

APPEAL ON BEHALF OF MRS T SALKELD

APPEAL A: s78 appeal against THE REFUSAL OF PLANNING PERMISSION

AND

APPEAL B: s 174 appeal against ENFORCEMENT NOTICE

BY

ROCHFORD DISTRICT COUNCIL

FOR STATIONING OF A RESIDENTIAL CARAVAN

AT

**RAYLEIGH TURF YARD/ URQUHART HOUSE,
TRENTERS AVENUE,
RAYLEIGH SS6 9RG**

**PINs ref: APP/B1550/A/06/2029346/NWF
MY REF: ATH J 61**

STATEMENT ON BEHALF OF THE APPELLANT

**ALISON T HEINE
BSc (Hons), MSc MRTPI**

Heine Planning
10 Whitehall Drive, Hartford,
Northwich
CW8 1SJ
Email: heineplanning@btinternet.com

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1. INTRODUCTION

- 1.1 This is the statement of ALISON HEINE. I am a member of the Royal Town Planning Institute with over 20 years experience of planning matters in local government and private practice. I am a sole practitioner in my own planning consultancy.
- 1.2 I had no involvement in the planning application which was submitted by Dr Kenrick on behalf of the appellant. Dr Kenrick has now retired. I have visited the site and discussed the situation with Mrs Salkeld.
- 1.3 Planning permission was sought in 2004 to change the use of the land known as Rayleigh Turf Yard from a lorry park to a mixed use of lorry park with a residential caravan and day room. Although the delegated Committee Report refers to the planning issues of a lorry park in this location and permission was refused with reference to the commercial use of the site, I confirm that it was not the intention of the appellant to seek permission for the retention of the lorry park as this is long established. I note that the appeal questionnaire only provides policy relevant to Gypsy sites. I note that other uses of the land are not the subject of the enforcement notice nor has any Planning Contravention Notice been served in respect of the other uses of this land. The appellant and her father are collating information in support of an application for a certificate of lawful development for use of the site as a lorry park and the keeping of horses.
- 1.4 I note also that the site description omitted reference to the keeping of horses/ existing stables on the land. I have advised the appellant and her father that they seek to establish the lawfulness of these uses by Certificate of Lawfulness.
- 1.5 Permission was refused in July 2006 for two main reasons:
a) Inappropriateness of such development in the Green Belt
b) Unsustainable location.
- 1.6 My client relies on her Gypsy status. This adds a very special dimension to this case. Her accommodation needs and those of her son can not be met elsewhere in this district. They have no option but to self provide.
- 1.7 It is accepted that this is an inappropriate use of land in the Green Belt and the stationing of a caravan is contrary to the purposes of Green Belt designation. However, it is argued that in this case harm to loss of openness and any other harm is slight given that the site is well screened and has been used as a lorry park for as long as the appellant's family have owned the land (a period of some 40 years) in

association with the family turf business and for the keeping of horses in stables built in the 1960's on this land. The hardstanding, stationing of other vehicles including the family touring caravan, outside storage associated with the commercial use made of the site, van bodies for general storage, use of a substantial weatherboard building and stables would all remain even if the residential caravan occupied by Mrs Salkeld were removed. I identify several material considerations which individually and collectively are capable of providing the very special circumstances required to overcome harm to policy. In particular, I rely on

- a) The absence of any alternative sites for this and other families in the district,
- b) The need to make provision for Gypsy sites
- c) The personal circumstances of the appellant including the life threatening medical condition of her son Levi Salkeld who has cystic fibrosis.
- d) realistically any other site in Rochford is also likely to be found in the Green Belt

1.8 In respect of reason 2 for refusal, it is pointed out that the site is no further to local service and facilities than housing on new estates off Rawreth Lane. Regard should be had to advice in C 1/06.

1.9 An Enforcement Notice was served on 10th October 2006. This alleges a change of use of the site from an agricultural use to a mixed use for agriculture and the stationing of a caravan (mobile home) for the purposes of human habitation. The Notice was served because this residential use does not have planning permission, is in the Green Belt and introduces various domestic structures, vehicle parking, caravan storage etc and increased activity on the land generally. There is no dispute between parties that permission is required for the stationing of a caravan for residential purposes, that this use commenced on 30th January 2003, that the stationing of a caravan on the land for residential purposes is not immune from enforcement action and the site is in the Green Belt. The Council do not accept that there are material considerations capable of providing the very special circumstances to address harm to the Green Belt. The Council requires the residential use of the caravan to cease, the caravan to be removed together with all associated items, the hard standing beneath to be removed and the land restored to its previous condition and reseeded. The period for compliance is 6 months.

1.10 The Enforcement Notice is not concerned with other uses of the land such as for the parking of lorries and the keeping of horses.

1.11 The Enforcement Notice is challenged under Grounds a (planning permission should be granted for what is alleged) , b (the breach of control alleged has not occurred as a matter of fact), f (the step required to comply with the Enforcement Notice are

excessive) and g (the time for compliance is too short). The appeal is conjoined with the appeal against the refusal of planning.

1.12 I set out this statement as follows:

1. Introduction
2. Relevant planning policy
- 3 Site and location
4. Gypsy status – response to Planning inspectorate letter
5. Case for the appellants
6. Summary and conclusion
7. Appendices.

2. RELEVANT PLANNING POLICY

Circular 1/2006

- 2.1 This is the main source of planning guidance on Gypsy-Traveller matters. This has established that there is a need for accommodation consistent with the Gypsies' nomadic lifestyle and a need to identify locations for sites in local plans.
- 2.2 In December 2004 a consultation circular was published addressing issues of concern and recommending significant changes to Circular 1/94 in the light of the failure of this guidance to make adequate provision for Gypsy-Traveller sites over the last 10 years. The replacement Circular was issued in February 2006. The new Circular admits the failings of Circular 1/94 to make adequate provision for Gypsy-Traveller sites. Circular 1/2006 heralds a new change in the provision of sites for Gypsy-Travellers by local authorities and reflects government policy set out in PPS1 for sustainable communities. Regard should be had to the aims of the new Circular as set out in para 12 which include the need to increase significantly the number of sites, address under provision within the next 3-5 years and help avoid Gypsy-Travellers becoming homeless through eviction with no where else to go.
- 2.3 In my opinion Circular 1/2006 will necessitate a rethink of development plan policies in districts like Rochford BC where most of the countryside is designated Green Belt. In the fullness of time, the Gypsy policy in the development plan will have to be replaced to address the pressing need for more sites in Essex

Housing Act 1996

- 2.4 Section 175(2) provides that a person is homeless if s/he has accommodation but it consists of a moveable structure designed or adapted for human habitation and there is no place where s/he is entitled or permitted both to place it and reside in it. As such Gypsies such as my clients with no where to live in their trailers are homeless.

Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000

- 2.5 This act places a duty on local authorities to eliminate unlawful discrimination and to promote equal opportunities. Gypsies and Irish Travellers are recognised as ethnic minorities.

Homelessness Act 2002

- 2.6 This places an obligation on local authorities to develop housing strategies by July 2003 to review the levels and predicted levels of homelessness in the authority's area. Following on from this, a strategy should be produced to address

homelessness in order to ensure that there is sufficient accommodation for all homeless people in their area.

Housing Act 2004

- 2.7 Sets out in section 225 the duties of local housing authorities with regard to the accommodation needs of Gypsies and Travellers. Any needs identified must be included in housing strategies. .

Circular 10/97 Enforcing Planning Control

- 2.8 Para 2.19 points out that personal circumstances, including matters such as health, housing needs and welfare of persons in breach of planning control must be taken into account when deciding whether to take enforcement action.
- 2.9 The DETR's Good Practice Guide to Enforcing Planning Control states, para 1.1. *'The Planning Authority's decision whether to take enforcement action must always be well founded' and 'requires thorough assessment of the relevant factors in every case'.*

PPS1 Delivering sustainable communities (Jan 2005)

- 2.10 Replaces PPG1 and identifies the four key aims of sustainable development which includes, in aim 1, the need to promote social inclusion and recognise the needs of everyone to reduce social inequalities and take into consideration ethnic background.

PPG2 Green Belts

- 2.11 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Inappropriate development is by definition harmful to the Green Belt. Although most Gypsy sites are found in the countryside on the fringe of urban areas and although few opportunities exist to provide such uses within settlement boundaries, this use is not considered appropriate in Green Belts. However, para 3.1 makes clear that though there is a presumption against inappropriate development within Green Belts, such development may be approved in very special circumstances.

PPG3 Housing (2000)/ PPS3

- 2.12 Requires local authorities to assess the range of needs for different types and sizes of housing across all tenures in their area. This should include housing to help meet the needs of specific groups including Gypsies and Travellers (para 13). Clearly Gypsies and Traveller fall within the category of special needs housing. These assessments should underpin local plan policies.

- 2.13 In January 2005 Para 18 was replaced with a statement requiring that adequate housing provision is made in rural areas to meet the needs of local people. Sufficient land is to be made available either within or adjoining existing rural communities to enable these requirements to be met and affordable housing provision (which must now include Gypsies and Travellers) should be supported by rural exception site policy. Guidance does not exclude Green Belt areas.

PPS7 Sustainable development in rural areas

- 2.14 Recognises the need for affordable homes where local need can be proved and there is sufficient demand for continuing need. Stresses the need for up to date assessments of local need. Such provision is to be in sustainable locations (para 8) and should have regard to PPG3. Para 32 of PPS7 recognises that equestrian activities play an important economic role in the countryside.

PPG12 (1999)

- 2.15 The guidance reminded local authorities of their need to produce a quantitative assessment of the amount of accommodation needed for Gypsies, which was repeated in PPG 3 in 2000.

Development Plan Policy

- 2.16 The appeal site lies within the Green Belt. It is accepted that a Gypsy site is an inappropriate development in the Green Belt unless very special circumstances are found. Relevant development plan policies include:

Essex and Southend-on-Sea Structure Plan adopted 2001

Gypsy Policy H6 which states that further provision will be made for Gypsies resorting to and residing in the area, in local plans. Local plans are to identify need within their area, set out site specific proposals to meet need where appropriate.

Rochford District Replacement Local Plan adopted June 2006.

Gypsy Policy HP 20 is a criteria policy. Sites must satisfy 7 criteria. Applicants are first required to demonstrate that they have considered alternative non green belt sites.

Other studies

Diversity and Equality in Planning. A good practice guide. January 2005. A report issued by the ODPM to help planners to better understand the important role that planning can play in tackling social exclusion and supporting society's most vulnerable groups. The guide stresses that the key to delivering diversity is effective engagement. Diversity issues are now a material consideration in planning policies

and decisions. Sustainable communities meet the diverse needs of existing and future residents. Section 3 looks at discrimination and refers particularly to Gypsy and Travellers. The low success rate of planning applications for sites does not prove that indirect discrimination is taking place but 'evidence of such discrepancies should certainly prompt a review of practices and cases' The report goes on to note that 'Unrealistic policies are an issue which some local authorities need to address. Criteria based policies for Gypsy and travellers sites need to be realistically drawn in line with the advise given in C 1/94' para 3.2.3.

vi) Gypsies and Travellers: a Strategy for the Commission for Race Equality 2004-2007 (see Appendix 15 of planning application bundle) reported that Travellers and Gypsies are the some of the most vulnerable and marginalised ethnic minority groups in Britain. The Strategy was developed to help eliminate this discrimination and ensure full racial equality. The Strategy identified 14 key areas for change. The first concerned the need for adequate provision of sites as well as other suitable alternatives to unauthorised encampments.

vii) Common Ground - Equality, good race relations and sites for Gypsies and Irish Travellers: CRE Inquiry report, May 2006

The report finds that these groups still have the poorest life chances of any ethnic group. Educational attainment is also lower than the national average. Part of the reason is the significant shortage of authorised transit and permanent sites. The report highlights also the poor siting of many authorised sites and problems with overcrowding. Facilities are well below those expected in social housing. Some authorities tolerate overcrowding in the absence of any alternative. Most leave it to site residents to allocate pitches on council run sites. The report is particularly concerned that policies are not assessed for their effect on distinct ethnic groups. Good practice was found. Gypsies and Irish Travellers pass through 91% of local authorities in England and Wales. In 13% of local authorities they are the largest ethnic minority. 49% of authorities with public sites admit they have not done anything to promote public relations. A small minority of Gypsies and Irish Travellers behave anti-socially. Planning for Gypsies are often informal and unfocussed unlike those for other forms of social housing, with no timetables or assessments of need. Policies are poorly informed: there is little ethnic monitoring. Few local authorities consider how their policies will affect race equality. Only 9% of authorities have changed their unauthorised encampment policies since May 2002 when the specific duty to produce a race equality scheme came into force. Two thirds of authorities do not adapt their consultation methods to avoid the barriers faced by Gypsies and Irish Travellers, such as low literacy levels. Few engage with local groups.

The report concludes

'the way most local authorities provide Gypsy sites, and services for sites, benefits no one: Gypsies and Irish travellers are unable to find suitable accommodation or services and everyone suffers from the environmental and financial consequences'

Chapter 5 on Planning notes (para 5.2.2) that if specific locations are identified it would be clear where land should be bought in order to get planning permission. The report quotes an Inspector who stated:

'there may be all the difference in the world between abstract policy criteria which hurt no-one; and concrete proposals for specific locations, whose likely effect – favourable and adverse – are clear to all'.

The study found that most authorities not only did not have policies that identified suitable locations, but they did not even help applicants to find suitable land, in full knowledge of the problems this caused. Those who approached local authorities found that Planning officers could not guarantee that an application would succeed and their inability to do so undermines the trust and confidence of those seeking sites. There is a perception that engaging with officers would lessen chances of success. Gypsy-Travellers will purchase land in another name keeping their own identity and plans for the site secret for fear that vendors would refuse to sell the land to them.

Local authorities are often faced with the difficulty of dealing with potentially racist comments. Applicants had difficulty revealing personal matters for discussion in public. Overall, it was felt that the planning system is more concerned with the land usage than the land user. Failure to monitor the outcome of applications and enforcement action and to assess the effects planning policy for Gypsy sites was having on race equality and race relations meant that local authorities had no way of knowing if they were meeting the duty to promote race equality and good race relations.

viii) Report of the LGA Gypsy and Traveller Task Group, June 2006

This report highlights the commitment to finding a solution to the current problem. It is available on the planning portal. The following points are considered of particular relevance:

- Increase in private provision especially in the SE and SW where significant private provision has been made (para 2.5).
- A sound understanding of the supply and demand is urgently needed (para 3.1)

- Net provision of pitches has been static at best and possibly declined over the last 12 years (para 4.1)
- Concern that regional planning bodies may not be able to prioritise delivery in the current round of RSSs (para 4.2)
- Concern over the length of time it will take to implement C 1/06. 2008/9 is the soonest many LA will be able to implement the Circular (para 4.3).
- Need to promote alternative methods of site provision (section 5)
- Recognition that provision of good quality sites will help to reduce unauthorised encampments and tension with the settled community (para 6.5). The key to reducing incidences of unauthorised encampments is better site provision to meet the needs of those currently not in legal or fit accommodation (para 7.2)
- At present the difficulties of identifying, acquiring and obtaining planning permission to establish a site will mean that it is unlikely that more than few genuine new sites will be achieved within the existing grant period. Local authorities are reluctant to seek planning permission unless success guarantees the availability of grant to meet the cost of establishing the site (Para 9.3).
- The Mori survey of local authorities revealed that 54% have never received a planning application for new sites. The average number of applications received is 3. The most common reason for refusal is Green Belt (29%) and contrary to countryside policy (29%). This is a complex area of policy-witnessed by the number of 'don't know' responses to questions posed.

3. SITE AND LOCATION

- 3.1 The appeal site is owned by the Buckley Family. They have owned it for a period of some 40 years. They refer to it as Rayleigh Turf Yard but there used to be house on the land –hence the name Urquhart House.
- 3.2 The appeal site is located on the east side of Trenders Avenue at the junction with Goldsmith Drive. Trenders Avenue is a long straight lane that runs north from Rawreth Lane which in turn leads off the A1245 at Rawreth to the NE of Rayleigh. Trenders Avenue is surfaced for the first 2-300 yard and then becomes an unmade, single track road with an advisory 10mph speed limit. It serves a number of private dwellings, business premises including a reclamation and salvage business, a private fishery and the Vincent Valley Playing Fields which comprises several football pitches with a large car park. Just past the appeal site at the entrance to the Playing Fields is the Bricklayers Arms which I am told was a pub and is now a private dwelling. There is another mobile home on land opposite the Bricklayers Arms.
- 3.3 There is a bus stop close to the junction of Trenders Avenue and Rawreth Lane. Several large housing estates have been built off the south side of Rawreth Lane, together with a large Macro store. It is understood permission has been granted for an ASDA store. There is also a leisure centre. There are local shops at the eastern end of Rawreth Lane.
- 3.4 The appeal site is roughly square in shape with a 50 m frontage to Trenders Avenue and Goldsmith Drive. The ground is level and is mostly laid to hardstanding. Access is taken off Trenders Avenue where there the entrance is formed by a double metal bar farm gate. The site is enclosed along both road frontages by overgrown hedgerows and hedgerow trees. There is a pond in the far corner which the family have enlarged. On the southern boundary lies a large timber stable block built by Mr Buckley (father of the appellant) on the concrete base laid for their caravan when the family first occupied this land in the early 1960's. Beyond this is the small, one bed static residential caravan occupied by Mrs Salkeld. Behind the caravan, mostly in the field to the rear, is a substantial, single storey weatherboard building with a tin roof which was on the land when the family bought the yard. It is understood to have been used as a workshop for the making of bricks by the previous owners. There was a toilet in the building when the family bought the site. The septic tank is behind in the adjoining field. On the western boundary are two van bodies used for general storage. The northern half of the site is used for the storing of pallets, bits of timber, grass cutting equipment and rolls of turf. This is where the lorries are parked. There is a tractor and a horse box. No houses adjoin the appeal site.

3.5 The appellant's family also own the adjoining paddock which they use for horse grazing. The site has electricity, water and a telephone landline.

4. GYPSY STATUS

4.1 In this section I address the issues set out in the standard letter from the Planning Inspectorate.

1. Gypsy status

4.2 Ms Tina Salkeld, the appellant, claims Gypsy status. She was born in Oakham, Leicester in 1962 and is aged 44. Her maiden name is Buckley and she is still known to many as Tina Buckley. She is from a large Romany Gypsy family based in this part of Essex. She is one of four children. Her older brother Nathan (Sam) was born in Sutton near Ely, her younger brother Gary was also born in Oakham and her younger sister Lisa was born in Rayleigh. Her older brother works with her father. Her younger brother lives on the road in a trailer but is trying to get permission to live on a site in Cambridge. Her sister Lisa is married to another Buckley and lives close by on a private Gypsy site at the junction of Vanderbilt Avenue and Hullbridge Road..

4.3 The appellant's father Nathan Buckley is a horse dealer who has also sold turf for the past 40 plus years. He was born locally in Eastwood. His parents were horse dealers and met at the horse fair at Horsemanden in Kent. He was given his first horse when he was aged 6 or 7. His Grandfather was a tinker who had a round in Thorpe Bay/ Lee on Sea in nearby Southend and sharpened knives and mended pots and pans. He was one of the first (possibly the first) to get into the Turf business. They used to cut turf on the commons to repair lawns. His Grandmother was a Gumbell – a Kent Gypsy who stopped on Belvedere Marsh.

4.4 Mr Nathan Buckley travelled for much of his life on the road. He was one of 16 children. The family did mostly field work starting with thinning out and hoeing sugar beet in Cambridge in May, moving onto pea picking at Chatteris, Strawberry picking at Wisbech, plum picking in Cambridge, hop picking and apple picking in the West Malling area of Kent and potato lifting in Essex in September/ October. In the winter months the family cut hedges and cleaned ditches on farms. The family lived mostly on farms. Mr Buckley met his wife strawberry picking at Wisbech. He bought his first lorry when he was aged 17. He and his wife continued doing landwork until the mid-1960's by which time they had 3 children. He then built up his own turf business and would travel from town to town looking for turf to buy and sell to householders. He now has access to land owned by a Mr Stone where he cultivates 110 acres of his own turf. The land is ploughed, harrowed, seeded and the grass fertilised and sprayed to kill weeds. It takes 2-3 years to get a crop which is then cut, rolled and sold to garden centres, to landscape gardeners and direct to other travellers who are doing landscape work. His eldest son Nathan helps him. He has an operators licence for three lorries in connection with this business which are kept at the appeal site. He

has 6 horses at the moment on the land at Trenders Avenue with others on land at Eastwood. At present he owns 15 horses which he buys and sells with other Gypsy families at fairs with the help of his grand son Levi. He does some carriage driving. He is showing his grandson Levi (son of the appellant) how to deal in horses. The family have traditionally gone to all the main horse shows and still do. They attend the main fairs at Appleby, Stowe, York races, Cambridge, Epsom and Horsemanden. For the last 10 years of so, Mr Buckley has also gone to fairs in Ireland including Ballinasloe. He takes Levi with him to the fairs so that he gets to meet other Gypsy-Travellers and learns from them.

- 4.5 The appellant's mother died 10 years ago but she was born and brought up in Cambridge and is from the Bibby Gypsy family. Her family still live in their trailers on large family site at Sutton near Cambridge. They did mostly land work and now do turfing.
- 4.6 Mrs Salkeld (nee Buckley) , the appellant, has lived and travelled in caravans with her family to many parts of the country, but especially around Essex, Huntingdon and Cambridge. She was born in a trailer and lived until aged about 3 on the road with her parents and 2 brothers . Her sister was born shortly after the family were moved into housing by the authorities. The family moved onto the appeal site when she was aged about 3 . They lived here for 4 years in a caravan which was sited where the stable block is now. The stables were built on the concrete base after the family were made to leave the site. I attach at Appendix 1 an undated note from H Kennard & Son Solicitors with an account for work done regarding occupation of the land at Trenders Lane and copies of the Medical cards for the appellant's mother Elfie and brother Gary showing Urquhart House Trenders Avenue as their address in November 1967. Also attached is the birth registration for the appellant showing her place of birth as Oakham in 1962.
- 4.7 When the family first moved onto the yard in the mid-1960's there were three other families (non-Gypsy) living in caravans down Trenders Avenue. They were the Byfords who sold the family a small strip of land alongside Goldsmith Drive. They were moved off into a Council house. On the adjoining land was Bill and Paula Searles and nearby in another yard was Len Shepherd who sold the family their yard. He had previously lived on the site and had demolished Urquhart House. During this period Tina Salkeld attended the primary school at the end of the road on the other side of Rawreth Road with her older brother Nathan.
- 4.8 The Council was evicting the other families who lived in caravans on Trenders Avenue and the Buckleys were told they had to move. The family sought the advice

of H Kennard & Son a solicitors at the time on the law relating to the siting of caravans. A note of his fees are included (undated but clearly pre-decimalisation at £4 and 4 shillings) in Appendix 1. Mrs Buckley was expecting her fourth child (Lisa) and they had no option but to take a Council house at 51 Trinity Road in Rayleigh. The family had to sell their large static van which sat on the concrete base where the stables are now. As there was no room for them to keep their lorries at the Council house a Mr Green of the Council said it would be alright for them to be stored back at the yard on Trenders Avenue together with a small trailer they kept for travelling. I attach at appendix 2 various letters confirming that Trenders Yard has been used for the storage of lorries and keeping of horses for many years. The Traffic Commissioner records go back to 1992. A Mr Searles who has lived in the area for 76 years has known the family for some 45 years and confirms that Mr Buckley has kept lorries at the yard for many years. His brother maintained them. A Mr K Searles recalls how his Uncle a Mr Sheppard sold the land to the Buckley family over 40 years ago and how the family have used the land. A Mr Search who has known the family for some 40 years writes to say how he has sold and purchased goods from Rayleigh Turf Supplies and to the best of his knowledge the yard has always been used for haulage vehicles and it always had hardstanding, livestock buildings and a septic tank. A Mr Pinkerton has lived and farmed in the Rayleigh area for some 60 years and can vouch for the fact that Mr Buckley parked his lorries and stabled his horses on the land. Atwell Autos write to confirm that they have repaired and maintained commercial vehicles and plant on the yard for over 40 years.

- 4.9 Unable to find somewhere for his family to live in their caravans, Mr Buckley built his own house on a plot at Eastwood Road and decided to settle here as his Turf business had developed. The family all lived in the house in Eastwood Road but continued to visit all the fairs for horse trading and went travelling in their caravans during the summer months. They would meet up with other families during the school holidays. They often went to St Mary's Cray in Kent where they had relations and would join other Gypsy families on the side of the road and deal in horses. They continued to do strawberry picking at Wisbech and plum picking in March near Cambridge. They also travelled to St Ives, and St Neots in Huntingdon with the Lee family from Cambridge,
- 4.10 The appellant married a non-Gypsy, a Mr Mark Salkeld. Although they lived in a house, Mr Salkeld assumed the Gypsy way of life of the Buckley family and travelled with the family during the summer months and to the horse fairs. Up until 1993 the appellant's sister Lisa Buckley was living on a site at Virginia Waters and Mrs Salkeld and her husband used to stop with them. A serious incident severed the family's connection with that district and they were forced to leave the site immediately. After

a few years the appellant's husband decided he had had enough of travelling and wanted to settle. The appellant Tina Salkeld could not forsake her way of life and the couple split up. This is when Tina Salkeld returned to living in a caravan. The couple have divorced. She first stopped with her sister in her yard on Vanderbilt Lane before moving on the yard at Trenders Avenue with her son, Levi aged 17. She still travels with her sister Lisa and her husband in law Tony Buckley. During the summer of 2006 they all went to Ely where they stopped on sites belonging to relatives for 2 weeks before going on to a private transit site called Lazy Acre near Grantham where they stopped for 6 weeks. In Appendix 3 I attach a letter dated July 2006 from a Mrs Lewis of The Chestnuts, Ely Road, Sutton Cambridgeshire confirming that the appellant and her family have visited her site and stopped there for most of her 45 years mainly during the summer months. Mr Buckley her brother in law does landscape work and patio cleaning and they all travel together. Her son Levi helps out where he can. They also spent a week at York for the races. The need to care and provide for her son Levi has clearly limited the amount of travelling undertaken by Ms Salkeld but even in this difficult situation (see below) she has not abandoned her nomadic way of life.

4.11 Mrs Buckley and her son moved onto the yard in January 2003 - almost 4 years ago. They had been living on the site for a year before the Council asked that an application be made. The application was submitted with assistance from Dr Kenrick in May 2004. Permission was refused in July 2006, two years later.

4.12 Mrs Buckley receives an attendance allowance topped up by Income Support to give her around £84 a week income. Her son Levi has been on disability living allowance for help with personal care from April 1992 for an indefinite period. This provides just £45 a week. He tries to supplement this with his horse work. I attach copies of documents confirming the low income of this family in Appendix 4. There is no way this family could afford to buy land for a site, let alone pay the cost of setting up a Gypsy site (ie drainage, laying hardcore, installing water and electricity, boundary treatment, day room, installing septic tanks, cost of planning permission, solicitor fees for purchase of land etc)..

2. Who will live on the site?

4.13 Accommodation is for Mrs Salkeld (44) and her son Levi (17) and no one else.

3. Special educational / health needs

4.14 Levi Salkeld has Cystic Fibrosis (CF). This is a serious, chronic, long term but treatable disorder which gives rise to lung and digestive problems, as well diabetes, liver disease and osteoporosis. It is a life threatening illness that requires a careful regime and routine of medication, physiotherapy, exercise and good nutrition. Levi

must be protected from exposure to disease, other illnesses and infections. The family would not use public transport and the hospital prefer for him to be treated at home. The daily care of CF can be time consuming with a need for physiotherapy sessions, exercise sessions, taking of medications and the preparation and consumption of a well balanced diet. Medication has to be stored in a fridge. Levi has a special physio couch, a nebuliser and a running machine which can all be kept and used in the building on this site. I rely on the separate letters submitted with the planning application. I also submit additional letters in appendix 7. Levi attends Southend Hospital and the Royal Brompton and Harefield Hospital in London. The CF Nurse Specialist at Castle Point and Rochford Primary Care Trust confirms in a letter dated 4.9.03 that he has need for twice daily physiotherapy and his prognosis is 'markedly dependent' upon his lifestyle. The Paediatric CF Nurse Specialist at the Royal Brompton and Harefield Hospital confirmed in a letter dated 4.9.03 that this is a serious life shortening disease which requires frequent hospital visits and a rigorous regime of treatment. The outdoor life he enjoys is of benefit to him. She notes that 'keeping physically active has played a major role in maintaining his condition and preventing recurrent chest infections' He needs to keep himself active. Levi has since transferred to the Adult Unit at the Royal Brompton.

4. Number and type of vans

- 4.15 Permission is sought to retain a small one bed caravan on the site and the touring van which is used by the family when they go travelling.

5. Any building

- 4.16 No additional building is required other than that which has existed on the site for at least 40 years.

6. Business use

- 4.17 The site has a long established use as a lorry park and is used for the keeping of lorries operated by the family business. There is stabling for horses kept on adjoining land.

7. Need for the site

- 4.18 Ms Salkeld and her son Levi have no where to live in accordance with their Gypsy way of life.

8. Reasons for choosing this site

- 4.19 The Buckley family bought and tried to settle on the yard at Trenders Avenue in 1964 as they were no longer allowed to stop on the farms and much of the land work was being mechanised. Because of his local connections, Mr Buckley knew the man who

owned the land from his boyhood days. They did the deal in a pub. Mr Buckley's parents (grandparents of the appellant) lived locally in Eastwood. The appellant's grandmother is still alive (aged 96) and lives in a house on Parkgate Drive. A Great Aunt (now aged 74) lives in a house on Belgrave Road. She used to go calling with a tradesman's bike to sell flowers and still sells flowers.

- 4.20 The appellant's father and eldest brother use the site on a daily basis in connection with the family turf business. Her son Levi helps with the looking after the family horses. Another brother also keeps a lorry here from time to time. Mr Buckley lives nearby, as does Mrs Salkeld's brother in law and sister, who have a caravan on a site known as 'Little Orchard' at the junction of Hullbridge Road and Vanderbilt Avenue in Raleigh. Their site was passed as a Gypsy site for one family on appeal in 2001.

9. Efforts to find an alternative site

- 4.21 Mrs Salkeld has been living here for 4 years. She is on income support and carers allowance for her son Levi. She does not have the financial means to buy another site. As she was living on the land one year before asked to make an application and as the Council took so long to determine her application she was hoping they would let her remain on this land. She lives here rent free because her father owns the land and is does everything possible to help his grandson Levi. There are no Council provided pitches for Gypsy families in Rochford. Given the need to protect Levi from cross infection it is best that the family are on their own site and are not sharing facilities with others, as often happens on Council sites. Mrs Salkeld has need to remain here close to her family as they all help her with the care of her son Levi. Her father, in particular, is helping her bring Levi up the Gypsy way and is teaching him all he knows about keeping and trading in horses so that he has a purpose to life and a modest source of income. Ms Salkeld feels that this site and the way of life they have is crucial to the health and prolonging the well being of her son Levi. She is well aware that complications will set in as Levi gets older and care of her grown up son is likely to get harder, not easier. She has lived reluctantly in housing. This was not from choice. She has no wish to go back into housing and like one sister and one brother wants to live in her caravan.

- 4.22 Gypsy and Traveller Accommodation Assessments (GTAA's) note that large numbers of Gypsy-Travellers are living in housing. Many see this as a short term measure and would prefer to be living in a caravan on their own plot. Housing for many is not an appropriate offer of accommodation which is why GTAA's are required to determine the number of Gypsy-Travellers in housing who would, given the opportunity, choose to live in a caravan on a site.

10. Temporary of permanent permission

- 4.23 The family would like permanent permission but would accept a temporary consent if this authority is willing to identify and provide land in Rochford where Gypsy families such as the appellant can live in accordance with their traditional way of life..

11. If the appeal were unsuccessful

- 4.24 Mrs Salkeld does not know what she will do if the appeal is unsuccessful. A roadside existence is out of the question given that she is single, female and the carer of a very ill young man. She feels that a move from this site would seriously prejudice the life expectancy of her son Levi. There is no alternative site for this family in this district and little prospect of finding a site any where else in this part of Essex. Given the amount of house building on the other side of Rawreth Lane within 500m of this site, there can be no excuse for failing to make adequate provision for the local Gypsy population.

5. CASE ON BEHALF OF THE APPELLANT

5.1 I consider the planning issues to be as follows:

1. Whether the appellant is a Gypsy for the purposes of planning policy
2. Compliance with HP 20 Gypsy Sites
3. Reasons for refusal
4. Whether there are very special circumstances sufficient to outweigh harm to policy having particular regard to the provision of and need for additional sites in the district and the personal circumstances of the appellant and alternative accommodation options.
5. Grounds B, F and G of the Enforcement Notice
6. Human Rights
7. Race Relations Act

I discuss each issue in turn:

Issue 1. Whether the appellant is a Gypsy for the purposes of planning policy

5.2 I rely on the details set out in Section 4. The appellant relies on her Gypsy status. She is trying to bring her son up in the Gypsy traditions. The family still travel to the traditional horse shows and elsewhere for an economic purpose with other members of the family. The family have photographs they can show the Inspector at the Hearing.

5.3 Gypsy status adds a very special extra dimension to this case. Full weight should be afforded the provisions and aims of Circular 1/2006 which seek to facilitate this way of life.

Issue 2. COMPLIANCE WITH POLICY HP 20

5.4 Policy HP 20 has two steps. Step 1 requires applicants to demonstrate that they have considered alternative non-green belt locations for their development. Once this is demonstrated, step 2 says that regard will be had to 7 criteria. HP 20 is an exception policy. It permits sites to be established outside settlement boundaries.

Step 1.

5.5 The Buckley family were moved off their land 40 years ago. They were forced to go into housing which is an inappropriate housing option for most Gypsy families. Three of four children have returned to living in caravans. The family have been searching for a long time. As Mr Buckley is in the turf business he has a lot of local connections.

A site was granted on appeal for the Appellant's sister and her husband nearby. The family are clearly aware of the difficulty others have faced. They are aware of the problems for other families living on the nearby site at Cherry Tree Farm also in Rawreth. The family know of no realistic, available, affordable or accessible sites. There is no Council provided site. Their choice is severely constrained.

5.6 Given the long length of time it took this authority to determine the appellant's application she had good reason to believe that she would be permitted to stay. She was not actively looking for land herself as she is on income support and could not afford to purchase another site. I attach confirmation of her financial circumstances in Appendix 3

5.7 Para 2.75 of the supporting statement to Policy HP20 states that Rochford is in a unique position. Although most of the district is in Green Belt, it states that there is the possibility of leasing land from the Ministry of Defence. I contacted the Council for details of MOD holdings. I attach a copy of their response in Appendix 6. The Council does not know what land the MOD owns. I contacted the MOD. I attach in Appendix 6 a copy of the email reply together with a map of the MOD holdings. There is no land available at present. The letting of land at Potton Island gave rise to problems. Tenants need to be vetted to ensure that they fit into the military environment/controls. The MOD estate comprises land at Foulness and Maplin Sands. In my opinion this land is totally unsuitable for a Gypsy-Traveller site for the following reasons

- a) it is all Zone 3 High Flood Risk land, at risk from coastal inundation. Regard should be had to guidance in PPS25.
- b) It is remote and very poorly served by local services and amenities. Access onto Foulness is controlled by the MOD or is via the Broomwood – a causeway that is submerged with each high tide.
- c) It is unlikely the MOD would rent land to Gypsy-Travellers as it needs to be certain tenants would fit in with island life and adapt to the MOD activities.

5.8 In my opinion it would be unrealistic to expect my client to be able to afford land within a settlement boundary and there is little prospect of finding suitable MOD land.

Step 2

5.9 Once the authority is satisfied that alternative non green belt locations have been considered, applications are to be determined with regard to seven criteria. Policy does not require all 7 criteria to be satisfied. Indeed, policy does not require applications to satisfy these criteria.

Criteria 1 is not relevant.

Criteria 2 is satisfied. No residential properties adjoin the site or are directly affected. The business use on the site has been on going for 40 years.

Criteria 3 is satisfied in so far as no working or storage area is proposed as part of this application and the site is already very well contained and screened by existing, mature hawthorn hedgerows. As the appeal questionnaire notes, the Inspector will have to enter the site to view buildings as they are 'set too far back to be seen from road'

Criteria 4 is satisfied. Use is made of a previously developed brownfield site.

Criteria 5 is satisfied. The site already serves as a lorry park/ yard for a Turf business with adequate space for vehicles.

Criteria 6 is satisfied. The site has water, electricity, a telephone land line and septic tank all provided and used in connection with other uses of the site as a Turf Yard and keeping of horses, as well as the use of the timber structure. The site is on the edge of Rawreth within walking distance of the local school and bus stops. The site is within reasonable distance of a large Macro store and Doctor's surgery on/ off Rawreth Lane.

Criteria 7 is not relevant. The site is used on a daily basis by family members in connection with the business use and keeping of horses. Even when the appellant is away travelling other family members are still around.

- 5.10 In so far as the Council has failed to provide or identify any non green belt sites for Gypsy and Traveller sites for this or any other family and in so far as this site satisfies all 7 criteria of Policy HP20 , I believe that planning permission should be granted. However, if I am wrong on this, regard should be given to other material considerations.

Issue 3. Reasons for refusal

- 5.11 Permission was refused because the site is in the green belt and because it is considered an unsustainable location by the Council.

I address both reasons in turn.

Reason 1 Green Belt

- 5.12 It is not disputed that the development constitutes inappropriate development in the Green Belt which by definition results in harm to the Green Belt. Considerable weight must be attached to this. In addition, there is further harm to the Green Belt resulting from loss of openness with the stationing of a caravan on this land. However, there is no other harm and what harm does exist would apply to any other site in the countryside of Rochford as all of the district other than MOD land is also in Green Belt.
- 5.13 Very little harm accrues to the character and appearance of the area from the stationing of the caravan and use of an existing building. The site is not prominent. Little can be seen of the caravan from outside the site on account of the mature hedgerows and trees that enclose the site. With its flat roof and solid, unglazed door, it looks more like a portacabin than a caravan from the site entrance. There is no obvious domestic curtilage or paraphernalia associated with the use of the site (ie children's play equipment, sheds or garden area), other than a small timber decked area at the side of the stable block which can not be seen from outside the site. This alone is not a material change in the use, character or appearance of the site and it is questionable whether it can be considered 'an item' and if its removal is covered by the enforcement notice. The use made of the existing large timber shed on the site does not impact on the openness of the Green Belt. PPG 2 supports the reuse of existing buildings as they are already there. More recent guidance in the form of PPS7 also supports reuse of existing buildings in the countryside. No change has been made to the external weatherboard appearance of this building which is of substantial construction and well maintained. I do not believe any one passing the site would realise that the site was being used for domestic purposes. A caravan could well be sited on this land for purposes ancillary to its long established use as a lorry park and the keeping of horses. Activity on site remains largely that associated with the keeping of horses and the lorry park. The site does not impact on the residential amenities of other properties on Trenders Avenue. Other family members continue to drive here each day, leave their cars and take the lorries out. In an evening they return to park up the lorries. If the appellant was not living here the family would have need to visit the site 2-3 times a day just to check on and feed the horses.
- 5.14 In my opinion, as the site is located so close to the settlement of Rawreth and forms a continuation of ribbon development along Trenders Avenue, scope would exist for the site to be removed as an inset site from the Green Belt as recommended by
- a) C 1/06 for a Gypsy site and
 - b) PPG 3 (para 18)

This could be considered as part of the LDF process if no sites could be found within the developed area. Although the appellant seeks permanent consent for the proposed use, the possibility that this site could be removed from the Green Belt under the LDF process would warrant serious consideration being given to a temporary consent in accordance with guidance in C 1/06.

5.15 The caravan does not have an obvious curtilage of its own. The residential use of this land comprises an area measuring less than 10m by 3m. Shared use is made of the existing access, hardstanding, septic tank and buildings. If the proposed use were not in existence the site would still retain an access gate, all the hardstanding, lorry park, parking of other vehicles, the large timber building, the stables, the van bodies, activity and goods stored in the open in association with the Turf Business, activity associated with the keeping of horses. There would still be comings and goings associated with these other uses.

5.16 The proposal also makes use of an existing building inside the Green Belt which would not be inappropriate development providing the test of para 3.8 of PPG 2 is satisfied. The use of an existing building ensures that the residential use of the site does not have a materially greater impact on the openness of the Green Belt, other than through the stationing of the caravan. The building is of a permanent and substantial construction. The form, bulk and general design of this building is in keeping with the surroundings. This in my opinion is a material consideration that adds weight to the retention of the use of this land as a private Gypsy site.

5.17 It is difficult to see how use of part of this previously developed brownfield site for a private caravan site compromises any of the 5 purposes of including land in the Green Belt as set out in para 1.5 of PPG2. Trender Avenue is not part of a large built up area. As use is made of an existing yard – there is no encroachment into the countryside. The development does not lead to urban sprawl or the merging of one town with another. Rawreth is not an historic settlement and as C 1/06 acknowledges, Gypsy-Travellers sites are not likely to be land uses found in urban areas on account of the high land values of such areas.

5.18 Use of this particular site for a Gypsy site would however avoid the need to make use of farm land or open land elsewhere in the Rochford Green Belt.

Reason 2 Sustainable development

5.19 The requirement for Gypsy sites in Rochford is set out in Policy HP20. This requires the availability of services. I take this to mean that sites can be connected to water and electricity supplies. It does not specify any requirement for the siting of sites in

relation to services and facilities. It does not require such sites to be within walking distance or for services and facilities to be on the doorstep. In refusing permission because the site is not sustainably located the Council seeks to introduce another hurdle for Gypsy-Travellers to overcome in their search for a site. There is no guidance in Policy HP20 on where sites should be located to address this concern. Policy accepts that if sites can not be found in urban areas they will be in the Green Belt ie the open countryside. In such locations the Council must be realistic as to the likely availability of services and facilities.

5.20 Although this is a Green Belt location, the site is located within 500m of Rawreth Lane in an area of ribbon development. Rawreth Lane marks the northern boundary of Rayleigh. The boundary of the town has extended northwards with extensive recent development. A bus service operates along Rawreth Lane. The bus stop is close to the junction with Trenders Avenue. There is a primary school off Rawreth Lane almost opposite the junction with Trenders Avenue. When Ms Salkeld lived on the site as a child she walked down Trenders Avenue to school. There is a large Macro store on a trading estate off Rawreth Lane which Ms Salkeld uses through the family business. This is within walking distance. The appellant has provided a receipt for goods recently purchased by the appellant (Appendix 6). She can and does buy single items from this store. There is a small shop further down the road. The family doctors is on Rawreth Lane. Further shops are located at the junction of Rawreth Road and Hullbridge Road with yet more shops on London Road.. The appeal plot is probably no further to these facilities than the furthest houses on the new housing estates off Rawreth Lane.

5.21 It is acknowledged that most trips from the site are by car but this is largely because of Levi Salkeld's condition and need to minimise scope for cross infection which could arise from using public transport ie buses and underground trains in London.. These trips are mostly short and infrequent. Longer journeys are necessary for hospital check ups but these are not daily trips and they would have to be made regardless of where this family lived. Further down Trenders Lane is a playing field complex, accessed mostly by football players in their vehicles. If it is acceptable for the settled community to drive out from urban areas to access recreational facilities in this location, it must also stand to reason that the appeal site is not so distant from urban facilities to make a weekly shopping trip or occasional visit to the Doctors unsustainable.

5.22 PPG 13 'Transport' promotes minimum use of the car but does not seek nil use. It also provides advice on what it considers to be reasonable distances for walking (2km) and cycling (5km) to offer 'the greatest potential to replace short car trips and

to form part of a longer journey by public transport'. It also confirms that 'The likely availability and use of public transport is a very important ingredient in determining locational policies designed to reduce the need to travel by car'. The appeal site is located within the identified 2km walk distance of facilities on Rawreth Lane. PPG 13 also notes that ' In rural areas the potential for using public transport and for non recreational walking and cycling is more limited than in urban areas'. It advises that local authorities should be realistic about the availability or likely availability of alternatives to access by car. This advice is repeated in C 1/06 (para 54) Similarly, they should not reject proposals that would give rise to only modest additional daily vehicle movements in comparison to other uses on a site, and where the impact on minor roads would not be significant.

Issue 4. Whether there are very special circumstances sufficient to outweigh harm to policy having particular regard to the provision of and need for additional sites in the district and the personal circumstances of the appellant and alternative accommodation options.

5.23 As the development is inappropriate development in the Green Belt it is necessary to look at other material considerations. The approach to be taken in relation to very special circumstances has been clarified by Mr Justice Sullivan in the case of Regina (on the application of Basildon District Council) –v-First Secretary of State and Mrs Temple [2004] EHC 2759 which concluded that in planning, as in ordinary life, a number of ordinary factors may, when combined together, result in something very special. Whether any particular combination amounts to very special circumstances for the purposes of PPG2 will be a matter for the planning judgement of the decision maker.

- 5.24 I identify the following eight material considerations
1. The national and local need for sites which extends into adjoining districts
 2. Availability of alternative sites
 3. Government policy seeks to encourage Gypsies to self provide and manage their own sites
 4. Need for a settled site.
 5. The very acute health needs of Mr Levi Salkeld who has a life threatening condition
 6. Deficiencies of Policy
 7. The only realistic area for Gypsy sites in Rochford is in the Green Belt.
 8. Scope for temporary permissions.

I discuss each of these material considerations below.

Material Consideration 1: National , regional and local need for sites

- 5.25 It is incontrovertible that there is a national need for more sites. It is also well known and accepted that there is a need of some considerable magnitude for new sites in Essex. A Needs assessment was undertaken of all Essex authorities in 2005/6 including Thurrock which found that 38% of vans in the County are on unauthorised sites (compared to 20% for England as a whole). The study identified a need to increase provision on council sites by 25% and on private sites by 64%. The study identified a need for 59 more pitches by 2016 to address the shortfall for those on authorised sites, as well as a need to find sites for the 442 vans on unauthorised sites.
- 5.26 Brentwood Council has conducted its own separate assessment, as has the London Borough of Havering. Thurrock Council have commissioned a separate study and intends to extend and modernise one of its own sites (Pilgrims Lane for Irish Travellers) to assist with the need for more sites and provide a safer site for occupants. It remains to be seen how the identified need is allocated to authorities across the County. It seems unlikely that provision will remain concentrated in a few districts as it is at present. It seems highly unlikely that authorities such as Rochford will be excused non provision and permitted to rely on the provision of other authorities to meet the needs of its own Gypsy –Traveller population when it has no provision of its own.

Material consideration 2: Availability of alternative sites

- 5.27.1 The need for and availability of Gypsy caravan site provision generally is an important material consideration. There is no council provided sites in this district and the recently reviewed Local Plan makes no such provision. This absence of alternative provision weighs strongly in favour of the appellant. According to the 1995 adopted District Local Plan First Review suitable land was identified at Eastwoodbury Lane which runs along the southern side of Southend airport, in Southend (LPA ref E1/K1555/2/5/1) but permission was refused in 1993 as the County Council was unable to demonstrate a genuine need for a site in this part of Essex. It is not clear if this land is still available but aerial photos on multimap suggest that most of the southern side of the road remains undeveloped open land. The subsequent Local Plan stated that the site would be considered should a need be identified. The 2001 Structure Plan included policy on the Accommodation for Gypsies – H6. It identified 200 families in the plan area with no official site. It stated that there was an urgent need for additional sites and policy since 2001 has required local authorities in Essex

to identify site specific locations for local authority or private sites. Local authorities were advised to identify the extent of need in their area. The fact Rochford District Council chose to ignore this advice when it produced its current Local Plan adopted 2006 weighs strongly in favour of the appellant. The fact Rochford ignored this advice in the knowledge that::

- a) a suitable site for Gypsies was identified at Eastwoodbury Lane, Southend
- b) they had a need for additional pitches as witnessed by the January 2001 appeal decision for a site in the Green Belt at Vanderbilt Avenue, Hullbridge
- c) they have known of the need for a site for families living at Cherry Tree Farm on Old Chelmsford Road, Rawreth since September 2002 when the site was first occupied and would have been mindful of the findings of the Inspector who determined the first appeal on this site and issued his decision in June 2003. The appeal was dismissed but the period for compliance with the enforcement notice was extended from 60 days to 12 months having regard to the long waiting time for pitches on a site in Basildon and possibility that an acceptable privately owned site may be identified. The absence of any site specific policy has not assisted with this process. A second application for a site was refused and was the subject of a further appeal, The hearing took place in October 2005 and the appeal was dismissed March 2006- but the site remains occupied as the occupants have no where to go. Access to the site remains a principle concern.
- d) they would have been aware of the need for sites for the significant concentration of Gypsy families occupying land in adjoining districts in Essex, in particular in parts of Chelmsford and Basildon where there have been a number of high profile cases. In my opinion, this also weighs very strongly in favour of the appellant.

Material Consideration 3: Government policy seeks to encourage Gypsy and Travellers to self provide and manage their own sites

- 5.28 Para 13 of C 1/06 reports that many Gypsies and Travellers wish to find and buy their own sites to develop and manage and this is reflected in most GTAA reports. It is recognised, however, that not all have the resources to do so. Para 13 of C 1/06 recognises that there will remain a requirement for public site provision for those unable to buy and develop their own sites or who prefer to rent. The appellant does not own this site. If she is unable to live here, she will be reliant on the Council to provide an alternative site for rent.

Material consideration 4 : Need for a settled site.

- 5.29 The Gypsy-Traveller community has needs for 'housing' that can not easily be met, otherwise the Council would have identified potential sites in accordance with national guidance. PPG3 recognises that these amount to special housing needs and national

policy permits exceptions to housing policy in the countryside to meet special housing needs. This family has very special housing needs. Local authorities are required to facilitate this traditional way of life. Planning policy permits exceptions to restrictions on development in the countryside to meet special housing needs (see para 18 PPG3).

5.30 The aims of Circular 1/2006 include:

- the need to recognise, protect and facilitate the traditional travelling way of life of Gypsies and Travellers, and
- the need to significantly increase the number of pitches for Gypsy-Travellers to address underprovision, and
- the need to promote more private Gypsy and Traveller site provision in appropriate locations through the planning system, while recognising that there will always be those who cannot provide their own sites, and
- the need to help avoid Gypsies and Travellers from becoming homeless through eviction from unauthorised sites without an alternative to move to.

5.31 It is unclear how eviction from this site with no alternative, suitable accommodation for this family would fulfil the aims of the new circular. The likelihood of this family finding another site is limited by the extent of Green Belt designation and absence of any Council owned or run sites.

5.32 In the absence of any suitable, affordable, available and alternative provision this site meets the acute, immediate and pressing needs of this family for a settled site by:

i) Providing an affordable site. The land is already in their ownership

ii) Providing a site for members of a long established Essex family who have strong ties to this district.

iii) Providing a site that is close to other family members including a sister on Vanderbilt Avenue, Hullbridge.

iv) Providing a site where the family also keep their horses and park their horse boxes. The keeping and breeding of horses is an integral part of their way of life. Few public sites permit the keeping of horses or offer any stabling facilities. This family built their own stables on the plot back in the late 1960's. The keeping of horses gives young Levi an economic purpose to his travels. It also keeps him active and this is very important to the treatment of his condition. The importance of breeding and keeping

horses to the family's way of life combined with a need for a site in the countryside weighs in favour of this family

viii) Providing a site that is not covered by any other additional constraint upon development such as air or road noise, or flood risk.

- 5.33 The experiences of others in this and neighbouring Essex authorities suggest that it would be extremely difficult for Rochford District Council to find a more suitable location for this family that is not also in the Green Belt.

Material Considerations 5: The acute health needs of young Levi

- 5.34 Mr Levi Salkeld has Cystic Fibrosis. His needs are acute and specific. How these are met will determine his life expectancy. He has need for a settled base to access essential health care and receive continuity of health care. He has specialist equipment to help treat his condition which he could not keep or use without this settled base eg his physio couch and exercise machine. His medication needs to be kept in a fridge. He has need to use a nebuliser. Such equipment can be difficult to use if living roadside or reliant on generators. The Council were advised of his condition as part of the planning application. The whole family assist Mrs Salkeld with the care of Levi. Many of the appellant's family live nearby. The whole family have worked hard to develop his love of horses, bring him up as a Gypsy and give him a purpose in life. He is now able to attend the horse fairs where he mixes with others to learn and acquire the knowledge needed to become a good horse trader. This is the only hope he has of developing a trade and a livelihood.

- 5.35 His Doctor's agree that this site suits his needs. In particular, he is kept busy and active looking after the horses. There is no sharing of facilities with other families and risk of cross-infection.

- 5.37 I refer to various letters (Appendix 8). Jackie Francis of the Royal Brompton and Harefield NHS trust wrote in September 2003 to confirm the treatment received and the nature of the disease. She stressed how important it is for Levi to be kept physically active. More recently Sarah Elkin of The Royal Brompton and Harefield Hospital confirms (letter of 31 October 2006) that Levi Salkeld is under their care. They say that

'it would not be in his health interest to be rendered homeless or to decrease his exercise input'

- 5.38 Lorraine Lawrence of the Castle Point and Rochford Primary Care Trust wrote in September 2003 to point out that *'living with Cystic Fibrosis is no easy task'* and

stresses that the prognosis is *'markedly dependent upon the lifestyle he leads and the daily regime of treatment he receives'*

- 5.39 Anne Hayler of the Research and Clinical Care Dept of The Cystic Fibrosis Trust writes (Letter dated 27 October 2006) to point out that this is a progressive illness for which there is no cure. The symptoms of the disease have to be managed carefully and increasingly this is done in the home environment. Trender Avenue has provided the family with stability, continuity and support from family and community. It enables Levi to get a balance between looking after his health and working, thus improving his quality of life. The treatment is designed to prevent serious lung infection. Lung damage can not be reversed. She notes *'Those with Cystic Fibrosis cope with a considerable amount of stress, and do everything to avoid any deterioration in their health'*

Material considerations 6 : Deficiencies of Gypsy policy

- 5.40 The Rochford District Local Plan was adopted in June 2006., just 3 months after the Essex GTAA was published and C 1/06 was issued. . Policy HP 20 is not informed by the findings of the Essex GTAA. The Council relies on the presence of a 25 pitch site run by Essex CC in a neighbouring authority which it says caters for the needs of the Council. I assume they refer to the Hovefields site in Basildon. This opened in 1975. It has capacity for 34 caravans. It has the reputation of being one of the best run sites in the country. The site is fully occupied, it has a low turnover and has a closed waiting lists. The site is not capable of meeting need in Rochford. Nearby is the unauthorised site comprising 6 plots at Cherry Hill Farm, on the A 1245 Chelmsford Road, just south of the junction with Rawreth Lane, Rawreth. This has been occupied since September 2002 and is the subject of two appeals in 2003 and 2005. The families have no where else to go. The 2005 Inspector noted that there was little likelihood of families finding a place on a council operated site in Essex as other sites have waiting lists and no vacancies. He noted also that Rochford had no provision and had no plans to build any sites. He concluded that the only alternative for these families would be to 'move away from the area' or return to roadside camping. Permission was refused largely on account of the road access and visual impact of the site. The families approached myself for assistance following their last appeal. They have offered to improve the site access and I contacted the Council on their behalf for advice – but none has been forthcoming. The families have also worked hard to lessen the visual impact of their site.
- 5.41 Policy HP 20 does not comply with Structure Plan policy H 6 which requires need in an area to be assessed and site specific proposals made to meet that need. Given that the justification to policy expects that scope may exist for sites in urban areas

and on MOD land, there can be no justification for the failure of this local authority to have identified specific sites.

- 5.42 Policy HP20 does not comply with the guidance in former Circular 1/94, PPG 3 and in C 1/2006 in so far as it is not based on a quantitative assessment of need for Gypsy accommodation and relies solely on a criteria based policy. The review of the local plan was the appropriate place to reassess policy and consider any removal of land from the Green Belt to make provision for Gypsy and Traveller sites. Rochford has just missed that opportunity. Given the huge demand for sites in adjoining districts, one can only assume that if sites could have been found, they would have been identified by now.
- 5.43 Policy in Rochford assumes that Gypsy-Travellers seeking sites in Rochford will self provide or else move elsewhere. The option of social provision is not considered. This assumes that families will have the means to purchase land, to submit a planning application and, if successful pay for services and facilities to be installed. This is unrealistic and unfair. Not all families have the financial means to buy land, especially land zoned for residential development in urban areas. Land elsewhere in the open countryside is often without electricity or water both of which can be very expensive to provide. Criteria (ii) of Policy HP20 says that sites must avoid disturbance, including disturbance at unsocial hours, affecting neighbouring land or premises. This assumes that Gypsy-Traveller will cause a public nuisance in which case it is unclear why the Council believes they are capable of being accommodated in residential areas. This requirement overlooks the fact that many Gypsy families such as the Buckleys have had to occupy homes in amongst the settled community. Sites, expected to be found in residential areas, are required to have adequate arrangements for access, parking, manoeuvring of vehicles and storage of goods and vehicles. Again one wonders how such requirements would fit in comfortably in most residential areas. This family had to retain their yard because when they were moved into housing where there was no where to park their lorries, store a caravan or keep their horses. Finally, criteria (vii) requires arrangements for the site to be made secure during non occupation. Once again it is unclear how this might fit comfortably with residential areas.
- 5.44 In future there will be a need for greater community involvement in the preparation of local policy and local authorities will be expected to consult with the local community. The fact that policy was unchallenged through the review process does not mean that its ability to meet the needs of Gypsy-Travellers was beyond question or that the Local Plan Inspector was appraised of the full situation. Given that the authority could not provide details of land owned by the MOD, it is unclear if the Inspector was fully

aware of the real prospect of MOD land being made available for Gypsy sites. The Local Plan Inquiry Inspector could only make recommendations on objections raised. Much weight must now be given to the consideration of policy in Circular 1/2006, in particular para 32 and Annex C. In future Council's will have to show that they have consulted those directly affected by policy using means appropriate and relevant to those persons.

- 5.45 Although it is obvious there is a need for further provision in Essex, with one of the greatest concentrations in an adjoining district, Gypsy policy In Rochford does not identify new sites. In my opinion permission should not be refused because development fails to satisfy a policy that is bound to change I refer in particular to para 32 of C 1/06 which states that policies that rule out or place undue constraints on the development of Gypsy and Traveller sites should not be included in RSSs or DPDs.

Material Consideration 7: The only realistic area for Gypsy-Traveller sites in Rochford is in the Green Belt.

- 5.46 With,
- all of the district (with the exception of MOD land) outside the built up areas designated Green Belt, and
 - no sites allocated within settlement boundaries for Gypsy-Traveller sites, and
 - total reliance on self provision, and
 - no grants available to Gypsy-Travellers to fund the cost of providing new sites,
- it is only realistic to expect that most if not all new sites will be in the countryside where land is affordable and will therefore be on land designated Green Belt. Any application for a planning permission for a Gypsy site within an urban area is likely to generate significant public opposition and is likely to be rejected on the basis that it would conflict with polices designed to protect residential amenity and need to make prudent use of available land for high density housing.

- 5.47 The reasons given by the Council for refusing this development would apply equally to any other development. It follows that any such site in Rochford will be likely to
- a) reduce the openness of the land it is on
 - b) have some effect on the visual amenity of surrounding Green Belt land in which it is located, and
 - c) conflict with the main functions of the Green Belt by encroaching into the countryside.

Material Consideration 8: Scope for temporary permissions.

- 5.48 Guidance on the use of temporary permission is given in para 45-46 of the Circular under the heading 'Transitional Arrangements'. The guidance stresses that temporary permissions should not be regarded as setting a precedent for the determination of future applications. The fact that the site is in the Green Belt should not therefore be looked on as a barrier to a temporary permission being considered and this provision could be relied on in situations where the very special circumstances identified do not outweigh the harm to Green Belt but there is no alternative provision.
- 5.49 Para 45 advises that a temporary permission may be justified where it is expected that the planning circumstances will change in a particular way at the end of the temporary permission. The guidance suggests that this could include the reasonable expectation that new sites are likely to become available to meet that need.
- 5.50 It is clear from the situation in Essex that new sites must be provided and further provision is needed.

D. Grounds B, F and G of the Enforcement Notice

- 5.51 Ground B: The Breach of control alleged in the Enforcement Notice has not occurred as a matter of fact in so far as the land edged red on the notice is not in agricultural use. A house used to stand on the land. The site has been used for the parking of lorries and keeping of horses for the past 40 years. This is confirmed by others but will hopefully be established before the hearing convenes in June 2007. In my opinion the notice is capable of correction without any injustice to the appellant or third parties. The Inspector is asked to do so.
- 5.52 Ground F: In so far as the caravan stands on hardstanding that forms part of the yard and no additional hardstanding was laid on the land to accommodate this structure, it would be unreasonable to require this part of the yard to be reseeded.
- 5.53 Ground G: The Enforcement Notice gives the appellant and her son 6 months to find alternative accommodation. Clearly this requirement will only be necessary if the appeal against refusal of planning permission fails. With no other sites for Gypsy-Travellers in the district, with other families on unauthorized sites, with high levels of unauthorized developments in adjoining districts and with no provision made as part of the recently reviewed Local Plan, it would be unreasonable to expect this family to find an alternative site where they can live in their caravan within 6 months. If planning permission is not granted, they should be permitted to stay until this

authority is in a position to offer suitable alternative provision. I consider that a period of 2-3 years would be more realistic. I have seen no information to suggest that a welfare review was undertaken to inform this authority of the health, general welfare and accommodation needs of this family before a decision was taken to pursue enforcement action. The council is not able to suggest a suitable alternative site. They have failed to make a proper assessment of the appellants' circumstances in accordance with Government advice and guidelines, prior to serving the enforcement notice. The delegated officer report on the planning application records that no letters of objection were received in connection with the planning application. In my experience of dealing with Gypsy-Traveller sites this is highly unusual. One can only wonder why this authority considered it expedient to serve an enforcement notice having taken so long to determine the planning application and in the absence of local opposition to the use being made of this land. This family should not be made homeless due to the failings of this authority to have proper regard to the requirements of national and strategic planning policy.

E Human Rights Act 1998

- 5.54 Since 2 October 2000 the Human Rights Act 1998 has been in force. That Act makes it unlawful for a public authority to act in a way that is incompatible with a Convention right. Where action is proposed which would have the effect of displacing people from land occupied by them as their home there is an interference with their rights under Article 8 and Article 1 of the First Protocol of the Convention. In the case of Gypsies, such an interference affects their ability to maintain their identity as a Gypsy and to lead their private and family lives in accordance with that tradition. This needs to be balanced against the legitimate aim namely that of protecting the rights of others in the sense of environmental protection, which is also (for the purposes of Article 1 of the First Protocol) in the general public interest.

F. Race Relations (Amendment) Act 2000

- 5.55 Duties created by the Race Relations (Amendment) Act 2000 (RRA) changed the way that that public authorities fulfil their duties to prevent unlawful racial discrimination and promote good race relations. In practice, this means the Council must take account of racial equality in the day-to-day work of decision-making, including the planning process. The applicants in this case are Irish Travellers and particular attention needs to be given to the requirements of the RRA. The Council should evaluate the policies applicable to the application in order to assess whether the applicants are potentially placed at a disadvantage by the policy, whether the adverse impact is unavoidable, and whether the policy is justifiable having regard to the aims of the policy and its importance. I refer to the CRE report 2006.

5. SUMMARY AND CONCLUSIONS

- 5.1 This is an appeal against the refusal of planning to retain use of the land as a small private Gypsy site and an enforcement notice which requires this use to cease and the caravan occupied by Ms Salkeld to be removed. The Enforcement Notice is challenged under grounds A, B, F and G.
- 5.2 The appellant, Mrs Salkeld (nee Buckley) and her son Levi rely on their Gypsy status. They are technically 'homeless'. They have nowhere lawful to live in a caravan in accordance with their Gypsy tradition. Although this site was re-occupied for residential purposes in January 2003, the needs of this family have been known to the local authority since they first occupied the land for several years in the early 1960's and they were evicted. The family have stored caravans and lorries on this land ever since, but had to live in housing because no sites have been provided for Gypsy-Travellers in this district. The family has long connections with this district. They run a business from this site – Rayleigh Turf. This site provides the only stabling they have for their horses. They are not the only Gypsy family in need of a site in Rochford. Another site is occupied contrary to enforcement notices nearby on Old Chelmsford Road.
- 5.3 Permission was sought to retain use of part of the land for the stationing of a single static caravan and use of an existing building that is of substantial construction. Consent was not sought or intended for use of the land for the parking of lorries or keeping of horses. These are uses that have continued since the mid sixties and are not the subject of any enforcement action or investigations by the authority. If considered necessary an application will be made for a Certificate of Lawfulness .
- 5.4 Permission was refused for two main reasons
-inappropriate development in the Green Belt, and
-unsustainable location
- 5.5 It is agreed that the development is contrary to national and local policy in so far as consent is sought for the residential occupation of a caravan in the Green Belt. Substantial weight must be attached to this. However Policy HP20 is an enabling policy. It permits exceptions to the normal presumption against new development in the countryside for Gypsy sites where it can be demonstrated that there are no alternative non green belt sites. In the absence of any public provision of Gypsy sites in this district, Policy HP20 expects Gypsy-Travellers to self provide. The recently adopted Local Plan makes no site specific provision for Gypsies. With a substantial unmet need for sites in Essex there is a clear expectation that local authorities will be

required to identify site specific locations for new sites. It is totally unreasonable to expect applicants to do this. In this case the local authority has recently adopted a Replacement Local Plan which fails to identify any site specific sites. It does seem very unrealistic to expect applicants to do what a local authority with all the resources at its disposal has failed. Especially when that local authority has been aware of the need for sites for families living in this district and can not have been ignorant of the huge pressure for sites in nearby Basildon and Chelmsford.

- 5.6 The appellant in this case is on income support. She is separated from her husband and is a full time carer of her grown up son. She relies heavily on family in Rochford with the care of Levi. She is living on this land because it was already in the ownership of her family and was available. Policy does not appear to consider the needs of Gypsy-Travellers who a) can not afford to buy land for occupation and b) have strong ties to Rochford and could not live elsewhere.
- 5.7 Justification to policy says that a 25 pitch site in a neighbouring authority caters for the needs of Gypsy-Travellers in Rochford. This is not so. The waiting list for the Hovefields site in Basildon is closed as turnover of pitches is so low. The Council is aware from the 2003 appeal decision for Cherry Tree Farm that other families in this district continue to occupy an unlawful site because no pitches have come available for them on the Hovefields site.
- 5.8 Policy also considers that scope exists to lease land from the Ministry of Defence. Yet when asked, the Council was unable to tell me what land this comprised. I had to contact the MOD direct and my enquiries of the MOD revealed that most of their land is at high risk from coastal inundation and therefore unsuitable for use as caravans sites and unlikely to be made available to Gypsy-Travellers. The Ministry of Defence seemed unaware that their land was considered suitable for occupation by Gypsy-Travellers in the recently adopted local plan.
- 5.9 As neither the Council nor the appellant are able to identify non green belt land or have the means to acquire such land, the application falls to be determined against seven criteria. In refusing permission and serving an enforcement notice the council did not take issue with any of these. I say that they are all capable of being complied with. There are no immediate neighbours. The site is well screened. This site has long been used for stabling and the parking of lorries, the storage of goods and materials associated with the use of these lorries and the keeping of horses without the benefit of planning permission and without the intervention of the Council. If permission were refused for the caravan, use would continue to be made of the existing driveway and existing hardstanding for the parking and storage of vans, of

the stables and other building on site. There would still be daily activity on the site in association with the lorry park and the keeping of horses. Little can be seen of the existing caravan as the residential part of the site is located towards the back of the site and is mostly screened from view. In 2001 another Inspector considered that a nearby site on the corner of Vanderbilt Avenue/ Hullbridge Road was an acceptable location for a Gypsy site.

5.10 The second reason for refusal concerns the issue of sustainability. It is not accepted that this is an unsustainable location. The site within walking distance of a primary school, shops and bus services. When Mrs Salkeld lived here as a young girl she walked down the lane to school. The site is no further from these services than property on new housing estates in Rawreth. There are other residential uses on the land as well as public football pitches. With the appellant living on the site there is no need for other family members to make special trips to the site to feed the horses.

5.11 If it is not accepted that there is no realistic opportunity of finding non green belt sites in this district and it is not accepted that this site is capable of satisfying all 7 criteria of policy HP20, then it must be concluded that this is inappropriate development in the Green Belt in which case I rely on the approach taken in relation to very special circumstances as clarified by Mr Justice Sullivan in the case of Regina (on the application of Basildon District Council) –v-First Secretary of State and Mrs Temple [2004] EHC 2759 . This case concluded that in planning, as in ordinary life, a number of ordinary factors may, when combined together, result in something very special. Whether any particular combination amounts to very special circumstances for the purposes of PPG2 will be a matter for the planning judgement. The following are the key material considerations in support of this case and when taken both individually or as a package are capable of amounting to the very special circumstances of PPG2:

- i) This authority evicted this family from this land in the 1960's. The family were forced into housing as there were no sites. Three of four children in this family have returned to live in caravans. This is their preference. If this authority had undertaken a needs assessment as required, it would have known of the needs of the Buckley/ Salkeld family and policy could have been drafted to address this need.
- ii) Government policy encourages Gypsies and Traveller to provide and manage their own sites but not all are able to do so. There is no provision of Council provided sites in this district and nothing is planned. Gypsy-Travellers have to self provide if they want to live in Rochford.

- iii) Levi Salkeld has a life threatening condition. He has need for a settled base and he relies on his mother and close family for help.
- iv) Realistically any site within Rochford is likely to be within the Green Belt. Ministry of Defence land is not likely to be suitable and urban land is beyond the means of most, especially those on income support.

5.12 The appellant is seeking permanent consent, but a temporary consent would accord with guidance in para 45/6 C1/06 and would provide this family with some where to live whilst this authority addresses the needs of Gypsy-Travellers as part of its LDF.

5.13 Granting permission would avoid infringement of the Appellants' rights under Article 8 of the European Convention. It is unclear where this authority believe this family would live if permission were to be refused. I respectfully ask that permission be granted.

5.14 If the Inspector is not minded to recommend approval for this site, he/ she is asked to vary the requirements of the enforcement notice to extend the period for compliance and permit Mrs Salkeld to remain on this land for at least 12 months or until this authority is likely to have identified and provided sites for Gypsy-Travellers in this part of Essex. The Inspector is asked to be mindful of the fact another site nearby has been occupied unlawfully since 2002 on account of the difficulty occupants have had finding any alternative sites – a situation not eased by the failure of this authority to identify site specific locations when policy was reviewed..

6. LIST OF APPENDICES

1. Kennard and Son Solicitors – siting of van at Urquahart House
Medical cards for family members living at Trenders Avenue in 1967
Birth certificate for Tina Maria Buckley born Oakham
2. Documents confirming use of Trenders Yard.
Traffic Commissioner letter of 10.11.06 concerning Goods Vehicle Operators Licence
Undated letter from E Searles
Letter dated 13.11.06 from Mr K Searles
Undated letter from CE Search
Letter dated 13.11.06 from David Pinkerton of Kingsmans Farmhouse
Letter dated 13.11.06 from Attwell Autos Ltd
3. Note dated July 2006 from Mrs Lewis of The Chestnuts, Ely Road, Sutton
4. Documents confirming receipt of Income Support and Disability Living Allowance
5. Correspondence with the Council and MOD email
6. Receipt for shopping at Makro 1.11.06
7. Letters confirming medical condition of Levi Salkeld.

APPEAL ON BEHALF OF MRS T SALKELD

APPEAL A: s78 appeal against THE REFUSAL OF PLANNING PERMISSION

AND

APPEAL B: s 174 appeal against ENFORCEMENT NOTICE

BY

ROCHFORD DISTRICT COUNCIL

FOR STATIONING OF A RESIDENTIAL CARAVAN

AT

**RAYLEIGH TURF YARD/ URQUHART HOUSE,
TRENTERS AVENUE,
RAYLEIGH SS6 9RG**

**PINs ref: APP/B1550/A/06/2029346/NWF
MY REF: ATH J 61**

STATEMENT ON BEHALF OF THE APPELLANT

APPENDICES

**ALISON T HEINE
BSc (Hons), MSc MRTPI**

Heine Planning
10 Whitehall Drive, Hartford,
Northwich
CW8 1SJ
Email: heineplanning@btinternet.com

December 2006

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N. Buckley Esq.,

To H. Kennard & Son,

Solicitors,

31a, Corbets Tey Road, Upminster, Essex.

Telephone: Upminster 7100

As to Warrant House Tenders Avenue, Rayleigh

L s.

NO PROFESSIONAL CHARGES in relation to attending upon you and obtaining your instructions concerning the law relating to the siting of your caravan at the above address, you explaining to me the circumstances which are relevant to the matter, giving you preliminary advice, ~~further considering~~ the situation in which you are placed, including investigation of similar cases since the Caravan Sites and Control of Development Act 1960 and discovering that to date there have been no case that would specifically help you, advising you in writing of these findings after attending at the local Council offices to ascertain the Planning permission as caravan site questions affecting the property and generally advising you on the position in which you are placed at this time.

4.

4.



NATIONAL HEALTH SERVICE
MEDICAL CARD

ISSUED BY THE
ESSEX
EXECUTIVE COUNCIL
Queen's Hall, King's Avenue, Holland-on-Sea

Please quote this number if you write to the Executive Council
N.H.S. Number NH 5134 3624 DATE OF BIRTH 2.7.59

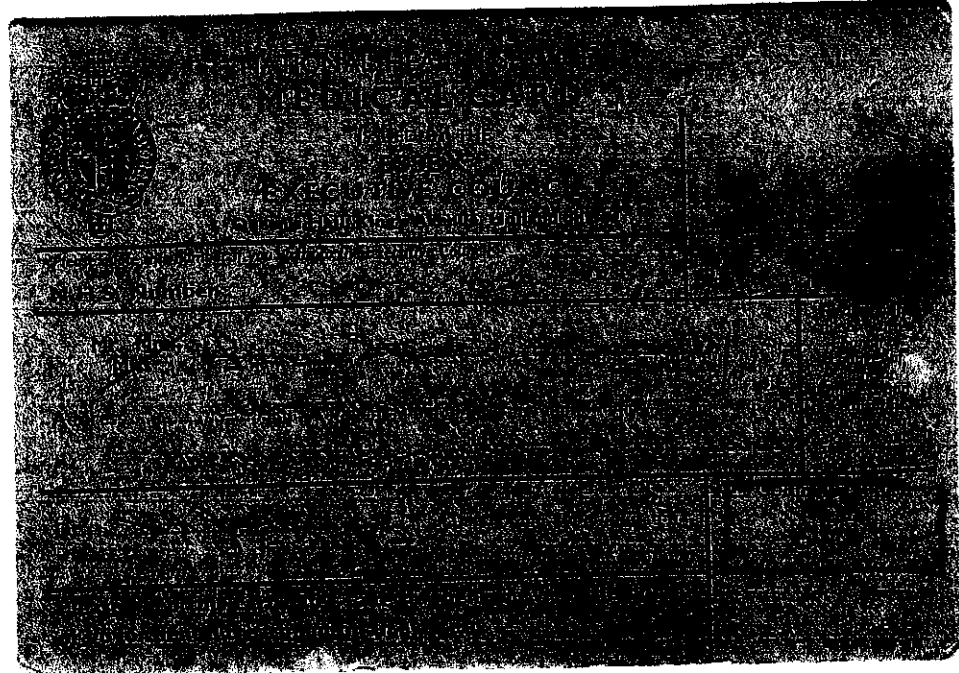
Mrs. Ellie Buckley
Address Merchant House, Friends Avenue, Rayleigh

Please notify the Executive Council of changes of name, address and family size, and so forth. Write at once to the Executive Council.

Dr. S. A. Phillips 2153

Council Stamp
EX
7 MAY 1962
Form E.234

Please keep this card safe. Take it when you visit the doctor or go for dental treatment or an eye test.



R.G.54(B) (E. and W.) (Rev.)

To be completed by the Registrar of Births

N.H.S. MPTN
No. 294

SURNAME OF PARENT OR PARENTS Buckley

Date of Birth 2.7.59

Other names of child Tina Maria

Male or Female (M or F) F

I have this day registered the live birth of the above mentioned child.

Signature M. Hawksley
Registrar of Births for Sub-district of OAKHAM.

Date 6.3.1962

NOTICE TO THE MOTHER OR OTHER PERSON HAVING CHARGE OF THE CHILD

The tokens remaining in the mother's Welfare Milk Book should be used to get cheap milk (or National Dried Milk) for the baby. To get further tokens, fill up the APPLICATION CARD at the end of the Milk Token Book, tear it out and send it WITH THIS FORM to the Pensions and National Insurance Office, along with a completed form of application for FAMILY ALLOWANCES if being claimed. Do so at least two weeks before the new tokens are needed. If the milkman has the book make sure he returns it to you, or gives you the card out of it, in time.

If an application card for Welfare Milk tokens is not being enclosed, please state

Name _____
(of mother or person having charge)

15
**Office of the
Traffic Commissioner**

Steve Flitton
Office of the Traffic Commissioner
Eastern Traffic Area Office
City House
126-130 Hills Road
Cambridge
CB2 1NP
DIRECT LINE: 01223 531008
FAX: 01223 309684
GTN CODE:
E-MAIL: steve.flitton@vosa.gov.uk

NATHAN BUCKLEY
T/A RAYLEIGH TURF SUPPLY
2B, LANCASTER ROAD
RAYLEIGH
SS6 8UP

Our Ref: OF0065550

Your Ref:

10/11/2006

Dear Sir,

GOODS VEHICLE (LICENSING OF OPERATORS) ACT 1995

I refer to our telephone conversation of 9 November 2006.

As requested, please find enclosed an up-to-date copy of your goods vehicle operators licence. This confirms the licence was originally granted by this office on 6 March 1992 and has run continuously since this date. The licence is renewable at five yearly intervals with the next continuation being 28 February 2007.

Since the grant of the licence the specified operating centre has been Urquhart House, Trender Avenue, Rayleigh, SS6 7LT. The original authorisation at this site was for three vehicles reducing to two at the continuation in February 2002.

Our records do not go back beyond 1992. Should you have any queries please do not hesitate in contacting this office.

Yours sincerely



Steve Flitton





Eastern Traffic Area
 Terrington House, 13-15 Hills Road
 Cambridge CB2 1NP

NOT TRANSFERABLE

Licence No: OF 65550

Goods Vehicle Operator's Licence
 RESTRICTED OPERATOR'S LICENCE

Issued to

NATHAN BUCKLEY
 T/A RAYLEIGH TURF SUPPLY
 353 EASTWOOD ROAD
 RAYLEIGH
 ESSEX
 SS67LT

Date of issue: 18/03/92

Licence runs:

from: 06/03/92 to: 28/02/97

The Licensing Authority hereby authorises the person to whom this licence is issued to use:

- (a) operating centre(s) specified on the attached form OL2(R) or OL2(S)
- (b) motor vehicles specified on the attached form GV79A or vehicles temporarily authorised in substitution for specified motor vehicles, see Regulation 26 of the Goods Vehicles (Operators' Licences, Qualifications and Fees) Regulation 1984; or
- (c) (provided that the licence permits the addition of authorised vehicles) motor vehicles which have come into the possession of the licence holder after the grant of the licence and have been in his possession for less than one month (see Note 4 below); or
- (d) trailers (including semi-trailers) not exceeding at any time the maximum number shown below.

Total Vehicles Authorised

Motor Vehicles	3
Trailers (inc. Semi-Trailers)	0

This licence is issued in pursuance of the provision of Goods Vehicle (Operators Licences, Qualifications and Fees) Regulations 1984. It is subject to the attached conditions.

Notes

1. This licence must not be altered or defaced in any way by the holder. If vehicles are to be added or deleted it must be returned to the Licensing Authority.
2. This licence only authorises the use of any motor vehicle referred to therein whilst being driven by the holder of the licence or by a person who is the servant or agent of the holder.
3. This licence is liable to revocation, suspension, premature termination or curtailment by the Licensing Authority on any of the grounds set out in Section 69 of the Transport Act 1968 or the Goods Vehicle (Operators' Licences, Qualifications and Fees) Regulations 1984.
4. Any authorised vehicle ceases to be so authorised unless the licence holder notifies the Licensing Authority of its acquisition within one month.
5. If the number of vehicles specified is equal to the number of vehicles authorised, as shown above, the licence holder may not operate extra vehicles without first seeking authorisation from the Licensing Authority on form GV81 for a variation of the licence, nor operate other vehicles in substitution for special vehicles without prior notification to the Licensing Authority. At no time may the licence holder operate more vehicles than the number authorised above, without the sanction of the Licensing Authority.
6. If an operating centre is to be changed or added an application must be made to the Licensing Authority on form GV81 for a variation of the licence.

DEO

SPECIFIC CONDITIONS ATTACHED TO OPERATORS LICENCE NUMBER OF 65550

NATHAN BUCKLEY
T/A RAYLEIGH TURF SUPPLY

OPERATING CENTRE

The following places are specified as operating centres and are subject to environmental conditions shown below.

NOTE: No other place in this area may be used as an operating centre without the prior approval of the Licensing Authority.

URQUHART HOUSE
TRENTERS AVENUE
RAYLEIGH
ESSEX

- Vehicles Authorised 3
Trailers Authorised 0

TO BE SUBMITTED IN DUPLICATE
FEES SHOULD NOT BE SENT WITH THIS NOTIFICATION
 Transport Act 1968 Part V

Notification of Changes within the Total Number of Vehicles already Authorised on an Operator's Licence

FOR OFFICIAL USE ONLY	
TA/Licence	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Date	{ Fee requested Refund authorised
Expiry of Licenceyr.....mth
Variation fromyr.....mth
Balanceyrsmths
$\frac{\text{mths} \times \text{vehicles}}{3} = \text{£}$	
Disc Schedule	No. Initials

I ask that my operator's licence No. OF 65550 be amended to take account of the changes listed below and declare that all statements in this notification are true. I claim payment of any refund which may be due.

Date 1-10-1990 Signature M. Buckley

Position in the licence holder's business owner
 (e.g. owner, company secretary, director, partner, etc).

1 Full name (including forenames) and address of the person, the partnership or company applying for the licence to be varied (in the case of a partnership, give full names of each partner).
 (See Note 2)
 Telephone/Telex

2 In the case of a partnership, has there been any change of partners since your operator's licence was issued?
 Answer YES or NO. If YES give details.
 (See Note 2) NO

3 If you are a holding company and this application includes vehicles of a subsidiary company not previously named in your licence, give their name and address. ✓

4 Please take off my Operator's Licence the following: N.B. Indicate name of subsidiary company where applicable.

a. ~~Motor Vehicles (including tractor units)~~

Registration Mark	Registration Mark	Registration Mark	Registration Mark	Registration Mark	Registration Mark
<u>WLC</u>					
<u>164S</u>					

VERY IMPORTANT— Your licence (Form OL 1) together with Supplementary Sheet(s) (Form GV 77) and the identity discs for all the vehicles listed above must be attached to this application. The loss of any of these documents must be fully explained in writing.

b. Trailers (including semi-trailers)
 If you wish the number of trailers in your possession to be reduced state the number to be removed.
 Take off.....trailers

DO YOU WISH TO SURRENDER YOUR LICENCE COMPLETELY? ANSWER YES OR NO

Downwood
Hooley Drive
SS6 9RA

I have known Mr Nathan
Buckley some 45 years.

When he purchased the
yard from Mr Leslie Sheppard

The shed in question
was erected prior to the
purchase, by Mr Sheppard.

Mr Buckley has
kept lorries at the yard many
years. These lorries, were
maintained by my brother
Bill. who was valued as
the local mechanic, until
ill health forced his
retirement.

I have lived in Trender's area

76 yrs of Sean 7.11.06

E. SEARLES

7

Mr K Searles
498 Ashingdon Road
Rochford
Essex SS4 3HF
13th November 06

FAO Rochford District Council

Not another example of a blatant lack of common sense!! Have you not heard of negotiation instead of confrontation?

This correspondence is regard to your unreasonable behaviour towards Mr Buckley and his property in Trenders Avenue, off Rawreth Lane Rayleigh.

My name is Keith Searles, I requested my right of use on my property in Trenders Avenue and you the council, caused my family and I 5 years of unnecessary stress and financial hardship and a great deal of expense to the local taxpayer, before a government inspector gave me my rightful use, which you, because of your unreasonable behaviour, would not give! Now you are taking the same unreasonable approach with Mr Buckley. Confrontation rather than negotiation.

I am 55 years old, my grandparents moved into Trenders Avenue in the mid 1930's, my Father established his business there in the early 1950's along with other family members. I have personally lived in 3 properties in Trenders Avenue for 36 years and have business interest and property in Trenders Avenue which make up the remaining years.

The property owned by Mr Buckley in Trenders Avenue that you are questioning, had a house on it which was owned by my uncle Sheppard in the 1950's, I remember Mr Sheppard living there in a mobile home and demolishing the house, he had planning permission to build another property but due to personal circumstances this did not happen and his planning permission lapse and Mr Buckley purchased the property from my uncle, that would have been over 40years ago.

Mr Buckley lived there in a mobile home for some time before the council, your council, found him a council house to live, it was you that told him he should keep his lorries there as it would not be acceptable to keep them outside his council house.

Mr Buckley deals in turf which he cuts from various parts of the county and he has kept and maintained his lorries from this property for the purpose of transporting his turf, un-interrupted to this day.

I have worked there personally over the decades when Mr Buckley requested assistance to maintain his property for this purpose.

Mr Buckley has also maintained a pond in the grounds of his property which I and my children, Mr Buckley's children and grand children have fished in over the decades, so we are all fully aware that Mr Buckley has always kept his lorries there.


I intend to support Mr Buckley to the best of my ability and hope that you will not be naive enough to take this matter to appeal court, if you do I will look forward to exposing you once again as being

P.T.O

completely unreasonable and unable to make common sense decisions on your own, I'm sure Mr John Holt QC would cherish a return to expose your unreasonable and incompetent behaviour once again as he did with my appeal.

I strongly appeal to you to not waste any more of the tax payers money and give My Buckley what is clearly his and negotiate rather than confront, bringing this matter to a mutually beneficial conclusion.

Mr Keith Searles

A handwritten signature in cursive script that reads "K. Searles". The signature is written in black ink and is underlined with a single horizontal stroke.

THIS IS FROM A
S P Duster of the pa

+ C. E. SEARCH NDA. J.P.

DOESHILL FARM

CRAYS HILL

BILLERICA MA 01124

To Whom it may concern,

I am writing to state that I have known NATHAN BUCKLEY, and his family, for nearly forty years. I have sold and purchased goods from/to Rayleigh Turf Supplies. He has become a trusted friend.

To my certain knowledge he has operated haulage vehicles from his premises, known as "URQUHART HOUSE", TRENTERS AVE. RAWRETH for all the time I have known him. This address is used for his OPERATORS LICENCE.

Urquhart House stands on a small holding of about six acres, which has always had buildings appropriate to the housing of livestock.

The house "fell down" before my association with Mr. Buckley, but there always was a hard standing and a septic tank at the premises. This is a true statement,

C E Search

Kingsmans Farmhouse
Kingsman Farm Road
Hullbridge
Hockley
Essex
SS5 6QB
(01702) 231302

13.11.06

TO WHOM IT MAY CONCERN.

I AM 60 YEARS OLD AND HAVE LIVED AND FARMED IN THE RAYLEIGH AREA FROM LUBARDS FARM ALL OF MY LIFE. I HAVE KNOWN NATHAN BUCKLEY FOR 40 YEARS AND KNOW HIM TO BE A DECENT AND HONOURABLE MAN. HE HAS TO MY CERTAIN KNOWLEDGE OWNED A PLOT OF LAND AT CREWDERS AVENUE FOR ALL OF THAT TIME AND HAS USED IT FOR PARKING LORRIES AND STABLES HORSES, ALWAYS IN A PROPER MANNER.

David Pinkerton

DAVID PINKERTON,

151
Telephone: Chelmsford 321693

VAT Reg. No. 250 2727 85

ATTWELL AUTOS LTD.

AGRICULTURAL, COMMERCIAL & PSV REPAIRS

**"ELMCOTE" MAIN ROAD,
BICKNACRE, CHELMSFORD, ESSEX CM3 4HW**

13/ 11/ 06

Dear Sir,

We have been repairing & maintaining
Commercial Vehicles & plant on a hard standing
at Ouquart House Trender Avenue Rawreth for N
Buckley trading as Rayleigh Turf for over fourty
years.

Yours faithfully



July 20th 06

11B S. Lewis

The Chestnuts

Ely Road

Sutton

Cambridge Shire,

CB6 2AB,

This letter is to confirm Tina Salkeld and her family have been visiting this site and stopping here for many years.

Most of her 45 years and every year they have travelled, mainly during the summer months.

DIRECTORATE OF EXTERNAL SERVICES

Revenues & Benefits Manager
S.G. Logan, IRRV



My Ref: 200159447
Your Ref:

Rochford District Council
Council Offices, South Street
Rochford, Essex, SS4 1BW

Please ask for: Revenues & Benefits
Direct Dial: 01702 318197/318198

Telephone Number: 01702 546366
DX: 39751 Rochford
Facsimile: 01702 545737

Email: revenues&benefits@rochford.gov.uk
Website: www.rochford.gov.uk

Date: 3rd October 2006

Dear Mrs Salkeld,

Housing Benefit/Council Tax Benefit

I have confirmed your entitlement to Carers Allowance and have amended your claim to reflect this, unfortunately this has made no change to your entitlement. The Non Dependant of £2.30 per week is still due. I enclose a Council Tax Bill for the 2006-2007 year for your information.

However to ensure you receive your correct Council Tax charge, please complete the enclosed form, in relation to your entitlement to Carers Allowance. This will effect your Council Tax due should you ever come of Council Tax Benefit

If you have any queries, please do not hesitate to contact the Revenues and Benefits Department on the above number.

Yours sincerely

PP

Revenues & Benefits Manager

Mrs Tina Maria Salkeld
Rayleigh Turf Yard
Trenders Avenue
Rayleigh
Essex



INVESTOR IN PEOPLE

Disability and Carers Service

Website: www.direct.gov.uk/disability

Mr Levi Salkeld
Urquart House
Trenders Ave
Rayleigh, Essex

Our address
7
Warbreck House
Warbreck Hill Road
Blackpool
FY2 0YE

Our phone number **08457 123456**

If you have a textphone **08457 224433**

Date 26 May 2006

Dear Mr Salkeld

About the entitlement notice for Disability Living Allowance

You have asked us for another copy of your allowance entitlement notice.

Period of award

We can confirm that you have been awarded

Disability Living Allowance for help with personal care from and including 06/04/1992 for an indefinite period, at the Middle rate.

Changes you must tell us about

You must tell us if any of these changes happen or have happened:

- your illness or disability changes
- your doctor tells you your illness or disability will last for a longer time or shorter time
- there is a change in the method or frequency of your dialysis treatment
- you have a transplant
- you start to live in a place which is partly or fully paid for by a local authority or the government. The place could be:
 - a hospital
 - a nursing home
 - a hospice
 - a residential home
 - a hostel
 - a residential training centre
 - a college
 - a boarding school

If you get in touch
with us, tell us this
reference number **WP085867C**

Mrs T M Salkeld
Urquhart House
Rawreth
Rayleigh
Essex
SS6 9RG

Our address **Southend DO
Victoria House
47 Victoria Avenue
Southend-on-Sea
Essex
SS2 6DR**

Our phone number **01702 222300**

If you have a
textphone **01702 222433**

Date **12 April 2006**

Dear Mrs Salkeld

About your claim for Income Support

I am writing to tell you that you are entitled to Income Support.
You will receive £56.20 a week payable weekly on a Monday from 21 March 2006.

The way this has been calculated is shown on the page called **How your Income Support was worked out.**

From 11 April 2006 your Income Support will change to £57.45 a week. This is because there has been a change to your Income Support rates.

How to get your money

We have sent you a cheque for £226.05 with this letter. This is for your Income Support from 21 March 2006 to 17 April 2006. The notes on the back of the cheque tell you how to get the money. After that we will pay your Income Support into the account shown below. The money will be in the account requested every week by the day Income Support is due.

Bank or Building Society:	Post Office (Tm) Post Office card account
Account or reference number:	0010499803

If you want a further explanation of this decision, please see the final page of this letter. It explains what to do if you disagree with this decision.

What should I do if my circumstances change?

If your circumstances change, it may affect the amount of benefit you get. You must tell us about any changes in your circumstances.

At a future date your partner(s) may be required to attend a Work Focused Interview with a Personal Adviser. If so, they will be notified nearer that time.

Yours sincerely

Ms V Wing
Manager

How your Income Support was worked out

1 How much the law says you need to live on

For you	£ 57.45
Because you are caring for someone or were caring for someone until recently	£ 26.35
Total amount	<u>£ 83.80</u>

Part 2 shows the money you already have coming in. This is deducted from How much the law says you need to live on

2 Income you told us about

Carer's Allowance for Tina Salkeld	£ 46.95
Total amount	<u>£ 46.95</u>

Part 3 shows how your weekly benefit is worked out

3 The weekly amount you will receive

The amount the law says you need to live on	£ 83.80
Less the income you told us about	£ 46.95
Total amount	<u>£ 36.85</u>

We will pay you £36.85 a week from 8 August 2006.

DIRECTORATE OF EXTERNAL SERVICES

Head of Planning & Transportation

Shaun Scrutton, BSc(Hons), Dip TP, MRTPI,
IHBC, MBA, MCMl

My Ref:
Your Ref:

Ask for: Mike Stranks
Ext: 3412
Direct Dial: 01702 318092

Email: mike.stranks@rochford.gov.uk
Website: www.rochford.gov.uk



**Rochford District
Council**

Council Offices South Street
Rochford Essex SS4 1BW

Telephone: 01702 546366
DX 39751 Rochford
Facsimile: 01702 318181

Date :1st December 2006

Dear Madam,

Change of use from Lorry Park to mixed use for residential mobile home and day room and Lorry Park.

At : Rayleigh Turf Yard, Trenders Avenue, Rayleigh, Essex.

**Planning Inspectorate References : APP / B1550 / A /06 / 2029346 / NWF
And APP/ B1550 / C / 06 / 2029196**

I enclose a response from my colleagues in Planning Policy which sets out the current situation concerning your request of 24th November. Enclosed is a map of the eastern part of the district . Outside the Green Belt notation are Foulness Island, New England Island and Havengore Island. I understand each is under the ownership of the Ministry of Defence.

I have no direct contact for the MOD but am advised it would best for you to contact their estates department who I understand are based in Cambridge Tel. 01480 52151 and alternatively over the web www.defence-estates.mod.uk

I have copied this letter to the Planning Inspectorate.

Yours Faithfully

A handwritten signature in black ink, appearing to read 'M. Stranks'.

Mike Stranks
Team Leader (Development Control North)

Alison T Heine B.Sc, M.sc, MRTPI,
10 Whitehall Drive,
Hartford,
Northwich,
Cheshire CW8 1SJ



INVESTOR IN PEOPLE

Heine Planning Consultancy

Alison T Heine B.Sc, M.sc, MRTPI
10 Whitehall Drive, Hartford, Northwich, Cheshire CW8 1SJ
Tel: 01606 77775 e-mail: heineplanning@btinternet.com

My ref: L8-J61-RCC
Your ref: APP/B1550/C/06/2029196
Date: 24 November 2006

Mr Mike Stranks
Rochford DC
Council Offices
South Street
Rochford
Essex SS4 1BW

Dear Mr Stranks

Re: ENFORCEMENT NOTICE AND PLANNING APPEAL
BY : MRS TINA SALKELD
AT: URQUHART HOUSE, TRENDERS AVENUE, RAYLEIGH ESSEX

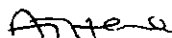
Thank you for a copy of the appeal questionnaire for the above site which arrived today.

Policy HP 20 of the replacement Local Plan states that Gypsies should examine the possibility of leasing land from the Ministry of Defence before buying land in the Green Belt. As a matter of some urgency could you please

- a) provide a map showing what land the MoD own in Rochford
- b) advise who my clients should contact at the MoD to discuss leasing arrangements.
- c) Advise what particular parcels of MoD land the Council consider would be suitable for Gypsy sites.

I look forward to hearing from you by return.

Yours sincerely



Alison T Heine

The appellant would need to contact Defence Estates, who for this region have an office near Cambridge. The majority of MoD Shoeburyness is under the control of the private proofing company, Qinetiq, who have the long-term lease on the site. I have attached a map indicating the eastern green belt boundary, but we have no information as to the MoD landholding, which is something for the appellants to find out direct from Defence Estates.

Various parts of the landholding are already leased to farmers for agriculture and to other operators for general industrial uses. There is also a separate storage and warehousing use by the AWE. On Potton Island a corporate training venture ran for a few years, again sub-let from the main unit.

In terms of suggestions as to what parcels of land would be suitable for Gypsy & Traveller sites these are a matter for the appellant to argue. However, given the proximity to *Natura 2000* sites, such sites may need an *Appropriate Assessment* and may also require a Flood Risk Assessment.

The consideration of MoD land is only one part of the task. The text also shows that the appellant must also demonstrate that they have examined sites within existing residential areas within the district, but also in adjoining districts. The price of these sites is not a material planning consideration as it affects everyone equally.

The latest survey results, submitted and approved by the Department for Communities and Local Government, for Gypsy & Traveller accommodation in the district states that in July 2006 there were 23 pitches in the district, of which 3 were authorised. The main part of the unauthorised sites is one with 16 caravans on it, where due process and has been undertaken and action through the Courts is being driven forward.

THE FUTURE

The Council will be allocating sites through the Allocations DPD process and these should be provided from 2009 onwards. These are likely to be sites provided alongside *bricks & mortar housing* on new land releases. It is currently premature to provide sites in the green belt, which will not be likely to gain consent under the new planning regime.

The Council has outlined its project plan for the preparation of its Local Development Framework in its adopted Local Development Scheme (adopted in April 2006), which has been accepted by government. A general position on how to tackle the issue of Gypsy &

Traveller Accommodation Provision was outlined in the Regulation 25 draft of the Council's Core Strategy, which is out to consultation until 31st December 2006. This states in paragraph 4.7.6 that:

"Government guidance makes it clear that the Council must also consider meeting the needs of Gypsies and Travellers. Their needs will be established by county working, where a report has been commissioned on this issue. Once the level of need is established, the Council may be required to allocate land to provide appropriate accommodation for this group. Whilst any site specific allocation is for the Allocations DPD to detail, the Core Strategy should include a policy detailing its approach. Such an approach will be consistent with the tenets of *Circular 1/2006 – Planning for Gypsy and Traveller Caravan Sites*.

The Council considers the options that should be considered are:

POSSIBLE	PROBABLE
<ul style="list-style-type: none"> • 30% of all new homes in the district be affordable on all sites. • 50% of all new homes on sites in excess of 10 units, will be affordable. • No rural exceptions policy, because of potential sustainable development issues with rural housing. • Accommodation needs for Gypsy and Travellers will be met by identifying in an existing residential area for a site and formally specifying it in the Allocations DPD. 	<ul style="list-style-type: none"> • Affordable housing will be set at 40% on sites specified in the Allocations DPD. • For windfall sites, 30% of all units will be required to be affordable. On <i>rural exception</i> sites all the units provided will be required to be affordable. On all sites affordable units will be required to remain affordable in perpetuity. • No Gypsy or Traveller Site to be identified in the green belt because there are no acceptable locations."

This document was considered and approved by Councillors prior to going out to public consultation. This was agreed by the Planning Policy and Transportation Committee on 12th September 2006 (minute reference 284).

In response to the statements in ODPM Circular 1/2006, the EERA is preparing a single issue review to *The East of England Plan* (RSS14), which will set out the figures required. These will be included within Local Authorities total housing targets. In the Rochford District there is likely to be a total figure of around 10 pitches, with 2 caravans on each pitch. According to the latest figures provided by Salford University's research project – *Looking Back – Moving Forward*. This covers existing and projected housing needs for Gypsies and Travellers during the period from 2001 to 2016 and extrapolated to 2021.

If you have any further queries, please contact me. The above is the informal opinion of an officer and is given without prejudice to the future decisions of the Council.

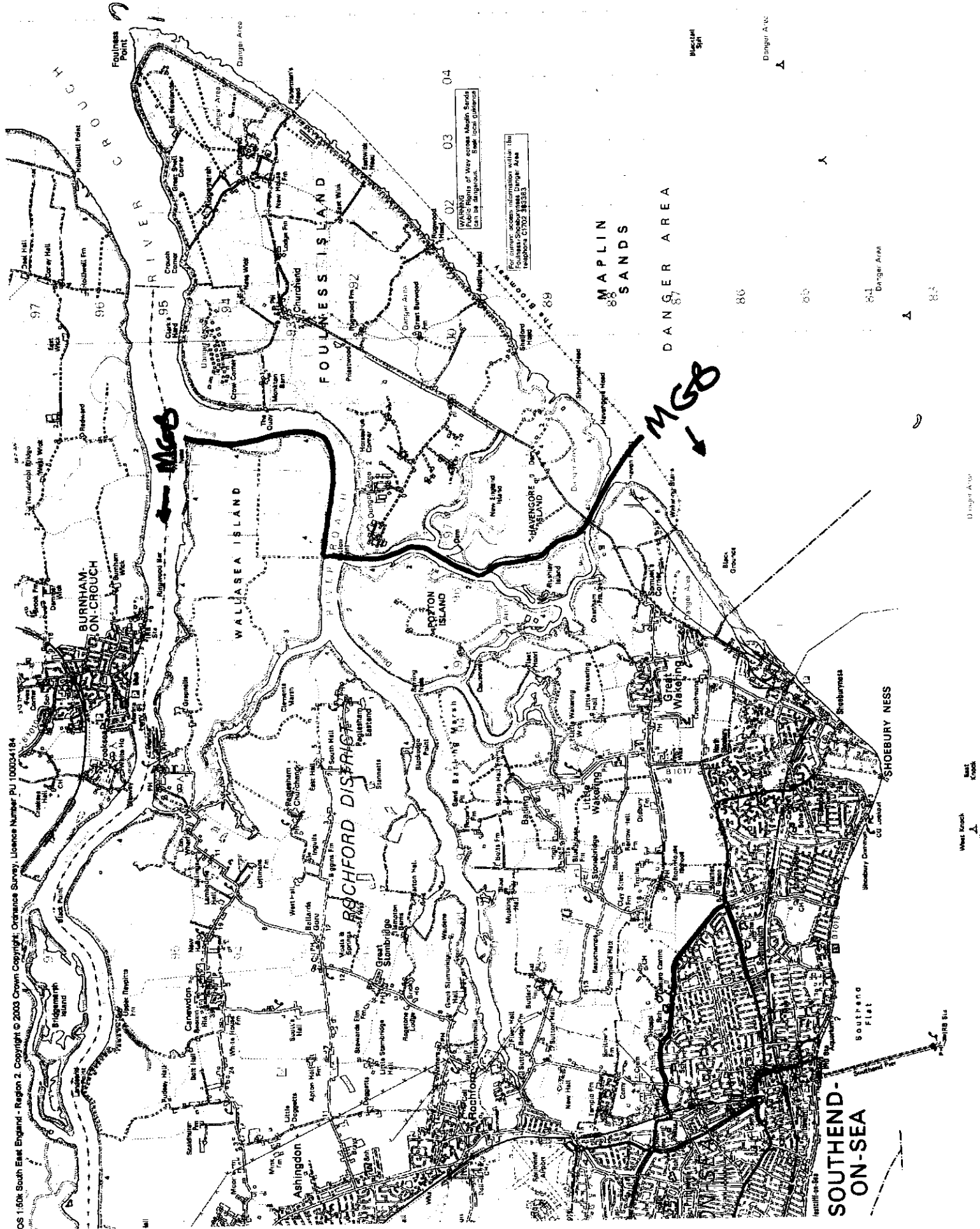
Yours sincerely

A handwritten signature in black ink, appearing to read 'A Meddle', written in a cursive style.

Andrew Meddle
Team Leader (Planning Policy)

FOULNESS

For current access information
Foulness, Shoebury
Telephone 0702 83353



Way across Maplin Sands
Foulness Shoebury Mass Danger Area
can be bridged. See local difference

For current access information within the
Foulness Shoebury Mass Danger Area
telephone 0702 83353

MGB →

West Inch
East Inch

Southern
Flat

Shoebury
Ness

OS 1:50k South East England - Region 2. Copyright © 2003 Crown Copyright. Ordnance Survey. Licence Number PU 100034184

This message is not flagged. [[Flag Message](#) - [Mark as Unread](#)]

From: "Wade, Twm" <Twm.Wade@DE.MOD.UK> [Add to Address Book](#)
To: "heineplanning@btinternet.com" <heineplanning@btinternet.com>
Subject: MOD Shoeburyness - General Enquiry
Date: Thu, 7 Dec 2006 16:01:13 -0000

Dear Alison Heine

Thank you for your email of 7 December 2006. You ask a number of questions.

A) You want a map of land owner by MOD in Rochford.

<>

B) You want to know if any land is surplus. We may be offering a house, outbuildings and yard at Oxenham Farm, Great Wakering.

C) You want to know the procedures for offering land either to let or for sale. The general principle is that land is offered on the open market in a competitive manner. The property has to be surplus to MOD needs and so situated that it does not conflict with operational activity or interests. There must be an economic return and any charge, rent or fee is at open market value.

D) It is difficult to capture the "variety of non-military uses" simply.

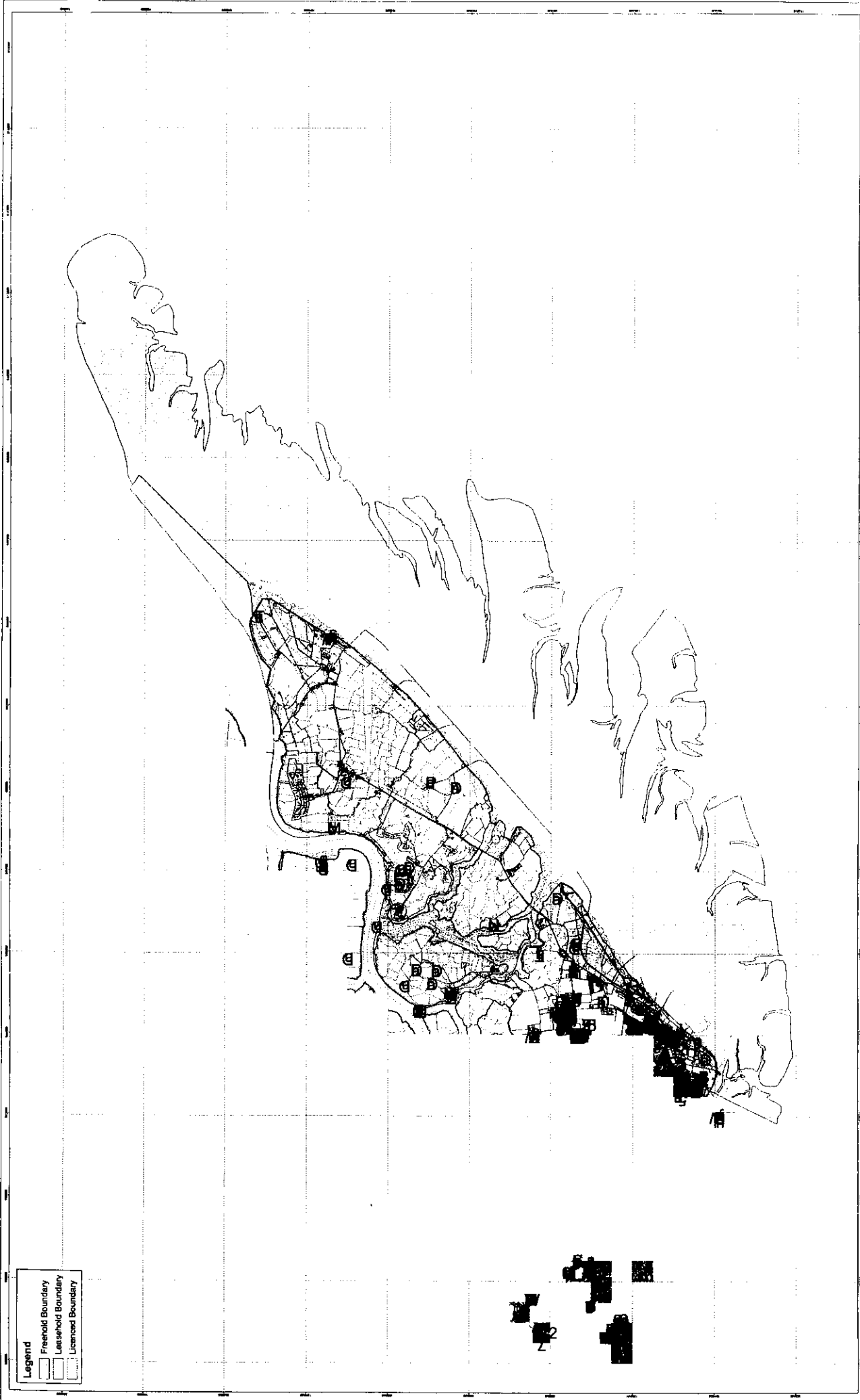
Recent experience has illustrated what not to do and the user of part of Potton Island was an example. Tenants need to fit into the military environment/controls as well as having a record of good practice in maintaining property and paying rent. Clearly the use has to be compatible and compliant with planning policy.

We do not have any sites available and I have no knowledge of any becoming available in the Rochford District that might pass the 3 tests you mention in your penultimate paragraph.

Yours,

Twm

Twm Wade
DE Ops North
LMS, Waterbeach
01223 255424



Legend
 — Freehold Boundary
 - - - Leasehold Boundary
 . . . Licensed Boundary

MOD Boundary Plan
Shoeburyness
 Essex
 SCALE 1:30000 @ A0
 GRID REF: TQ 9989
 DATE: 10/09/04



DE

MINISTRY OF DEFENCE
 DEFENCE ESTATES (EAST)
 STIRLING HOUSE, DENNY END ROAD,
 WATERBEACH, CAMBS. CB5 9QE

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27



Self Service Wholesalers Ltd., Liverpool Rd., Barton Moss, Eccles, Manchester, M30 7RT VAT No.: 306 1789 59

WELCOME TO MAKRO WE SUPPLY A 28 DAY RETURN POLICY SUBJECT TO SUPPLIERS GUARANTEES. FOR FURTHER DETAILS ASK AT OUR HELP DESK.

1. For queries this invoice must be produced. 2. Goods at Customers risk. Remain property of Makro SSW Ltd until cleared by bank.

RAYLEIGH, SS6 9RL, 01269 785578

CUSTOMER: 26 6833654 RAYLEIGH TURF SUPPLY 353 EASTWOOD ROAD RAYLEIGH

VAT CODE	DISCOUNT	EXCL. VAT	VAT
0 0 0 0%	0.00	3.95	0.00
TOTALS:	0.00	3.95	0.00

NET TOTAL: 3.95

Cash 20.00

CHANGE 16.05

TOTAL NUMBER OF PACKS: 1

DATE: 01/11/2006 TIME: 14.28 INVOICE NUMBER: 09305699 CASHIER: 256

Your Cashier today was CARLEY Thank you for shopping at MAKRO

27



Self Service Wholesalers Ltd., Liverpool Rd., Barton Moss, Eccles, Manchester, M30 7RT VAT No.: 306 1789 59 EN002FE

WELCOME TO MAKRO WE SUPPLY A 28 DAY RETURN POLICY SUBJECT TO SUPPLIERS GUARANTEES. FOR FURTHER DETAILS ASK AT OUR HELP DESK.

Sales Invoice

1. For queries this invoice must be produced. 2. Goods at Customers risk. Remain property of Makro SSW Ltd until cheque is cleared by bank.

RAYLEIGH, SS6 9RL, 01269 785578

CUSTOMER: 26 6833654 753 RAYLEIGH TURF SUPPLY 353 EASTWOOD ROAD RAYLEIGH

VAT CODE	DISCOUNT	EXCL. VAT	VAT
0 0 0 0%	0.00	17.09	1.75
TOTALS:	0.00	17.09	1.75

NET TOTAL: 18.84


Cash 20.00

CHANGE 1.16

TOTAL NUMBER OF PACKS: 4

DATE: 14/11/2006 TIME: 13.59 INVOICE NUMBER: 08318258 CASHIER: 268

Your Cashier today was LINDA Thank you for shopping at MAKRO

Royal Brompton & Harefield 

NHS Trust

Department of Cystic Fibrosis

Tel: 020 7351 8997

Fax: 020 7351 8052

Email: M.lawla@rbht.nhs.uk

Royal Brompton Hospital
Sydney Street
London
SW3 6NP

Tel: 020 7352 8121

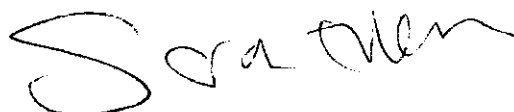
Fax: 020 7351 8473

SE/mcl/C76370

31 October 2006

TO WHOM IT MAY CONCERN**Levi SALKELD** dob 19 08 88**Urquhart House Trenders Avenue Rawreth Rayleigh Essex SS6 9RG**

This is to confirm that Levi Salkeld is under the care of the Royal Brompton Hospital for follow up for his cystic fibrosis. This is a hereditary disease that affects the lungs and the bowel, leading to progressive lung damage and malabsorption. Levi has to take numerous medications to keep him well including nebulised antibiotics and vitamins. It is important that people with cystic fibrosis keep active to keep their lung function good and I gather from his mother that the house that they are presently living in gives Levi the ability to pursue this. It would not be in his health interest to be rendered homeless or to decrease his exercise input.



Dr Sarah Elkin

Consultant in Respiratory Medicine

Our ref: cftss/amh

27 October 2006



TO WHOM IT MAY CONCERN

**Ref: Levi Salkeld – 3 Urquhart House, Trenders Ave,
Rayleigh, Essex, SS6 9RG**

I am writing on behalf of the above mentioned and his mother Tina, who are hoping to continue as residents at the above mobile home.

Levi suffers from the condition known as Cystic Fibrosis (CF) which is a life-limiting condition that affects mainly the lungs and digestion. It is a progressive illness for which there is no cure.

This complex disease causes thick, sticky mucus to be produced which clogs the bronchial tubes and also prevents the body's enzymes from digesting food. It means that people with CF are prone to constant chest infections and malnutrition.

Given there is no cure for CF, the symptoms of the disease must be managed carefully and close attention paid to a vigorous daily programme of care; physiotherapy two or three times a day, vitamin and food supplements, a complicated regime of antibiotic therapy, which can be inhaled and/or taken intravenously, and regular hospital assessments, to combat exacerbations.

Management of CF is an everyday activity carried out increasingly in the home and whilst this is a welcome development it does mean the home environment must be suitable. Tina and Levi settled at the above address four years ago, it has provided them with stability, continuity and the support of both family and community. On an on going basis it enables Levi to get a balance between looking after his health and working, thus improving his quality of life.

Cont.....

see off cf

11 London Road, Bromley, Kent BR1 1BY
 Tel: 020 8464 7211 • Fax: 020 8313 0472 • www.cftrust.org.uk
 Patron: HRH Princess Alexandra, the Hon. Lady Ogilvy, KG, GCVO President: Duncan Bluck CBE

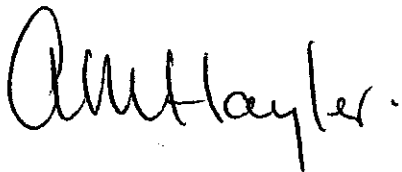
-2-

Even if Levi didn't suffer immediate consequences should his therapy be neglected he will, in the long term, pay for it by running a greater risk of contracting serious lung infection which can be fatal. Lung damage, cannot be reversed, it is permanent.

Those with Cystic Fibrosis cope with a considerable amount of stress, and do everything to avoid any deterioration in their health. I hope you are able to view the situation sympathetically and will contact me should you require further information.

I strongly support this application for Levi and Tina to remain in their current home with their support systems and the quality of life this provides.

Please feel free to contact me if you need further information.



Anne Hayler
Support Service
Research & Clinical Care Department

cc Levi Saikeld

Royal Brompton & Harefield **NHS**

NHS Trust

Royal Brompton Hospital
Sydney Street
London
SW3 6NP

Mrs Tina Salkeld
Ouhart House
Trenders Avenue
Rayleigh
Essex

Tel: 020 7352 8121
Fax: 020 7351 8473

4th September 2003

To whom it may concern

Re : Levi Salkeld

This letter is to certify that Levi Salkeld, has Cystic Fibrosis. This is a serious life shortening disease. Levi is required to make regular visits to hospital. He is required to carry out rigorous regime of treatment. This includes chest physiotherapy at least twice a day, nebulised antibiotic therapy twice a day and other medication which has to be part of a daily routine. There are several complications from this disease but the main ones are recurrent and prolonged chest infections and gastro-intestinal problems for which he requires enzyme supplements with every meal and snack that he eats in order to digest his food.

I know that Levi enjoys the outdoor life and this is of benefit to him. Keeping physically active has played a major role in maintaining his condition and preventing recurrent chest infection. It would be of great benefit if Levi is able to maintain his current healthy life style.

Yours sincerely



Jackie Francis
Paediatric Cystic Fibrosis Nurse Specialist

4th September 2003

Lorraine Lawrence
Cystic Fibrosis Nurse Specialist
Neptune Unit
Southend Hospital
Prittlewell Chase
WESTCLIFF ON SEA
Essex SS0 0RY
Tel: 01702 221356

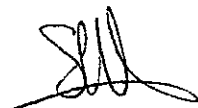
To Whom It May Concern

This letter is to confirm that Levi Salkeld is a 15 year old child under my care as he has Cystic Fibrosis. This is an incurable disease whose course and prognosis is markedly dependent upon the lifestyle he leads and the daily regime of treatment he receives.

Levi has twice daily physiotherapy at home and a cocktail of various inhaled and oral drugs. Along with this treatment, exercise is an important part of his daily care and an environment where Levi can spend time being active and exercising out in the fresh air can only be of benefit to him. When you are making decisions regarding Levi's housing I hope these issues can be taken into account.

Living with Cystic Fibrosis is no easy task. Anything that will help the family to cope and to keep Levi as well as possible is always our priority.

Yours faithfully



PP Lorraine Lawrence
Cystic Fibrosis Nurse Specialist



Essex County Council
Highways
and Transportation

**TOWN AND COUNTRY PLANNING ACT 1990
SECTION 78**

**APPEAL BY MRS T SALKELD
AGAINST THE REFUSAL BY ROCHFORD DISTRICT COUNCIL
TO GRANT CONSENT FOR THE CHANGE OF USE OF LAND
FROM LORRY PARK TO MIXED USE FOR
RESIDENTIAL MOBILE HOME AND DAY ROOM
AND LORRY PARK
ON LAND AT RAYLEIGH TURF YARD,
TRENTERS AVENUE, RAYLEIGH
APPLICATION NO: 04/00494/COU**

**Statement of Evidence
on behalf of the Highway Authority
Essex County Council**

INDEX

STATEMENT OF EVIDENCE

APPENDICES

ECC1 - Consultation Reply (ROC/0494/04)

ECC2 - Site Location and Route Hierarchy

ECC3 - Site Location and Access (1:2500 scale)

ECC4 - Essex and Southend-on-Sea Replacement Structure Plan: Policies T1, T3 and T8

ECC5 - Essex Local Transport Plan 2006-2011 – Appendix G: Development Control Policies and Processes

ECC7 - DETR 'Places, Streets and Movements': Visibility Splays

1.0 INTRODUCTION

- 1.1 I am Philip Edward Francis Lord and I am the District Manager for Development Control in the South Area Office of the Highways and Transportation Service Group of Essex County Council based in Basildon.
- 1.2 I have been in Local Government for 36 years and I have been involved in various highway related disciplines including highway design and forward planning for 27 years. For 9 years I was a Principal Engineer with Essex County Council before taking up the position of Area Manager in the Development Co-ordination and Public Rights of Way Group of Gloucestershire County Council which I held for four years before returning to Essex County Council.
- 1.3 This statement is presented in support of the Highway Authority's recommendation to the Local Planning Authority in respect of the application, the subject of this appeal.

2.0 THE HIGHWAY CONSULTATION

- 2.1 The Highway Authority's recommendation of the 8 September 2004 to the Local Planning Authority was as follows:
1. **Trenders Avenue is an unmade road. Facilities within walking distance are minimal. An hourly bus service runs along Rawreth Lane, some 600m to the south.**
 2. **The lack of facilities and restricted public transport will mean that virtually all journeys to and from the site will be car borne.**
 3. **The proposal is therefore contrary to the aims of promoting accessibility as contained in Policy T3 of the Essex and Southend-on-Sea Replacement Structure Plan, adopted April 2001 and contrary to the intentions of Government Policy. (ECC 1)**
- 2.2 Reasons (1) (2) and (3) would appear to have encapsulated into Reason (3) of the Reasons for Refusal issued by the Local Planning Authority.
- 2.3 The Highway Authority therefore sets out below its support for Reason (3) of the Local Planning Authority's Reasons for Refusal..

3.0 SITE LOCATION

- 3.1 The appeal site fronts Trenders Avenue, an unmade Private Road at the junction with Goldsmiths Avenue, another unmade Private Road. Trenders Avenue is a road over which there are no known highway rights unless otherwise proven. This road abuts onto Rawreth Lane which is a Classified Unnumbered road forming part of the County Council's Secondary Distributor road network. This latter road forms an important and well-used link between Hullbridge and other towns and villages along the northern fringe of the Rochford District area, as well as Rayleigh town, to the primary road network to the west. A plan showing the Hierarchical Road network is appended as **ECC2**.
- 3.2 Trenders Avenue does not appear to be the subject of a formal speed limit and traffic could legally travel at 60mph. However, informal 10mph signs have been erected at its entranceway. The first 200m or so of the road has been recently resurfaced with a number of speed control devices, the site being some additional 500m further north.

This and given the state of the unmade surface it is unlikely that vehicles would traverse the road at speeds above 20mph. The road on approach to the site subject of this appeal varies in width from about 4.0m to 7.0m and is mainly bounded to its edges on both sides by hedgerows. The road is level but there are no footways, verges or drainage and street lighting is very limited to that of 'Parish' lighting being of a form of pole-on-bracket type. Forward visibility along the route is restricted due to the various bends along it and the proximity of the hedgerows to the running surface.

- 3.3 Access to the site is by means of a double-leaf steel gate some 5.5m wide within the hedgerow leading to a large area covered in compacted loose-fill material. Visibility is restricted to both sides by the adjoining hedgerows to about 15m to both sides as measured from a set-back position of 2.4m. A 1:2500 Ordnance Survey extract showing the highway passing the site is appended as **ECC3**.

4.0 RELEVANT PLANNING POLICIES AND GUIDANCE

- 4.1 When assessing development proposals, the Highway Authority has particular regard to the Department for Transport Planning Policy Guidance Note 13: Transport [PPG13]. The objectives of that guidance are to integrate planning and transport at the national, regional, strategic and local level to:

- promote more sustainable transport choices for both people and for moving freight
- promote accessibility to jobs, shopping, leisure facilities and services by public transport, walking and cycling, and
- reduce the need to travel especially by car.

- 4.2 PPG3: Housing, at paragraph 2, lists a number of objectives and states, *inter alia*, that Local Planning Authorities should:

- create more sustainable patterns of development by building in ways which exploit and deliver accessibility by public transport to jobs, education and health facilities, shopping, leisure and local services
- place the needs of people before ease of traffic movements in designing the layout of residential developments
- seek to reduce car dependence by facilitating more walking and cycling, by improving linkages by public transport between housing, jobs, local services and local amenity, and by planning for mixed use.

- 4.3 PPS1: Delivering Sustainable Development at paragraph 23, states that the key objectives for the planning system are to:

- influence the location of different types of development relative to transport [and vice versa]
- foster forms of development which encourage walking, cycling and public transport use.

4.4 The Government set out four aims for sustainable development in its 1999 strategy.

These were:

- social progress which recognises the needs of everyone
- effective protection of the environment
- the prudent use of natural resources; and,
- the maintenance of high and stable levels of economic growth and employment

4.5 These aims should be pursued in an integrated way through a sustainable, innovative and productive economy that delivers high levels of employment, and a just society that promotes social inclusion, sustainable communities and personal well-being, in ways that protect and enhance the physical environment and optimise resource and energy use.

Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by:

- making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life
- contributing to sustainable economic development
- protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities
- ensuring high quality development through good and inclusive design, and the efficient use of resources; and,
- ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.

4.6 The sustainable theme is carried through into the 'Key Principles' (and beyond), which says amongst other things:

- Development plans should ensure that sustainable development is pursued in an integrated manner, in line with the principles for sustainable development set out in the UK strategy
- Regional planning bodies and local planning authorities should ensure that development plans contribute to global sustainability by addressing the causes and potential impacts of climate change – through policies which reduce energy use, reduce emissions (for example, by encouraging patterns of development which reduce the need to travel by private care, or reduce the impact of moving freight)
- A spatial planning approach should be at the heart of planning for sustainable development

4.7 PPS7: Sustainable Development in Rural Areas sets out in its opening paragraph to the Key Principles, the following:

- Sustainable development is the core principle underpinning land use planning.

It goes on to set out those key principles which state, amongst other things:

- Decisions on development proposals should be based on sustainable development principles
- Good quality, carefully-sited accessible development within existing towns and villages should be allowed where it benefits the local economy and/or community
- Accessibility should be a key consideration in all development decisions
- New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled
- Priority should be given to the re-use of previously-developed ('brownfield') sites in preference to the development of greenfield sites
- All development in rural areas should be well designed

It can be seen from all the above mentioned documents that the general thrust is towards sustainable development.

4.8 The aims of Central Government guidance are incorporated in various policies within the Essex and Southend-on-Sea Replacement Structure Plan (adopted April 2001). Policies T1 and T3 are considered the most pertinent to this appeal. These are reproduced at Appendix **ECC4** to the rear of this statement.

4.9 In July 2006 Essex County Council submitted its second Local Transport Plan [LTP] 2006-2011 to Government in accordance with the system of local funding introduced in the Transport White Paper. The LTP was signed by the Cabinet for Member for Highways and Transportation which had been prepared in parallel with the Structure Plan and setting out the strategies that the County Council will seek to implement over the period 2006-2011. The signed document was accepted by Government as the approved document.

4.10 Appendix G: Development Control Policies and Processes of the LTP sets out the approved policies of the County Council as Highway Authority. Policies P1, P3 and P4 refer to policies in respect of Highway Access, Accessibility and Sustainability respectively, and it is considered that these are the policies pertinent to this appeal. These are appended in full at **ECC5**.

4.11 The Highway Authority also has regard to highway guidance and standards contained in documents such as the Essex County Council's Highway Aspects of Development Control, the DoE/DfT Design Bulletin 32 [Second Edition] and its companion guide entitled Places, Streets and Movements, when assessing the highway safety aspects of development proposals. The visibility requirements are appended at **ECC6**.

5.0 POLICY

Essex and Southend-on-Sea Replacement Structure Plan

5.1 Policy T1: Sustainable Transport Strategy, deals with the general principle of fostering sustainable development:

'In accordance with Policy CS5, a sustainable transport strategy will continue to be developed and implemented based on managing the demand for travel and distribution, which is integrated with land use planning, and which aims to:-

- **Reduce the need to travel;**
- **Reduce the growth in the length, duration and number of motorised journeys;**
- **Encourage alternative means of travel which have less environmental impact; and**
- **Reduce reliance on the private car and road haulage.**

Transport proposals and investments will be prioritised to accord with the provisions of Policy T2.'

Policy T3: Promoting Accessibility, *inter alia*, says:

'New development should be designed so as to make appropriate provision for access for both people and goods by all forms of transport including passenger transport, cyclists, pedestrians, the mobility impaired and road traffic. In additions, proposals for new development should promote high standards of road safety within their design for all these forms of transport and should not result in the deterioration of the traffic conditions within the surrounding areas.'

Highway Authority Policies

5.2 The detailed policies of the County Council as Highway Authority are related to the Structure Plan policies. These received the approval of the Cabinet Member for Highways and Transportation in July 2006 and presented to Government within the Local Transport Plan 2006-2011 and accepted by Government as an approved document.

Local Transport Plan 2006-2011

5.3 At Appendix G: Development Control Policies, Policy P1.1: General says:

The Highway Authority will protect the principal use of the highway as a right of free and safe passage.

The Highway Authority will ensure the number of access points is kept to a minimum. Where an access is acceptable in principle, its geometric layout, visibility and construction will need to meet current standards which ensure safety for all highway users. The details of such a layout will vary according to the category of road and the volume of traffic using the road from which access is taken. Any new access should be created in such a manner which minimises the impact on the right and safe passage of all highway users.

5.4 Policy 1.2: Functional Route Hierarchy states, amongst other things, in respect of Local Rural roads that:

'There is no general presumption against access on these roads, but a proposal for access will be refused if the safety and efficiency of the highway is adversely affected.'

5.5 Policy P3: Accessibility says;

'New development should be designed so as to make provision for access by all existing and future highway users.'

The policy goes to say at P3.3 and P3.4 with reference to Cycling and Walking respectively;

'All development proposals will be assessed in accordance with the Essex Cycling/Walking Strategy and the following criteria:

- **Provision of comprehensive facilities within the site;**
- **Provision of links to the existing cycle/pedestrian network;**
- **Enhancement of the existing cycle/pedestrian network; and**
- **Provision/improvement of links to centres of attraction eg. rail station, bus station, town centre.**

5.6 Policy 4: Sustainability reinforces the Policy set out within the ESSRSP by stating:

'Both the allocation of land through the Borough and District Council Local Development Frameworks and Local Development Documents as well as planning applications will be assessed against the following criteria:

- **Reduction in the need to travel;**
- **Reduction in the length , duration and number of motorised journeys;**
- **Encouragement of alternative means of travel which have less environmental impact; and**
- **Reduction in reliance on the private car and road haulage.**

5.6 Notwithstanding that Trenders Avenue falls within the category of a 'Private Road' the highway authority is of a view that it is duty bound to pass comment where the potential for pedestrian/vehicle conflict may occur – regardless of the status of the road.

6.0 HIGHWAY CONSIDERATIONS

Access

6.1 Trenders Avenue is effectively a long cul-de sac, there being no exist northwards and all traffic entering has to return onto Rawreth Lane. The road on approach to the site subject of this appeal varies in width from about 4.0m to 7.0m and is mainly bounded to its edges on both sides by hedgerows.

- 6.2 Trender Avenue has been resurfaced in bituminous materials from the entranceway onto Rawreth Lane for a distance of about 200m and thereafter is unmade for about 500m leaving the surface with a hard compacted surface with large dish-shaped pot-holes. In dry weather the surface becomes covered with a very fine dust which becomes windborne by the passage of wheeled traffic. During periods of wet weather the dusty surface becomes slurry and the pot-holes filled with muddy water.
- 6.3 There are no footways, verges or drainage and street lighting is very limited to that of 'Parish' lighting being of a form of pole-on-bracket type. Forward visibility along the route is restricted due to the various bends along it and the proximity of the hedgerows to the running surface.

Traffic flow and speeds

- 6.4 There is light flow of traffic along Trender Avenue. It is assumed that the bulk of those vehicles traversing the road gain access to the residential dwellings or to the small commercial developments within the road network. Whilst there is no local speed limit and traffic may travel to a legal limit of 60mph observation of vehicles in free flow conditions would suggest that vehicles travel at no more than 20mph due to the poor surfacing. Speeds, not unnaturally may be slightly higher on the resurfaced section.

Forward visibility

- 6.5 Visibility is required not only for emerging vehicles from the site to see traffic on the road but also that vehicles on the road can be aware of traffic intending to enter the road without having to take sudden or evasive action. At a speed of 20mph there is a requirement to be able to see from an absolute minimum set back position of 2.4m to at least 33m in each direction as expressed within 'Places, Streets and Movements' (ECC7).
- 6.6 The plan deposited with the application shows there to be a frontage of the appeal site of about 50m or so onto Trender Avenue. From the position of the access within the frontage it appears that a near-standard splay to both sides may be provided if the hedgerows were removed.
- 6.7 However, as the road is private the hedgerows may not be in the control of the applicant to remove. Furthermore, the Local Planning Authority may have a negative view regarding the urbanisation of this track within the Green Belt by the removal of the hedgerow.

7.0 HIGHWAY OVERVIEW

- 7.1 Trender Avenue is a Private Road that is poorly surfaced and poorly lit. There are no footways or other alternative routes within the road space itself that would encourage walking or cycling. Whilst it is generally level, forward visibility is reduced at bends due to the high hedgerows and pedestrian/vehicle inter-visibility is poor. Whilst the poor surfacing would discourage high speed movements it would also discourage walking and most domestic needs would inevitably be satisfied by the use of the private motor car.
- 7.2 Isolated residential development generates of the order of 8 to 10 movements per dwelling per day – every day. There is no indication as to whether the existing uses on the site generate less, similar or more movements. However, it is likely by the nature of the proposed development peak vehicular traffic would co-incide with peak pedestrian movements – thus discouraging journeys on foot along the road.

- 7.3 The Highway Authority is concerned that the Private Road is of an insufficient width to permit its daily use by a commercial vehicle as proposed. Whilst there is no capacity argument regarding the use of Trender Avenue, nevertheless the size of the vehicle using the road would cause difficulties for the passing of pedestrians or other vehicles and discourage those wishing to walk or cycle as seen on the attached photographs. (ECC 8)

8.0 SUSTAINABILITY

- 8.1 The Essex Design Guide for Residential Development in the chapter covering sustainability says that:

'Preferably no part of a residential area should be farther than:

- **400m from a regular bus route**
- **600m from a primary school**
- **1500m from a secondary school; and**

within 300m of a regular bus route or neighbourhood centre. (ECC 7)

- 8.2 Additionally consideration has to be given whether the route identified for walking is:

- Safe and provided with footways and crossing facilities where necessary and lit at night; and
- Designed so as to ensure natural surveillance from adjacent property.

- 8.3 In dealing with the application due regard has been made to the remoteness of the site from local centres where the day-to-day needs of a dwelling can be satisfied. The site is some 1.6km on foot to the west of the parade of shops at the junction of Rawreth Lane with Hullbridge Road where a limited range of necessities can be acquired. However to fulfil all the needs would require a journey further afield to Rayleigh town centre some 3.7km to the southeast.

- 8.4 There is one bus service passing Trender Avenue. This is the Diamond Service (DS) linking Chelmsford to Southend. The route operates hourly in each direction Monday to Saturday.

The first service commences at Chelmsford at 0517 Monday to Friday (0545 Saturday) and the last service at 1955 Monday to Saturday arriving Southend 2023.

The reverse service commences Southend at 0620 Monday to Friday (0700 Saturday) and finishes at 1902 Monday to Saturday arriving Chelmsford 2012.

- 8.5 On Sundays there are no registered services and the residents on site would have no choice other than to rely on the private motor vehicle. Furthermore, the lack of evening services would not permit access to leisure activities, late night shopping or shift work. Such dependency would not be so prevalent if the development took place on a site within or on the edge of an established town or large village.

- 8.6 In any case if the bus was used there would be a journey of some 600m or so along the poorly surfaced and poorly lit lane at night. It is considered that the lack of pedestrian facilities and street lighting along this route could well be a deterrent to such pedestrian movements and thus be a deterrent to the use of public transport.
- 8.7 Walking to the nearest services and facilities is not a practical proposition due to the lack of footways leading away from the site. Once onto Rawreth Lane there is a further 1.2km to walk alongside the moving traffic before reaching the shopping parade.
- 8.8 As the road network is straight and fairly level in parts cycling could be considered possible, nevertheless the narrow width of the road and its unmade state would make the first part (or last part on return) hazardous.
- 8.9 On the basis of the above it is considered that the proposal would be likely to increase the length and number of motorised journeys and reliance on the private motor vehicle contrary to the aims and objectives of local and national planning policy guidance and objectives alike.

9.0 PLANNING POLICY STATEMENT 7

- 9.1 Within the Key Principles of the National Planning Policies it states that sustainable development is the core principle underpinning land use planning. Decisions on development proposals should be based on sustainable development. From the foregoing, the highway authority is of a view that the development proposed is not sustainable.
- 9.2 PPS7 goes on to say *inter alia* that good quality, carefully sited accessible development within existing towns and villages should be permitted where it benefits the local economy and/or community. It is clear that the proposal, the subject of the appeal falls well outside that scope.
- 9.3 Accessibility should be a key consideration in all development decisions. It adds that most developments which are likely to generate large numbers of trips should be located in or next to towns or other service centres that are accessible by public transport, walking or cycling. This applies also to development in rural areas. The view of the highway authority is that the proposal the subject of the appeal fails to meet this requirement for the reasons set out above.
- 9.4 The above considerations are repeated in the chapter dealing with sustainable rural communities, economic development and services. The view of the highway authority is that the proposal does not meet any of the criteria advocated within PPS7.

10.0 CONCLUSIONS

- 10.1 Essex County Council as highway authority has raised objection to the proposal as it considers that:
- 10.1.1 The proposal development is remote from services and facilities, lacks sustainability credentials and will encourage the use of the private car contrary to the stated aims of Central and Local Government alike and is therefore contrary to Policy T1 of the Essex and Southend-on-Sea Replacement Structure Plan (ESSRSP).

10.1.2 The remote location of the development along a narrow unmade and poorly serviced Private Road may well create hazardous conditions for those wishing to walk or cycle to the general detriment of pedestrian safety contrary to Policies T3 and T8 of the Essex and Southend-on-Sea Replacement Structure Plan (ESSRSP).

10.2 In the light of the above, the highway authority respectfully recommends to the Inspector that the appeal be dismissed. However should the appeal be allowed then it is respectfully requested by the highway authority that the granting of consent should be subject to appropriate conditions.

Proposed conditions

10.3 In turning to the matter of conditions, the highway authority finds itself in a difficult position as it would normally offer a condition regarding visibility splays to be provided at the site frontage. It may well be that control over the hedgerow is not vested with the applicant which would not permit splays to be provided in accordance with minimum recommendations.

Whilst the highway authority did not raise it as a matter for refusal as it considered that the other reasons for refusal as probably insurmountable, it would not wish to find itself in a situation of being challenged on grounds of unreasonableness by introducing new reasons for refusal at a late stage.

Therefore, the highway authority takes the opportunity to draw to the attention of the appellant and Inspectorate that it may not be possible to provide adequate forward visibility splays at the site access in accordance with the recommendations of 'Places, Streets and Movements' due to the proximity of the hedgerows to the roadside edge.

10.4 Without prejudice to its case, the highway authority respectfully recommends that the following conditions be attached to the grant of the appeal:

10.3.1 Prior to the commencement of works on site a plan shall be submitted to the Local Planning Authority showing the detailed means of access into the site which shall be modified by means of 7.5m radius kerbing to both sides of the access road to a standard in accordance with the Essex Design Guide for Residential and Mixed Use. The works shall include all necessary lighting and drainage necessary.

Reason: In order that the site is served by a suitable means of vehicular access

10.3.2 The access shall be completed in permanent/bound materials as approved by the Local Planning Authority prior to the commencement of any engineering works on site and shall be completed as approved by the Local Planning Authority prior to the beneficial occupation of any of the dwellings.

Reason: To ensure no further deterioration occurs of the Private Road and that deleterious matter is not brought onto the highway in the interest of highway safety and maintenance.



ESSEX COUNTY COUNCIL

Your Ref: 04/00494/COU
Our Ref: DE/SGA/ROC/0494/04
Date: 08 September 2004

Head of Planning
Planning Services Department
Rochford District Council
South Street
ROCHFORD
Essex
SS4 1BW

Tony Ciaburro
Head of Highways & Transportation

Nick McCullagh
Area Highway Manager South
Churchill House
55-57 Eastwood Road
Rayleigh
Essex SS6 7JE

Recommendation

Application No. ROC/0494/04
Applicant Mrs T Salkeild
Site Location Rayleigh Turf Yard, Trender's Avenue, Rayleigh
Proposal Change of use from lorry park to mixed use for residential mobile home and day room and lorry park.

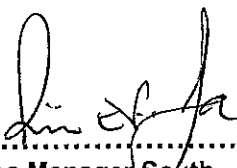
It is recommended that permission be refused for the following reasons;

Trender's Avenue is an unmade road. Facilities within walking distance are minimal. An hourly bus service runs along Rawreth Lane, some 600m to the south of the site.

The lack of facilities and restricted public transport will mean that virtually all journeys to and from the site will be car borne.

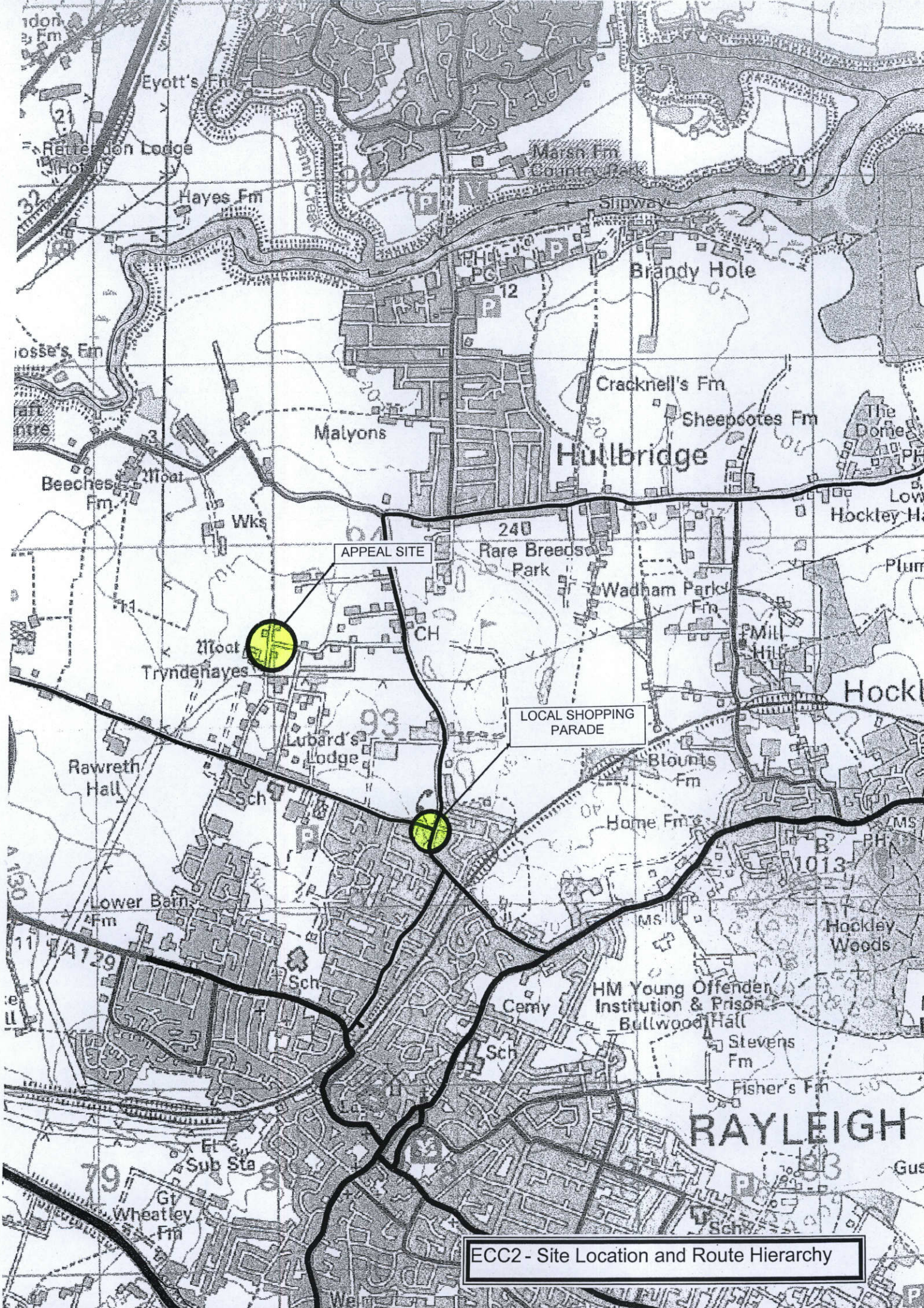
The proposal is therefore contrary to the aims of promoting accessibility as contained in Policy T3 Of the Essex and Southend On Sea Replacement Structure Plan adopted April 2001 and contrary to the intentions of Government Policy.

116084


.....
p.p Area Manager South 08.09.2004

Please reply to Dennis Everard
Telephone: 01268 771458
Internet: www.essexcc.gov.uk
Email: Dennis.everard@essexcc.gov.uk

ECC1 - Consultation Reply (ROC/0494/04)



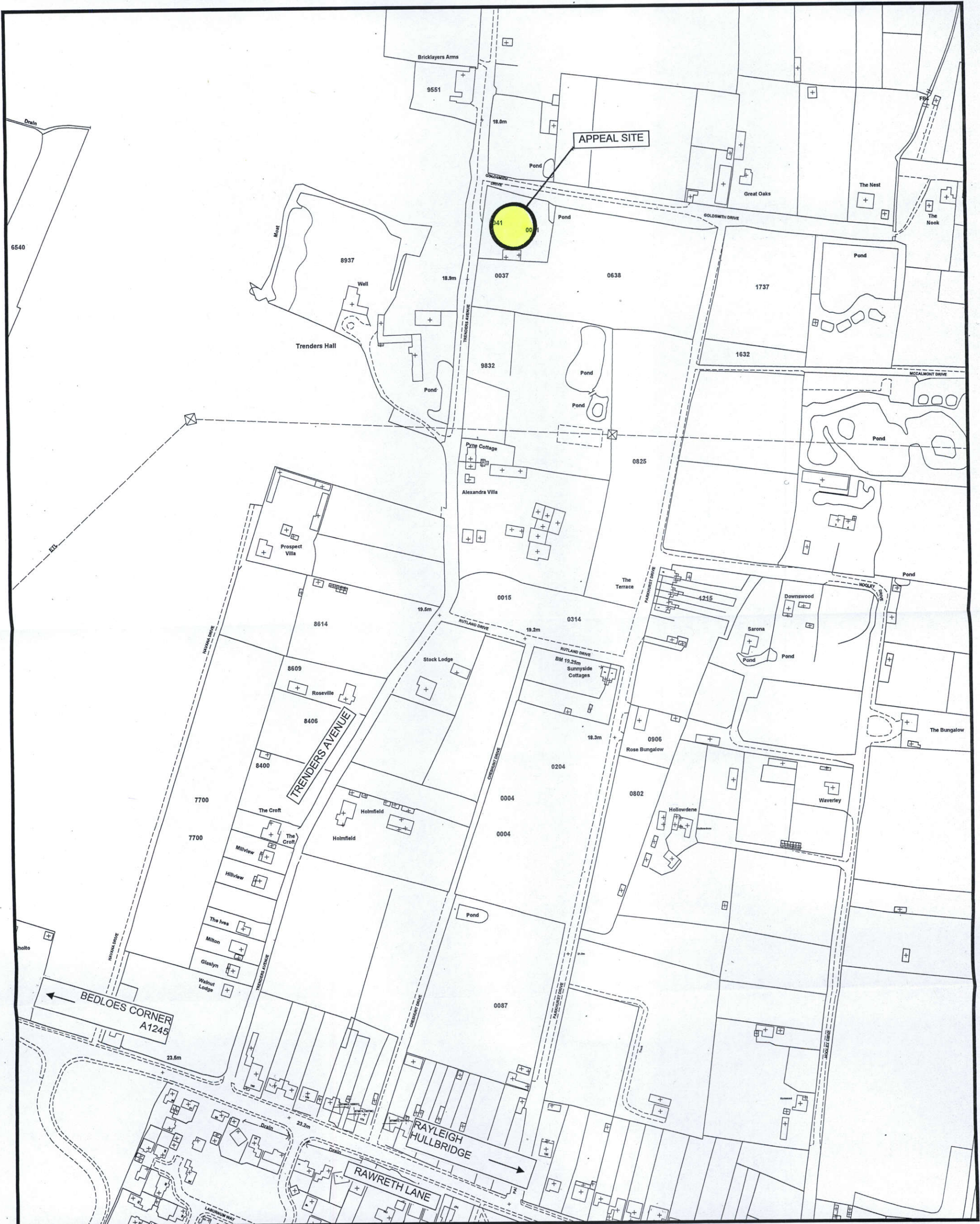
APPEAL SITE

LOCAL SHOPPING PARADE

RAYLEIGH

ECC2 - Site Location and Route Hierarchy

Trenders Avenue, Rawreth



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Scale: 1:2500
Plot Date: 13/12/2006
By: hjhkl
Dept: gjk

ECC3 - Site Location, and Access (1:2500 scale)

Written Statement

4. Enable the supply of raw materials and disposal of waste to be transported by water, rail or pipeline rather than by road. Where transport by road is unavoidable, appropriate traffic management agreements will be implemented;
5. Do not have a materially adverse impact on adjoining land-uses by reason of pollution, noise, loss of visual amenity, or risk to public health and safety.

POLICY EG2

Renewable Energy Schemes

Proposals for renewable energy schemes will be permitted provided there is no materially adverse impact upon:-

1. Existing land-uses by reason of pollution, odour, noise, or loss of visual amenity;
2. The local highway network including the convenience and safety of road users;
3. Telecommunications networks, radar installations and flight paths for aircraft;
4. Areas of Outstanding Natural Beauty, the Coastal Protection Belt, statutorily protected nature conservation sites, landscape character, historic settlements, or buildings/areas of architectural, historic or archaeological importance.

In relation to off-shore schemes, the visual impact of associated on-shore electricity transmission equipment should be minimised, preferably by the undergrounding of cables, and servicing for the development should be from existing local port facilities.

POLICY EG3

Energy Efficient Power Schemes

Proposals for energy efficient power schemes, such as combined heat and power and district heating, will be permitted within urban areas subject to other policies of the Plan.

POLICY EG4

Energy Conservation

All new built development should incorporate principles of energy conservation in relation to the design, massing, siting, orientation and layout of buildings. Renewable sources of energy such as solar power systems should be provided within new buildings, where appropriate.

Where appropriate these principles should also be included during conversion or re-use of existing sites and buildings.

TRANSPORT

POLICY T1

Sustainable Transport Strategy

In accordance with Policy CS5, a sustainable transport strategy will continue to be developed and implemented based on managing the demand for travel and distribution, which is integrated with land use planning, and which aims to:-

1. Reduce the need to travel;
2. Reduce the growth in the length, duration and number of motorised journeys;
3. Encourage alternative means of travel which have less environmental impact; and
4. Reduce reliance on the private car and road haulage.

Transport proposals and investment will be prioritised to accord with the provisions of Policy T2.

POLICY T2

Transport Investment Priorities

Transport investment will be prioritised to support the regeneration of the designated Priority Areas for Economic Regeneration and other objectives of Policy CS3, as follows:

1. The highest priority for such investment will be afforded to the extended Thames Gateway (Southend-on-Sea, London Southend Airport, Castle Point and Basildon New Town), to improve local accessibility and develop sustainable integrated transport strategies under the package approach, as identified on the Key Diagram as the Priority Area for Transportation Investment.
2. Outside the extended Thames Gateway, the emphasis will be on improving local accessibility and developing sustainable integrated transport strategies. Urban transport strategies/packages will be developed for Chelmsford, Colchester and Harlow.
3. The priorities for multi-modal improvements to the inter-urban transport network outside the extended Thames Gateway are:
 - * Between the M11 motorway and Harwich, to improve access to Europe, and cross-country and regional access to Stansted Airport, the Haven Ports and the designated Priority Area for Economic Regeneration in East Essex;
 - * Between Benfleet and Chelmsford, to support the regeneration of the extended

Written Statement

Thames Gateway and improve its links with Central Essex;

* Between London and Ipswich, to improve access to the Haven Ports and East Anglia and between the main urban centres in this part of the Region;

* To and from the London conurbation, to encourage more sustainable journeys between the Structure Plan area and the conurbation.

4. Transport investment priorities will take account of the severity of existing congestion or environmental problems and the extent to which a scheme represents good value for money. Individual schemes will be assessed against any applicable national appraisal criteria.

POLICY T3

Promoting Accessibility

New development should be designed so as to make appropriate provision for access for both people and goods by all forms of transport including passenger transport, cyclists, pedestrians, the mobility impaired and road traffic. In addition, proposals for new development should promote high standards of road safety within their design for all these forms of transport and should not result in a deterioration of the traffic conditions within the surrounding areas.

The owners of existing developments will be encouraged where appropriate to improve accessibility to their premises according to the same principles.

For all major development, applicants for planning permission will be required to provide a comprehensive Transport Impact Assessment which effectively demonstrates:-

1. To what extent the development will minimise the length, duration and number of journeys;
2. How far the development will encourage a greater proportion of journeys by modes other than car;
3. How movement likely to be generated by the development will be properly accommodated on the surrounding transport network; and
4. How the transport needs of the development can be accommodated whilst maintaining or improving road safety and the surrounding environmental conditions for the local community.

In addition, for all major commercial developments, applicants for planning

permission will be required to:-

- a) provide a 'travel to work' plan (Green Commuter Plan) where appropriate;
- b) demonstrate what measures will be taken to minimise the amount and impact of additional road haulage where such development involves a significant movement of goods.

Commercial development which involves heavy goods vehicles will be required to have good access to the main road system using suitable routes based on the Road Hierarchy as defined in Policy T7.

POLICY T4

Passenger Transport

In consultation with the transport agencies and operators, a safe, reliable and convenient network of passenger transport services will be promoted to meet the reasonable needs of the community and to provide an attractive alternative to car usage particularly for travel to, and within, urban areas. Particular priorities will include:-

1. Measures to improve the attractiveness of passenger transport services including schemes for bus priority, appropriate park and ride (both road and rail), improvements to passenger transport co-ordination and interchanges, and the development of improved facilities and services for passengers, including quality bus partnerships;
2. Improvements to the existing rail network including track infrastructure and passenger facilities at railway stations, and where appropriate the development of improved services, new routes and railway stations. Active support will be given to proposed improvements to the rail network that will help reduce demand for travel by car or lorry within the Plan area, and support the development strategy and economic prosperity;
3. The identification on a periodic basis in consultation with Borough and District Councils, of an appropriate level of bus and rail service provision; such services will be promoted in conjunction with transport operators through a range of financial measures;
4. The promotion of transport mode integration through such measures as improved interchanges, integration of services, through-ticketing and comprehensive travel information;

***Appendix G: Development Control
Policies and Processes***

DEVELOPMENT CONTROL POLICIES

A sustainable transport strategy will continue to be developed by the County Council and implemented based on managing the demand for travel and distribution, which is integrated with land use planning, and which aims to Get Essex Moving by:

- Tackling road congestion; and
- Improving public transport.

The development control policies set out within this document are in line with national policies, regional policies, the County Council's Local Development Framework for Waste or Minerals and the Borough and District Local Plans, Local Development Frameworks and Local Development Documents. They are also in line with the Local Transport Plan objectives, namely; the environment, safety, the economy, accessibility, integration and efficiency.

The basis of these policies will aim to:

- Provide, protect and maintain a reliable highway infrastructure, optimising safety and minimising congestion;
- Improve access to services in both urban and rural locations;
- Reduce dependence on the car through the promotion of alternative modes of transport;
- Support public transport provision through the road passenger transport strategy; and
- Maximise safety on all highways.

The following policies also set out the core principles upon which the Highway Authority will make recommendations to the relevant Planning Authority.

POLICY 1 Highway Access (P1)

Policy 1.1 General (P1.1)

The Highway Authority will protect the principle use of the highway as a right of free and safe passage.

The Highway Authority will ensure the number of access points is kept to a minimum. Where an access is acceptable in principle, its geometric layout, visibility and construction will need to meet current standards which ensure safety for all highway users. The details of such a layout will vary according to the category of road and the volume and speed of traffic using the road from which the access is taken. Any new access should be created in a manner which minimises the impact on the right and safe passage of all highway users.

Policy 1.2 Functional Route Hierarchy (P1.2)

Proposals for development affecting the highway will be considered in relation to the functional route hierarchy, to reducing and preventing hazards and inconvenience to traffic and to the effects on the transport system including the physical and environmental capacity to accommodate the traffic generated.

The functional route hierarchy map for Essex is shown in the Traffic Management Strategy, Appendix C and the route definitions are detailed in Section 3.

Motorways and Trunk Roads are dealt with by the Highways Agency.

County Routes

These routes are dealt with by the County Council.

- Design Build Finance Operate (DBFO);
- Strategic Route;
- Main Distributor;
- Radial Feeder;
- Secondary Distributor; and
- Link Road.

Local Routes

These routes are dealt with by the County Council subject to the Deminimus Code of Practice (see Policy 1.3).

- Local Developed;
- Local Rural; and
- New Estate Roads.

Proposals for development affecting the highway will be considered in relation to this functional route hierarchy to maintain the function of each category of road.

DBFO/Strategic Routes/Main Distributors

The primary function of these routes is the carrying of traffic freely and safely between major centres within the region.

Policy

Direct access from these roads will be prohibited. Any development proposal which seeks to create a new access or to increase or change the use of an existing access will attract a recommendation of refusal from the Highway Authority.

Exceptions

Exceptions may be made where the development is of overriding public, environmental and/or national need or the access is required to serve public transport. When considering any exceptions the following will be taken into account:

- Road safety;
- Capacity;
- Impact on congestion;
- Development type and scale;
- Location;
- If a new access offers highway benefits such as replacing an existing substandard access; and
- Environmental impact.

Any access which is accepted will be designed to the highest geometric standards.

Radial Feeders/Secondary Distributors

The primary function of these routes is as main connections between substantial rural populations and as through routes to distribute traffic in built up areas. A built up area on this category of road may include town or village envelopes but excludes isolated areas of development.

Policy

Between defined settlement areas

Direct access from these roads will be prohibited. Any development proposal which seeks to create a new access or to increase or change the use of an existing access will attract a recommendation of refusal from the Highway Authority.

Within defined settlement areas

The Highway Authority will seek to limit, as far as possible, the number of accesses. However development proposals which seek to create a new access or to increase or change the use of an existing access may be accepted subject to capacity and safety criteria.

The Highway Authority may issue a recommendation of refusal to any development proposal whereby:

- It could be redesigned to reduce the number of access points subject to land ownership and/or control;
- Access to a small area of land where by treatment of a larger area a limitation in the number of accesses may be achieved; and
- Where alternative access is available from a lower category route.

Exceptions

Exceptions may be made where the development is of overriding public, environmental and/or national need or the access is required to serve public transport. When considering any exceptions the following will be taken into account:

- Road safety;
- Capacity;
- Impact on congestion;
- Development type and scale;
- Location;
- If a new access offers highway benefits such as replacing an existing substandard access; and
- Environmental impact.

Any access which is accepted will be designed to the highest geometric standards.

Link Roads

These routes serve several purposes in rural areas; they may act as secondary links to villages or as links to small rural communities. In urban areas they may act as local distributors.

Policy

There is no general presumption against access on these roads, but a proposal for access will be refused if the safety and efficiency of the highway is adversely affected.

Any access which is accepted will be designed to the highest geometric standards

Local Developed

The primary function of these routes is to serve established areas of development.

Policy

There is no general presumption against access on these roads, but a proposal for access will be refused if the safety and efficiency of the highway is adversely affected.

Local Rural

Any road that does not fall within the functional route hierarchy set out above will fall into the category of local or access road.

Policy

There is no general presumption against access on these roads, but a proposal for access will be refused if the safety and efficiency of the highway is adversely affected.

Any development within this category of road must have regard for the County Council's Protected Lane Policy and Traffic Management Strategy. A recommendation of refusal will be made by the Highway Authority if a development has an adverse impact upon a Protected Lane. The Highway Authority will control the volume, weight and speed of vehicular traffic using these Lanes to avoid damage to their amenity and historic character.

New Estate Roads

The junction between a new estate road and a County or Local Route should conform to the relevant section of the functional route hierarchy policy. New residential or industrial estate roads should be in accordance with the current Essex Design Guide (A Design for Residential and Mixed Use Areas).

All new residential and industrial estates must be accessible by public transport and all units will be within 400 metres of a bus stop.

Policy 1.3 De minimis Code of Practice

The code of practice will be in operation with Borough and District Councils that have elected to carry out this function via the Local Service Agreement procedure.

The code is designed to assist Planning Authorities in the prompt determination of planning applications.

The code relates to applications that have a minor impact on the highway network and Local Routes only.

Planning Authorities can determine De minimis applications without consulting the Highway Authority subject to the highway aspects of such applications being considered in accordance with the code of practice.

See Deminimus Code of Practice document.

POLICY 2 Planning Obligations (P2)

Developers will be required to finance the cost of mitigating the impact of their development.

In securing planning gain the County Council will have regard to the Local Transport Plan and transport strategies within the Borough and District Council Local Development Frameworks and Local Development Documents.

Whilst this will take account of Circular 05/2005 the wider impact of development on the transport network must be acknowledged. The County Council is developing a contribution approach to funding this wider impact. The contribution is currently set at £10,000 per residential unit. A contribution for all other types of development will also be sought pro rata based on the trip generation of an equivalent residential development.

Contributions will be collected to fund the transport strategies contained within the respective Local Development Frameworks and Local Development Documents.

These contributions are in addition to the cost of mitigating the impact of the development. Exceptions may be made where development costs are excessive e.g. at brown field sites which require a substantial amount of decontamination.

POLICY 3 Accessibility (P3)

New development should be designed so as to make provision for access by all existing and future highway users.

Policy 3.1 Rail Passenger Transport (P3.1)

All development proposals will be assessed in accordance with the Essex Rail Policy and the following criteria:

- Impact on existing facilities;
- Enhancement of existing infrastructure and facilities;
- Provision/improvement of services; and
- Provision of travel pack to include publicity, marketing and free season tickets.

Policy 3.2 Road Passenger Transport (P3.2)

All development proposals will be assessed in accordance with the Essex Road Passenger Transport Strategy and the following criteria:

- Provision of comprehensive facilities within/adjacent to the site;
- Provision of links to the existing road passenger transport network;
- Enhancement of the existing road passenger transport network;
- Provision/improvement of services;
- Provision/improvement of links to centres of attraction e.g. rail station, bus station, town centre;
- Provision of Park & Ride infrastructure and services; and
- Provision of travel pack to include publicity, marketing and free season tickets.

Policy 3.3 Cycling (P3.3)

All development proposals will be assessed in accordance with the Essex Cycling Strategy and the following criteria:

- Provision of comprehensive facilities within the site;
- Provision of links to the existing cycle network;
- Enhancement of the existing cycle network; and
- Provision/improvement of links to centres of attraction e.g. rail station, bus station, town centre.

Policy 3.4 Walking (P3.4)

All development proposals will be assessed in accordance with the Essex Walking Strategy and the following criteria:

- Provision of comprehensive facilities within the site;

- Provision of links to the existing pedestrian network;
- Enhancement of the existing pedestrian network; and
- Provision/improvement of links to centres of attraction e.g. rail station, bus station, town centre.

Policy 3.5 Public Rights of Way (P3.5)

All development proposals will be assessed in accordance with the Essex Public Rights of Way Improvement Plan and the following criteria:

- The existing network of Definitive Public Rights of Way will be safeguarded; and
- Where appropriate, new footpaths and bridleways will be created to improve the existing network.

POLICY 4 Sustainability (P4)

Both the allocation of land through the Borough and District Council Local Development Frameworks and Local Development Documents as well as planning applications will be assessed against the following criteria:

- Reduction in the need to travel;
- Reduction in the length, duration and number of motorised journeys;
- Encouragement of alternative means of travel which have less environmental impact; and
- Reduction in reliance on the private car and road haulage.

POLICY 5 Transport Assessments (P5)

If a development is likely to generate in excess of 40 pcus (passenger car units) during the peak hour a Transport Assessment will be required as part of the planning application. For developments under this value, a view will be taken with respect to each individual application.

See Essex Transport Assessment Guidelines.

POLICY 6 Travel Plans (P6)

All non-residential unit development proposals with 50 employees or more will require a Travel Plan. This includes all types of commercial proposals (including multi tenant sites), leisure proposals as well as higher education establishments and colleges.

All new primary and secondary schools and large extensions to existing schools will require a School Travel Plan.

See Essex Travel Plan Guidelines and Essex School Travel Plan Guidelines.

POLICY 7 Vehicle Parking Standards (P7)

Development proposals will comply with the Essex Planning Officers Association Vehicle Parking Standards August 2001.

POLICY 8 Freight Movements (P8)

Development proposals shall be in accordance with the County Council's Local Development Framework for Waste or Minerals and the Essex Sustainable Distribution Strategy. A strategy to manage construction related traffic will be required.

POLICY 9 Innovative developments (P9)

The Highway Authority may support innovative developments with the proposal having been assessed against the following criteria:

- The development is served by very high quality public transport services and cycle/pedestrian network;
- The development is in close proximity to local amenities and services, education establishments, employment, retail and leisure uses;
- There are parking restrictions on the highway network surrounding the development to eliminate indiscriminate parking;
- There are a limited number of parking spaces for shared vehicles, supplied by a commercial or in-house car sharing organisation as well as visitors' cars;
- There is disabled, cycle and powered two wheeler parking provided to the Essex Planning Officers Association, Vehicle Parking Standards, August 2001 minimum standards; and
- There is limited road access to the development however this must be adequate for use by emergency, refuge and delivery vehicles.

Sightlines at Road Junctions

The design of sightlines at junctions is discussed in detail in both DB32 and PPG13, annex D. This section draws together the advice in those two documents. The guidance given here needs to be assessed in the circumstances of each case. Sightlines should never be reduced to a level where danger is likely to be caused.

The diagrams and commentary given here describe the most salient points involved.

To enable drivers emerging from a minor road or access to see and be seen by drivers proceeding along the major road, unobstructed visibility is needed within the shaded area (x/y) in plan. Vertical visibility is also required as shown in the section.

Requirements for X and Y dimensions are summarised as:

X dimension (minor road distance)

- 9m: The normal requirement for major new junctions and for the improvement of existing junctions between access roads and district or local distributor roads - for instances where the minor road is busy (ref. PPG13 annex D para. 2).
- 4.5m: For less busy minor roads and busy private access points.
- 2.4m: The minimum necessary for junctions within development to enable a driver who has stopped at a junction to see down the major road without encroaching onto it.
- 2.0m: For single dwellings or small groups of up to half a dozen dwellings or thereabouts.

Only in exceptional circumstances should a distance of less than 2.0m be considered.

The advice in this section supersedes that contained in both PPG13 and DB32.

Y dimension (major road distance)

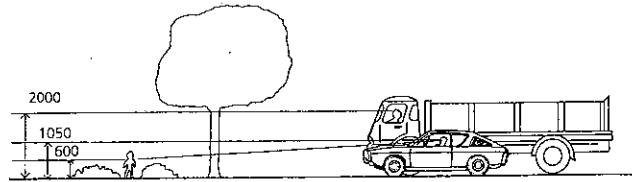
Table A

Major road speed (kph)	120	100	85	70	60	50	40	30
Major road distance (m)	295	215	160	120	90	70	45	33

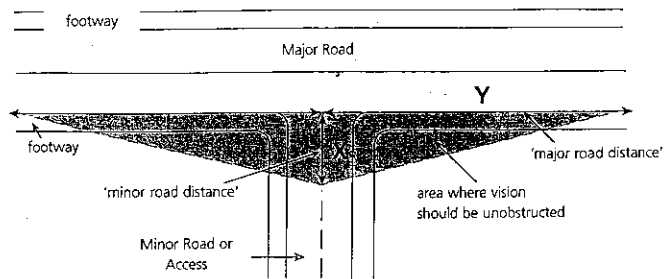
Table B

Speed Limit (mph)	70	60	50	40	30	20
Major road distance (m)	295	215	160	120	90*	45*

Reference: DB32 pp.50-53 and PPG13 Annex D



Clear horizontal sightlines should take account of both what the driver can see and what pedestrians (especially children) can see. Sightlines need to be determined from an eye height of 1.05m – 2m, to an object height of 0.6m – 2m.



* includes an allowance for motorists travelling at 10kph above the speed limit.

Tables A and B are drawn from Annex D of PPG13 with the speeds for residential areas shown in bold. In addition to the dimension quoted, where it can be shown that vehicle speeds will be contained to either 30mph or 20mph the respective Y distances in table B can be amended to 60m and 33m respectively.

Criteria for all development sites

Sustainability

Environmental sustainability is to do with ensuring that new development does not impose unacceptable burdens on local eco-systems, is located with easy access to transport and facilities, is designed to last a long time to adapt to changing needs and to use resources efficiently in construction and use.

The development has a mix of residential and employment uses, tenures and dwelling sizes in order to reduce the need to travel. See paragraph on Proximity below.

Sustainability requirements will need to be addressed in the following respects

- The development is laid out in such a way as to maximise proximity to facilities and public transport and to encourage walking and cycling instead of the use of cars. See paragraph on Proximity below
- The development is laid out in such a way as to safeguard the existing ecology and improve the natural habitat. See paragraph on Landscape Structure and biodiversity
- Buildings should be designed and constructed to minimise energy consumption, conserve water resources and reduce its consumption, recycle materials and reduce waste. All developments should aim to meet the Eco-Home and BREEAM excellent standard. See 'The Urban Place Supplement' for further information

Mixed Uses

It is desirable that most larger developments incorporate a range of non-residential uses, both facilities for residents, such as shops, schools and community facilities, and also employment uses, such as offices and residential-compatible light industry. The location of these within predominantly residential areas will reduce the need for travel to work and

facilities. No development of more than 500 dwellings should be without such employment uses integrally located within the development rather than in a peripheral business park.

A mix of uses should also be included within smaller residential developments if the site is over 0.1h in area within 800m of a large urban centre or 400m of neighbourhood centre, and located on a major route to these centres.

Similarly, a mix of tenures and dwelling sizes maximises choice of location for residents and thereby reduces the need to travel.

Development located within walking distance to a range of services and facilities and close to a major transport corridor may justify a reduction in car parking requirements.

Proximity

The location of dwellings, facilities and public transport in close proximity encourages walking and cycling instead of car use for local trips. Facilities, shops, employment, schools, etc should be clustered together on routes, pedestrian or vehicular, which lead directly into the cluster from surrounding, predominantly residential areas. Residential accommodation should be mixed in with these other uses. Such clusters, neighbourhood centres or core areas, should be on a bus route, and no part of a residential area should be farther than 600 metres from such a cluster

Preferably no part of a residential area should be farther than:

- 400 metres from a regular bus route
- 600 metres from a primary school
- 1,500 metres from a secondary school.

Within 300 metres of a regular bus route, neighbourhood centre, cluster of facilities or town centre residential densities should be higher so as to place a greater proportion of residents within closer walking distance of facilities.

See 'The Urban Place Supplement' for further guidance on designing



1. General view of Trenderers Avenue



2. Trenderers Avenue looking towards Rawreth Lane



3. Rawreth Lane junction on approach to Trenderers Avenue



4. Rawreth Lane junction departure side