

Question 49

I would welcome the Council's observations on representations 350 and 733 from Mr Lawrence Odell personally and on behalf Boarstall Parish, 358 from Janet Marie MacTavish, 359 from Mr Pierse Odell, 457 and 458 from Mr James D Stallard of Leafgrove Ltd, 563 from Mrs Kelly Stallard, 829 from Sue Rudman, 986 from Anne Davies on behalf of Arncott Parish Council and 2390 from Michelle Kidd on behalf of the Environment Agency arguing that allocation of a Gypsy and Traveller site at Oaksview Park Boarstall is not justified.

AVDC's response:

There are a variety of issues raised by these representations including:

- Previous planning decisions on the site
- Consultation with the MOD and prison, Military or Civil Police, the adjoining parishes of Arncott, Murcott and Piddington.
- Oversupply of sites in the vicinity
- The site not meeting the plan criteria
- Landscape impact
- Sewage connection

Firstly, for clarity the relevant planning history of the site is as follows:

04/04188/APP - Change of use of land for the siting of 20 mobile homes and 20 touring caravans with associated roadways, hardstanding and drainage works – Refused 06/01/05.

07/00070/APP - Siting of 13 residential caravans and 13 touring caravans and associated hardstandings and utility blocks - Pitches 5, 6, 8, 10-13, 15-20 – Retrospective – Refused 18/10/07. Appeal allowed (temporary basis) 08/05/09.

07/00889/APP - Change of use of land for siting of six residential caravans and ancillary utility blocks. Pitches 1,2,3,4,7 and 9 – Retrospective – Refused 18/10/07. Appeal allowed (temporary basis) 08/05/09.

04/00269/CON - Alleged unauthorised change of use of land for the siting of 20 mobile homes and 20 touring caravans with associated roadways, hardstanding and drainage works – Enforcement Notices issued 25/05/05. Appeals dismissed 03/10/06.

07/00070/APP - Siting of 13 residential caravans and 13 touring caravans and associated hardstandings and utility blocks - Pitches 5, 6, 8, 10-13, 15-20. Retrospective – Refused 18/10/07. Appeal allowed 08/05/09 (temporary permission).

12/01047/APP - Removal of conditions 2, 3 and 4 on planning applications 07/0070/APP and 07/00889/APP to retain the use of land for Gypsy-Traveller site – Not proceeded with.

16/00577/APP - Retention of use of land as a residential caravan site for 19 gypsy families, including access road, hardstandings and boundary walls / fences – Refused 18/08/16.

16/03442/APP - Retention of use of land as a residential caravan site for 19 gypsy families, including access road, hardstandings and boundary walls / fences – refused. At appeal which is due to be heard 31st July – 7th August.

Whilst the above is relevant, the process and considerations when making individual development management decisions are significantly different from those which apply to the strategic planning exercise undertaken through a local plan. In particular, there is an

expectation that planning decisions must be consistent but there is more leeway in respect of plan-making, when an authority is given the opportunity to review its planning objectives for its area and develop a plan accordingly. Therefore, it is considered acceptable to propose a site for allocation which has had planning permission refused in the past.

In any event, the allocation in the plan and the recently refused planning application (16/00577/APP) are not the same thing. The application was for 19 pitches but the allocation is now for 13 pitches. They will therefore have differing impacts and decisions can therefore differ because of the significant reduction in pitches.

The evidential basis for including this site as an allocation is from the Aylesbury Vale Gypsy, Traveller and Travelling Showpeople Site Assessment (CD.G&T.002) which concluded on page 22 that the site was suitable for allocation. The process for allocating sites is explained in the Gypsy and Traveller section of the Housing Topic Paper (CD.TP.001). The site assessment report gave careful consideration to the distribution of sites across the district and whether any sites would dominate the local community given other sites in the area, in line with the national guidance. It was not considered this would be the case in allocating this site.

As set out at paragraph 1.49 of the site assessment report, the sites have been assessed against the criteria for Gypsy and Traveller sites which are now set out in policy D10 of VALP. Whilst at the time of the assessment these criteria were contained in the draft VALP, no significant changes have taken place that would change the conclusions for these sites. The criteria include sites not having a significantly adverse landscape harm and also those capable of being adequately provided with sewerage disposal.

In any event, conditions can be put on a planning application that would require submission for approval, within 6 months of the date of the planning permission, a scheme which details the means by which a wholesome and sufficient water supply shall be provided to all the occupied pitches within the development, and a scheme which details provision for foul and waste water either by connection to a public sewer or sewage treatment works or by discharge to a properly constructed septic tank or cesspool approved by the local planning authority and/or Environment Agency. For the most recent planning application the agent indicated that his clients are prepared to accord with these requirements. In the absence of certainty in relation to the continued occupation of the site, the occupants have so far been reluctant to invest the money required to provide adequate water supply and waste disposal.

The MOD and Thames Valley Police were consulted on the submission version of VALP and did not raise objections to this allocation. Arncott Parish Council responded to the consultation objecting to this site and Piddington Parish Council were consulted but did not respond. Of these only Arncott made comments on the latest planning application. Adjacent parishes were not consulted on VALP as it is not required by the regulations and in any event the adjacent planning authorities were consulted. There is no requirement to consult the prison or the military police about VALP and it was not considered that the site would affect their interests.