, the impact on openness may be greater if the site is particularly visible and open to boundaries. Whilst it is acknowledged in this instance that some development has already been regularised on the site, this represents a small portion of the wider site; the impact on the wider site by regularisation of the remaining development would have greater impact on the openness of the Green Belt in this instance.
21. The application site is comprised of several different pitches, insofar as relevant to this application, 'Plot 4' consists of 1No. residential dwelling with a day room, 'Plot 7' consists of 1No. 3-bedroomed residential dwelling, 1No. static caravan and outbuilding/dayroom, 'Plot 8' consists of 1No. static caravan, 2No. touring caravans and an outbuilding, whilst 'Plot 11' consists of 1No. 2 bedroomed residential dwelling with an outbuilding which is currently utilised as a store for laundry equipment. There are large portions of the application site which consist of hardstanding and the site is screened to most boundaries by mature hedge screening.
22. Whilst it is acknowledged that previous retrospective approval has been given by the Local Planning Authority for 2No. pitches on the site in 2024 (LPA ref. 24/00540/FUL and 24/00541/FUL), it is the Case Officer's opinion that the regularisation of the remaining developments at the site would in the first instance, constitute open sprawl within the Green Belt and therefore contrary to Policy GB1 of the Core Strategy and the relevant provisions of the NPPF.
23. Having regard to the above, the retention of the buildings on the site are considered to be inappropriate development which would detrimentally impact on the openness of the Green Belt and is therefore contrary to Policy GB1 of the Core Strategy and the Green Belt policies of the NPPF unless it can be demonstrated that there are very special circumstances which, when taken into account, outweigh the harm; these circumstances will be explored below insofar as are relevant to the application.
24. Policy H of the National Planning Policy for Traveller Sites (PPTS) document states that potential traveller sites should be well planned and soft landscaped, and that they positively enhance the environment and increase openness. They should not be enclosed by hard landscaping to such a degree that a site could be seen as deliberately isolated from the rest of the community.

Very Special Circumstances

25. Policy B of the PPTS requires local planning authorities, in preparing local plans, to set targets which address the likely permanent and transit site accommodation needs of gypsies and travellers in their area. Local planning authorities are encouraged to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets whilst, amongst other things, protecting local amenity and the environment.

26. The Planning Policy for Traveller Sites (PPTS) defines, for planning purposes only, 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 dependents’ educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such”. (PPTS Appendix 1 December 2024).

27. The NPPTS further sets out that when determining whether persons are “gypsies and travellers” for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a. Whether they previously led a nomadic habit of life;
- b. The reasons for ceasing their nomadic habit of life;
- c. Whether there is intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

28. However, the Court of Appeal (Smith v Secretary of State for Levelling Up, Housing & Communities & Anor, 2022) has recently (November 2022) held that the Government’s definition of gypsies and travellers within the NPPTS is unlawfully discriminatory. This is because (amongst other reasons) Romany Gypsies are members of an ethnic group, the defining feature of which was not being nomadic but “the act of living in caravans”. It was apparent from the Public Sector Equality Duty analysis of this definition that the equality objectives set out at s149(1) of the Equality Act 2010 were not met, with the court concluding that the exclusion of this definition by the government was to reduce the number of gypsies and travellers who can obtain permanent or temporary planning permission.

29. Policy H7 of the Council's Core Strategy seeks to allocate 15 pitches by 2018 and indicates these are to be provided by 2018. This commitment is reflected through an allocation of a site at Michelin's Farm (Ref: Policy GT1) in the Council's Allocations Plan. However, the possible development of this site has encountered various difficulties, including contamination, issues of land ownership and highway access.

Development has yet to commence, neither has the Council exercised its power to compulsory purchase the site and despite pre-application enquiries, no application for planning permission has been submitted or granted. There are no other known alternative sites available for development. There are no other allocated sites in the district and no public sites available for occupation.

30. The case officer has consulted with colleagues in the Planning Policy section who reaffirm that *“There is no update or movement on the Core Strategy allocation for 15 pitches at Michelins Farm. Indeed, the site’s owner/developer has made representations at the last Local Plan consultation about their intention not to develop the site for such, and around its unsuitability to do so. We are not aware of a firm strategic position from Members to change this”*.
31. The Council's latest formal assessment of the need for additional Gypsy or Traveller pitches is set out in the South Essex Gypsy, Traveller and Travelling Showpeople Accommodation Assessment Update 2019. This assessment identified a need for up to 18 additional pitches for households meeting the PPTS definition of a Traveller with a further 3 pitches for households where it was unknown whether the definition was met. Of note according to the aforementioned assessment, 1 of these 18 pitches is made up by “1 temporary pitch”, which refers to the temporary permission granted on this application site. The application site was occupied at the time of this assessment. Whilst sites at Land Adjacent to St. Theresa, Pudsey Hall Lane, Canewdon (reference 18/00318/FUL) and Land Opposite 2 Goldsmith Drive, Rayleigh (reference 17/01240/FUL), Land North of 172 Rawreth Lane (reference 21/00146/FUL), Caravan at Land West of Pumping Station Watery Lane, Rawreth (22/00229/FUL), and Rainbows End, Beeches Road, Rawreth (21/00673/FUL) have received planning permission since this assessment took place, these sites only comprised a total of 7 pitches and therefore there remains a need for at least 11 pitches dedicated to households meeting the PPTS definition. This updates the previous requirement to Policy H7 of the Core Strategy.
32. The Gypsy and Traveller Accommodation Assessment (GTAA) 2019 update is the Council's most up to date position as of 27th September 2024 relating to need for additional pitches in the district. The GTAA stated of the Gypsy and Traveller households in Rochford that met the planning definition, it showed between the years 2016-2021 the council had a need for, and this included the current unmet need of any unauthorised pitches, 14 additional pitches to be delivered by 2021, with a further pitch to be provided in the following 5 year period 2021 – 2026, amounting to 15 additional pitches required by 2026. The GTAA forecast up to 2038 was for 18 additional pitches.
33. Since the publication of the 2019 GTAA, and in light of the recent decision for the plot adjoining this site, 15 pitches have been delivered.

However, as with any other forms of housing, there is no ceiling upon provision.

34. As previously stated, in December 2023 the government changed the planning definition of a Gypsy and Traveller following a successful court case, where the definition was found to unlawfully discriminate against the elderly or infirm who had to give up travelling permanently because it was no longer possible for them to do so. The changes in this definition now meant that those Gypsy and Travellers, who in 2019 were found not to meet the definition, now more than likely did and as a result an additional need for pitches from these families now had to be delivered. This has added an additional 11 pitches to be provided over the plan period, plus an assumed need for 3 additional pitches where interviews were not possible. The figures are therefore 18 who met the 2015 definition plus 3 where it was unknown plus another 11 who now likely met the new amended definition. This equals 32 additional pitches. As previously mentioned, 15 additional pitches have been approved since 2019. 32 - 15 leaves a further 17 pitches to be delivered over the plan period to 2038.
35. Paragraph 28 of the PPTS states 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. Local planning authorities should consider how they could overcome planning objections to particular proposals using planning conditions or planning obligations including:
- a) limiting which parts of a site may be used for any business operations, in order to minimise the visual impact and limit the effect of noise;
 - b) specifying the number of days the site can be occupied by more than the allowed number of caravans (which permits visitors and allows attendance at family or community events);
 - c) limiting the maximum number of days for which caravans might be permitted to stay on a transit site
36. Para 11 d) of the NPPF states the following where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, 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.

37. As previously attested to, the local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites. Of particular relevance and an important material consideration is an appeal relating to a proposed traveller site at the Pumping Station, Watery Lane (app ref: APP/B1550/C/16/3162651) was allowed in 2017. The Planning Inspector in relation to this site stated that as the vast majority of the district is designated Green Belt (tightly drawn to existing settlements) any potential traveller site would have to be on land that is currently designated Green Belt, meaning that the application site being on Green Belt land does not necessarily mean that the application should be refused on this basis, as any other future traveller site for the Rochford District would also have to be on land that is currently Green Belt.

38. The Inspector for the appeal, which was allowed in February 2021 at Pudsey Hall Lane, Canewdon (ref: APP/B1550/C/18/3209438) stated that the Council has an under supply of pitches and the position has not improved since permissions were granted for the above appeal sites. The Inspector goes on to state that in fact, the position is worse than in the 2018 timescale in which a 15-pitch allocation was to be delivered but was not met and has now long expired with no realistic prospect of an application coming forward as things currently stand.

39. In referring to the need for sites in the district, the Planning Inspector for the appeal (app ref: APP/B1550/C/16/3162651) in relation to the traveller site at the Pumping Station, Watery Lane Rawreth, stated the following in regards to the lack of traveller site provision in the district: *“Delay in delivery of [policy] GT1 means that currently no provision of pitches is being realised through the development plan process. The only way at the moment (and for the last 6 years following the adoption of a 15-pitch requirement) is in response to a planning application. Given the existing situation, the Council accepted at the hearing that it did not have a 5-year supply of specific deliverable sites as required by paragraph 10 of the PPTS. Neither does it have a supply of sites or broad locations for growth for years 6 to 10 also required by that same paragraph. Given the extent of Green Belt in the District, ad hoc sites coming forward are more likely than not going to be within it.”*

40. More recently, the Inspector for the appeal at Land Opposite 2 Goldsmith Drive (app ref: APP/B1550/C/18/3212763) made the following observations in relation to the supply of gypsy and traveller sites:

[40.] The Council witness confirmed that although he had recently learned that there was potential for the Michelins Farm site to be the subject of a compulsory purchase order, there was no certainty that the site would move forward. He explained that options were going to be considered, potentially in September 2021, for addressing the supply of sites, and that this has been hampered by other factors including staff

availability in the Council's planning policy team. In summary while the Michelins Farm site, which is the only allocated site, has not been ruled out by the Council, there is no certainty that it will deliver the necessary supply of sites and there are no other options currently available.

[41.] The Council officer also confirmed that the Council has no criteria based policy which would address 'windfall' sites, neither had it had such a policy for several years. Taken together with the significant and as yet unresolved delay in bringing forward the Michelins Farm site, this amounts not only to an absence of supply of sites but also a failure in terms of policy provision. These factors also weigh significantly in favour of the development.

41. This view was also supported by the Inspector for the appeal at Pudsey Hall Lane, Canewdon (app ref: APP/B1550/C/18/3209438) whereby it was discussed that in the absence of a 5-year supply, significant weight is warranted to the deficit in supply which has remained unchanged for some years. Taking into account the above, it is clear that despite the residential development for use as a Gypsy and Traveller site being deemed inappropriate development in the Green Belt, there is an absence of a five-year supply of sites and this should be given significant weight.

42. The case officer considered it was prudent to seek advice from colleagues within the Council's Planning Policy section to ascertain whether there had been any further updates in relation to gypsy and traveller pitch provision within the district and they state that *"A new Essex-wide GTAA has been commissioned, with fieldwork having taken place in 2023. This will provide an updated need figure for the period 2023- 2042, based on the latest methodologies and also including the update to the definition. This will inform the future need figures the Emerging Local Plan will need to address and based on it, officers will be producing a site assessment paper and assessing if there is sufficient supply to meet needs through existing sites or if a call for further sites is needed. We were supplied with a draft of this in late September, however we are querying the data with the consultants, ORS, meaning this latest assessment is not yet in a position to go before Members or be adopted.*

The next Local Plan consultation stage (Regulation 18) is expected to take place in 2025, although due to the recent Government consultation on major planning reforms, the previously-adopted Local Development Scheme is likely to be updated and should not be used as a guide. As a consequence, there is presently no formal adopted strategy for meeting the District's G&T accommodation needs, other than the existing GT1 site allocation at Michelins Farm, which has clear issues with deliverability".

43. Furthermore, it is acknowledged that permission has been given on two-separate occasions in 2024 for retrospective developments on the

application site, LPA refs. 24/00540/FUL and 24/00541/FUL at the same site (Cherry Hill Farm) were granted planning permission. In any case, notwithstanding those two approvals, there remains significant shortfall across the district for suitable sites.

Lack of alternative sites

44. There are no pitches that have been delivered through the Council's policy provision and there are no public sites currently available. No other suitable and available sites accessible to the applicant have been identified. At present there are 17 pitches which benefit from planning permission as of August 2021. Whilst there have been a number of sites granted planning permission recently (as detailed above), none of these are available.
45. It is considered by the officers and demonstrated by the applicant, that there are a lack of alternative provisions, and this weighs heavily in favour of the development attracting very significant weight.

Gypsy and Traveller Status

46. The ethnicity and the personal circumstances of an applicant would not normally be a material consideration of a planning application as they would not ordinarily be accorded any significant weight compared to local development plan and national policy considerations. It is, however, recognised that the needs of those who can substantiate Gypsy and Traveller status for planning purposes, do call for special consideration and are a material consideration in planning decisions. The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community, as clearly highlighted by the production of the National Planning Policy for Traveller Sites (NPPTS).
47. The applicant claims Gypsy and Traveller status stating that travelling on the road had been their lifestyle for many years but now stopped. Finding a settled base for the family, so their children could access continuous education, provide a base to enable the economic cultural travelling practice for work to continue, whilst the remaining family remained home became a priority. Travelling as a family would occur during school holidays.
48. Plot 4 is occupied by Mr. William Eastwood and partner Ms. Sarah Baker; it is understood that Mr. Eastwood has lived at Cherry Hill Farm for 16 years.
49. Plot 7 is occupied by Ms. Bonnie Eastwood, Mr. Benny Friend and their 3 children. It is acknowledged that Ms. Bonnie Eastwood has a medical condition. One of the Eastwood children currently attends a nearby primary school, whilst a younger child is nearing school age and will

attend when they are of age. One of the Eastwood children living on Plot 7 is home schooled but is now seeking work locally in the district.

50. Plot 11 is occupied by Mr. William Eastwood (Junior) and his wife, Mrs. Farrell Eastwood. Mr. William Eastwood (Junior) has medical conditions, and the two have a daughter who currently attends a nearby primary school.
51. Refusing the application would contribute towards loss of the families homes, thus interfering with their private and family life. The apparent lack of immediately available alternative accommodation makes such interference more serious. In the absence of other available sites, there would be a possibility of a roadside existence. This situation is made more prevalent by the apparent medical needs of some of the residents (particularly in relation to Plots 4 and 11), and the fact that there are children who attend nearby primary schools. These matters are relevant to the proposed occupants' rights under Article 8 of the European Convention on Human Rights in relation to respect for private and family life, and also to Article 1 of the First Protocol in relation to peaceful enjoyment and protection of property, and as incorporated by the Human Rights Act 1998.
52. Furthermore, Policy E, paragraph 16 of the PPTS confirms that Traveller sites, whether temporary or permanent are inappropriate development in the Green Belt. Policy E carries on to state: "Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances".
53. The application site would continue to provide stability and enable consistent access to medical and education services, notably for the children, through a settled base in an area with family nearby. This is also supported by the identified lack of alternative available and affordable sites. As such, any alternative would not be in the best interest of the children who would not have access to fixed education or health care.
54. Having regard to the above, the personal circumstances of the applicants and their families weigh significantly in favour of the development.

Green Belt Balance

55. It has been identified that the current use of the site is harmful to the openness of the Green Belt, which should be given substantial weight. However, significant weight is attached to the need for gypsy and traveller sites, the lack of supply of sites particularly the uncertainty in bringing forward the only allocated site, the absence of policy and the lack of available alternative accommodation for the applicant and his

extended family (which includes children) and the accessibility to health and education services which a stable base provides.

56. Given the lack of availability and delivery for gypsy and traveller sites within the district and the extent of Green Belt land within the district, it is inevitable that future site provision will need to be accommodated within the Green Belt. The health of the applicant and his wife are a consideration, and no other consideration is inherently more important, however, they are not a determinative factor. In this case, the best interest of the applicants and their families would weigh considerably in favour of granting planning permission.
57. Policy E of the PPTS states that, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm. The NPPF makes it clear that any harm to the Green Belt must be clearly outweighed by other considerations. In this case, there are a number of matters which are considered to weigh significantly in favour of the application and this conclusion would be consistent with the outcome of the appeal decisions discussed. Subsequently, the cumulative weight of these other considerations clearly outweighs the substantial harm arising from inappropriateness and urban sprawl in the Green Belt.

Design considerations

58. In 2008 the Department for Communities and Local Government produced a good practice guide for designing gypsy and traveller sites. Whilst this was withdrawn in 2015 and replaced by the NPPF this replacement policy does not provide as helpful guidance on day rooms as its predecessor.
59. According to the submitted plans the internal accommodation will comprise a separate bathroom and kitchen. It is understood from the DGTS Guidance that the day room would be used for cooking and eating as it is not part of the traditional way of life for the gypsy and traveller community to do anything other than sleep within their mobile homes. This day room would serve one pitch and one family.
60. The scale of the proposed day room is considered to be reflective of the scale recommended to serve the pitch by the former DGTS Guidance. The scale proposed is appropriate for the applicant and his wife to utilise as is traditional to do so for the gypsy and traveller community.
61. Taking into account the applicant's culture and necessity for day room to serve the pitches and the requirement by the NPPF for planning decisions to not exclude any part of the community, it is considered that there are very special circumstances which exist that outweigh the harm to the Green Belt in this situation.

Impact on Residential Amenity

62. Paragraph 135 (f) of the NPPF seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. This is reflected in Policy DM1, which seeks to ensure that new developments avoid overlooking, ensuring privacy and promoting visual amenity, and create a positive relationship with existing and nearby buildings.
63. Amenity is defined as a set of conditions that one ought reasonably expect to enjoy on an everyday basis. When considering any development subject of a planning application a Local Planning Authority must give due regard to any significant and demonstrable impacts which would arise as a consequence of the implementation of a development proposal. This impact can be in terms of overlooking, loss of light or creating a degree of overbearing enclosure (often referred to as the tunnelling effect) affecting the amenity of adjacent properties.
64. Insofar as relevant to the determination of this application, Plots 7 and 11 are situated towards the northern flank of the wider Cherry Hill Farm, mostly along the eastern flank of the site, however it is acknowledged that Plot 7 extends along the centre of the wider site from the western to eastern flank. Plot 8 is found to the north western flank of the wider site.
65. The arrangement of the wider Cherry Hill Farm and its plots is such that the retention and regularisation of the buildings within the plots would not significantly or detrimentally impact on the amenity of neighbouring plots. Sufficient separation distance is retained between each of the buildings on the plots and therefore it is not considered that the developments themselves appear overbearing or overshadowing for neighbouring sites.
66. In relation to external sites beyond Cherry Hill Farm, Plots 7 and 11 border the eastern flank of the site and there are no dwellings beyond this boundary; the site abuts the open Green Belt; nevertheless, there is mature vegetative screening to this boundary in any case. In regard to Plot 8 towards the northwestern flank, this boundary directly abuts the public highway and similarly, is screened by vegetative screening. It is therefore considered that the existing structures and buildings are in accordance with Policy DM1 of the Development Management Plan.

Flooding

67. According to the Environment Agency's Flood Risk Map the application site is located entirely in Flood Zone 1, where there is the lowest probability of flooding from rivers and the sea and to where development should be directed. As such, the development is compatible with the advice advocated within the NPPF.

Highways

68. Policies DM1 and DM3 of the Council's Development Management Plan require sufficient car parking whereas Policy DM30 of the Development Management Plan aims to create and maintain an accessible environment, requiring development proposals to provide sufficient parking facilities having regard to the Council's adopted parking standards.
69. In accordance with paragraph 116 of the NPPF, it must be noted that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
70. The application site is currently accessed from Chelmsford Road, and this situation would remain as existing. There is sufficient space on the site to allow vehicles to access and manoeuvre free of the public highway. Essex County Council (henceforth ECC) were consulted on the proposal as Local Highways Authority and do not wish to restrict the grant of planning in this instance. ECC state that *"the retrospective proposal will utilise the existing shared access and adequate room is provided for off-street parking and turning. [...] From a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority"*.
71. In conclusion, the A130 has been constructed since the original creation of the site alleviating highway concerns. There are no known accident records for the arrangement despite the many years of duration. The Highway Authority has reviewed the submitted information and conclude there would be no unacceptable impact on highway safety or neither a severe impact on congestion. There is no reason for the Local Planning Authority to take an alternative view and any intensification resulting from the proposal is not deemed to be of such severity that would warrant refusal of the application. Overall, it considered that the proposal complies with the relevant policies contained within the Development Management Plan and the NPPF, and as such there is insufficient justification to warrant a refusal.

Refuse and Waste Storage

72. The Council operates a 3-bin system per dwelling consisting of a 240l bin for recyclate (1100mm high, 740mm deep and 580mm wide), 140l for green and kitchen waste (1100mm high, 555mm deep and 505mm wide) and 180l for residual waste (1100mm high, 755mm deep and 505mm wide). A high-quality development would need to mitigate against the potential for wheelie bins to be sited (without screening or without being housed sensitively) to the frontage of properties which would significantly detract from the quality of a development and subtly

undermine the principles of successful place making. The guidance states that wheelie bins are capable of being stored within the rear amenity areas of properties which have enclosed areas but there is a requirement for each dwelling to be located within approximately 20m (drag distance) from any collection point. The arrangements on site would appear to have successfully operated for a number of years.

Trees

73. Policy DM25 of the of the Development Management Plan 2014 states that:

'Development should seek to conserve and enhance existing trees and woodlands, particularly Ancient Woodland. Development which would adversely affect, directly or indirectly, existing trees and/or woodlands will only be permitted if it can be proven that the reasons for the development outweigh the need to retain the feature and that mitigating measures can be provided for, which would reinstate the nature conservation value of the features.'

'Where development would result in the unavoidable loss or deterioration of existing trees and/or woodlands, then appropriate mitigation measures should be implemented to offset any detrimental impact through the replacement of equivalent value and/or area as appropriate.'

74. When the case officer conducted his site visit, he noted that the boundaries of the site were demarcated by mature native hedgerow and close boarded timber fencing (of varying heights), which help to screen the majority of the proposal from the public realm. The case officer has consulted the Councils Arboricultural Officer and he states 'No objection'. Overall, it is considered that the proposal will not have a detrimental impact on trees within the immediate locality and as such the proposal complies with policy DM25.

On-site Ecology

75. The National Planning Policy Framework at paragraph 187, indicates the importance of avoiding impacts on protected species and their habitat where impact is considered to occur appropriate mitigation to offset the identified harm. The council's Local Development Framework Development Management Plan at Policy DM27, requires consideration of the impact of development on the natural landscape including protected habitat and species. National planning policy also requires the planning system to contribute to and enhance the natural environment by minimising impacts on biodiversity, providing net gains in biodiversity where possible. In addition to the UK Biodiversity Action Plan, proposals for development should have regard to Local

Biodiversity Action Plans, including those produced at District and County level.

76. Following the production of Publicly Available Specification (PAS 2010) by the British Standard Institute (BSI), local governments now have clear guidelines by which to take action to ensure that they help halt the loss of biodiversity and contribute to sustainable development.
77. Section 40 of the Natural Environment and Rural Communities (NERC) Act (2006) places a duty on public authorities to have regard for the purpose of conserving biodiversity. PAS 2010 aims to reduce the varied applications of this obligation, ensuring that all parties have a clearer understanding of information required at the planning stage. Section 41 of the NERC Act (2006) identifies habitats and species which are of principal importance for the conservation of biodiversity in England. There are 56 habitats and 943 Species of Principal Importance in England (SPIE), and most of the UK's protected species are listed under Section 41. Whilst the possible presence of a protected species is accompanied by legal obligations and will remain the first consideration of planning departments, the total biodiversity value of a site must now be considered.
78. The application is entirely retrospective in nature and has been submitted to regulate part of an existing development established some twenty-two years. The case officer can confirm that no ecological appraisal has been submitted. However, the application site is covered in hardstanding and there are no requirements to undertake any works that would affect any habitats or species in or around the site. In conclusion, it is considered that the proposal is established for some time and unlikely to affect any protected species adversely.

Off-Site Ecology

79. The application site falls within the 'Zone of Influence' for one or more of the European designated sites scoped into the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMs). This means that residential developments could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressures of future residents of proposed residential developments. The development falls below the scale at which bespoke advice is given from Natural England (NE). To accord with NE's requirements and standard advice and Essex Coastal Recreational disturbance Avoidance and Mitigation Strategy (RAMs) an Habitat Regulations Assessment (HRA) record has been completed and the development would not likely result in significant adverse effects on the integrity of the European site along the Essex coastline. Usually in these circumstances a RAMs payment per dwelling (plot) is ordinarily required.

80. However, given these particular plots have been in situ for some twenty two years (according to the planning application forms work commenced in 2002) and was in situ prior to the adoption (20th October 2020) of The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD) by Rochford District Council, it is considered unreasonable to require the RAMs payment to be made.

Biodiversity Net Gain

81. Biodiversity Net Gain (BNG) is a way of creating and improving biodiversity by requiring development to have a positive impact ('net gain') on biodiversity. A minimum 10 percent BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021 subject to some exceptions).

82. The applicant has indicated that they consider that the development proposed would not be subject to the statutory biodiversity net gain requirement because one of the exemptions would apply. Following a site visit and assessment of on-site habitat and consideration of the nature of the development proposed officers agree that the proposal would be exempt from the statutory biodiversity gain condition because the development meets one of the exemption criteria, i.e., relating to custom/self-build development or de-minimis development or because the development is retrospective. The applicant has not therefore been required to provide any BNG information.

83. As the proposal is for development to which the statutory biodiversity gain condition would not apply, a planning informative to advise any future developer that they would not have to discharge the statutory gain condition prior to the commencement of development is recommended.

Equalities and Diversity Implications

84. The Public Sector Equality Duty applies to the Council when it makes a decision. The duty requires us to have regard to the need:

- To eliminate unlawful discrimination, harassment, and victimisation.
- To advance equality of opportunity between people who share a protected characteristic and those who do not.
- To foster good relations between those who share a protected characteristic and those who do not.

85. The protected characteristics are age, disability, gender, race, sexual orientation, religion, gender reassignment, marriage/civil partnerships, and pregnancy/maternity.

86. Taking account of the nature of the proposed development and representations received, it considered that the proposed development would result in positive impacts on protected groups as defined under the Equality Act 2010.

CONCLUSION

87. Approve.

CONSULTATIONS AND REPRESENTATIONS (summary of responses):

Rawreth Parish Council : No comments received

Rochford District Council Arboricultural Officer: No objections to raise.

Essex County Council Highways Authority: The retrospective proposal will utilise the existing shared access and adequate room is provided for off-street parking and turning. Therefore, from a highway and transportation perspective the impact of the proposal is acceptable to the Highway Authority.

Rochford District Council Strategic Planning & Economic Regeneration: As it stands, the Council does not have an identified 5-year supply of suitable sites, with the sole allocated site being GT1. There continues to be no further update to its likelihood of coming forward for Gypsy & Traveller use. In terms of the preparation of the new Local Plan, which is expected to go to Regulation 18 public consultation in Summer 2025 and to be submitted to the Planning Inspectorate for examination by December 2026, there is, as yet, no settled position or public draft spatial policies that set out how this future need is to be met by the emerging Local Plan. A number of sites were submitted for consideration for allocation in the emerging Local Plan for Gypsy & Traveller purposes, of which the wider site in question is one of them. Whilst it is an intention for the Local Plan to address Gypsy & Traveller needs as a matter of great importance, at this stage there are no material policies or prospective sites identified which could help meet the assessed need, which continues therefore to be unmet. This is likely to weigh in favour of authorising this site.

Neighbour representations: No responses received.

Relevant Development Plan Policies:

National Planning Policy Framework (December 2024).

Planning Policy for Traveller Sites (December 2024).

Rochford District Council Local Development Framework Core Strategy
Adopted Version (December 2011) – policies GB1, H7, T8.

Rochford District Council Local Development Framework Development
Management Plan (December 2014) – policies DM1, DM5, DM25, DM27,
DM30.

Rochford District Council Local Development Framework Allocations Plan
(2014) – GT1.

Essex Planning Officers Association Parking Guidance Part1: Parking
Standards Design and Good Practice (September 2024) (Adopted 16th
January 2025)

Rochford District Council Local Development Framework Supplementary
Planning Document 2 (January 2007) – Housing Design.

The Essex Design Guide.

Natural England Standing Advice.

RECOMMENDATION: APPROVE

Conditions:

1. The development hereby permitted shall be carried out in complete accordance with the following approved plans Plan 1 (Location Plan) Plan 2 (Block Plan) Plan 3 (Block Plan), Plan 4 (Site Plan), Plan 5 (Site Plan), Plan 6 (Site Plan), Plan 7 (Site Plan) Plan 8 (Site Plan), all received by the Local Planning Authority on the 20th March 2025.

REASON: For the avoidance of doubt and to ensure that the development is completed out in accordance with the details considered as part of the planning application.

2. The amenity buildings hereby approved for each pitch shall be used solely as dayrooms ancillary to the residential use of the site and shall not at any time be used as independent or self-contained living accommodation.

REASON: To ensure the development remains ancillary to the primary residential use of the site and does not result in the creation of additional independent dwellings. This restriction is necessary to enable the Local Planning Authority to retain appropriate control over the use of the site and to safeguard the openness and purposes of the Green Belt, where the development has only been found acceptable on the basis of very special circumstances.

3. Notwithstanding the plans hereby approved, no more than two caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (as amended), shall be stationed on each pitch at any one time. This shall consist of no more than one static caravan (including double units) and one touring caravan per pitch.

REASON: To ensure the development remains in accordance with the details assessed and approved as part of the application.

4. Save for one vehicle not exceeding 7.5 tonnes, no vehicle over 3.5 tonnes shall be stationed, parked, or stored on the land. All vehicles must be for the sole use of the occupiers of the development hereby permitted, with this restriction applying per pitch.

REASON: To maintain appropriate control over the use of the land in the interests of protecting the Green Belt and safeguarding the amenity of neighbouring residents.

The local Ward Members for the above application are Cllr. J. Newport, Cllr. C. Stanley and Cllr. J. E. Cripps.