

Application reference: 26/0231/FUL

Proposal: Retrospective change of use of land as a residential caravan site, comprising 10 Gypsy and Traveller pitches accommodating a total of 10 static caravans/mobile homes, installation of hardstanding, construction of earth bunding and installation of package sewage treatment plant

Site address: Land South Of Lychgate Lane, Aston Flamville LE10 3AQ

Applicant: Mr Alex Doherty

Case officer: Glen Baker-Adams - Development Services and Enforcement Manager

Recommendation: Permitted with conditions

Conditions:

1. Site shall not be occupied by any persons other than gypsies and travellers as defined by guidance.
2. No more than 10 pitches approved
3. Detailed soft and hard landscaping scheme to be provided
4. Landscaping scheme shall be carried out within one year of completion of the development
5. No commercial activities shall take place on the land
6. No external lighting shall be installed on the site until details (including luminance levels and measures provided
7. Within one month of the decision hereby permitted, full until details of a scheme for foul and surface water drainage has been submitted to, and approved

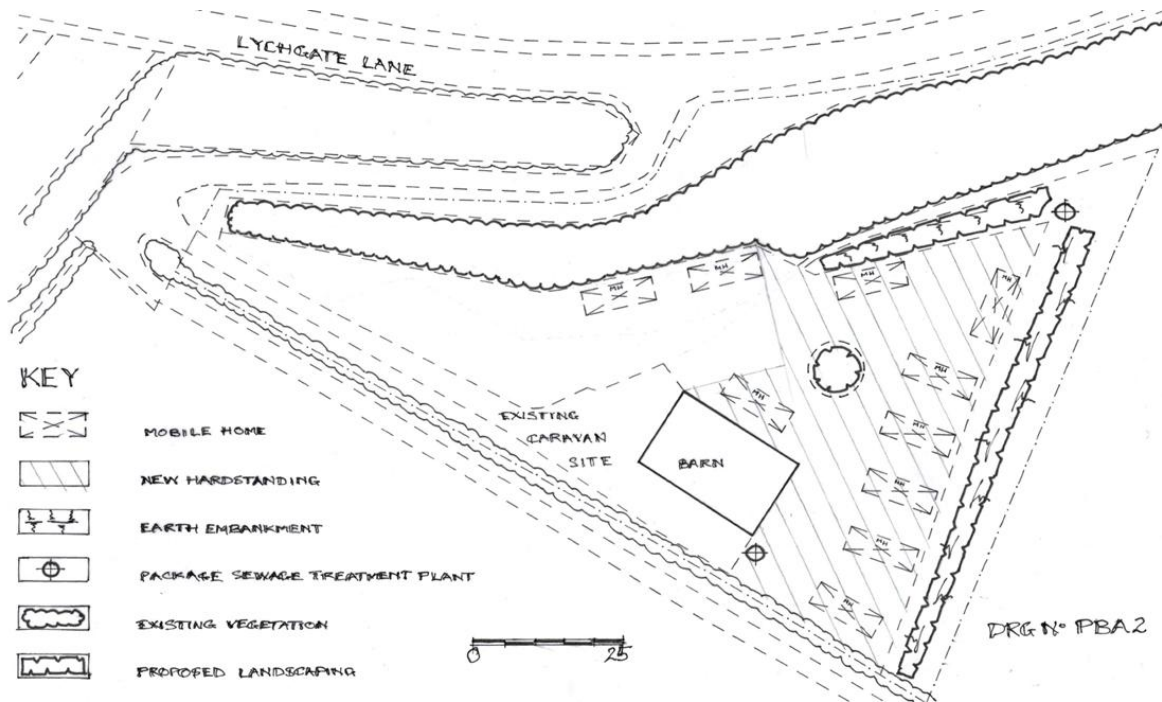
1. The site

- 1.1 The site is a site designated as countryside of 0.5 hectares in area.
- 1.2 The M69 motorway lies to the west with intervening vegetation and the site access to the north along an access road of around 91m in length. Agricultural fields adjoin the site on the other sides.
- 1.3 The site itself contains a large agricultural building and the two caravans and one touring caravan that was given permission in 2025 referenced in the history section below.

1.4 There are no protected buildings and does not lie in a conservation area. It is in flood zone 1.

2. The Proposal

2.1 The application is for full planning permission for the siting of ten mobile homes for gypsy and travellers. These units will occupy the whole of the site in the following layout:



2.2 Along with the mobile homes, hardstanding will be applied within along with a sewage plant for dealing with wastewater.

2.3 The application is retrospective as the applicant has identified that people are approaching the site for occupation owing to the need that exists for travellers in the local area. Mobile homes have been brought onto the site as a result.

3. Relevant Planning History

Reference	Description	Decision	Date
20/0621/FUL	Change of use of land to a residential Gypsy/Traveller caravan pitch for one family, comprising two caravans (mobile homes), one touring caravan and provision of hardstanding and shed	Application Permitted	06/03/2025

4. Consultation Responses

Full copies of the representations received are available to view at <https://pa.blaby.gov.uk/online-applications/>

The consultation responses comments are précised if conditions are proposed, these are included within the conditions at the beginning of the report unless stated otherwise.

The numbers in brackets signifies the amount of times consultees have responded to the application and what paragraph these comments have been considered in this report.

4.1 Blaby District Council Consultees

4.1.1 Blaby District Council Environmental Services (1)

No objection

4.2 Leicestershire County Council Consultees

4.2.1 Local Highway Authority (1) (7.4)

No objection

4.2.2 Ecology (1)

No objection as the application is retrospective and the work was restricted to poor quality grassland.

4.2.3 Multi Agency Travellers Unit Co-ordinator

Support the proposals along with justification

4.2.4 Forestry

No objection

4.3 Others

4.3.1 Aston Flamville Parish Meeting

No comments received.

4.3.2 Ward Councillor

No comments received.

5. Additional Representations

5.1 As part of the consultation process and in accordance with the Council's Statement of Community Involvement (2020); adjacent residents were notified.

5.2 No letters of objection have been received.

6. Planning Policies and Material Considerations

6.1 Development Plan

Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be considered in accordance with the Development Plan, unless material considerations indicate otherwise.

The Development Plan in relation to this proposal consists of:

- Blaby District Local Plan (Core Strategy) Development Plan Document (adopted 2013)
- Blaby District Local Plan (Delivery) Development Plan Document (adopted 2019)
- Leicestershire Minerals and Waste Local Plan 2019-2031

6.1.1 Blaby District Local Plan (Core Strategy) Development Plan Document (2013)

Policy CS1 – Strategy for locating new development

Policy CS2 – Design of new development

Policy CS9 – Accommodation for Gypsies and Travellers

Policy CS18 – Countryside

Policy CS19 – Biodiversity and geo-diversity

Policy CS21 – Climate change

Policy CS23 – Waste

Policy CS24 – Presumption in Favour of Sustainable Development

6.1.2 Blaby District Local Plan (Delivery) Development Plan Document (2019)

Policy SA4 – Broad Locations for Accommodating Gypsies and Travellers and Travelling Showpeople.

Policy DM2 - Development in the Countryside .

Policy DM8 – Local Parking and Highway Design Standards

6.1.3 Fosse Villages Neighbourhood Plan

Policy FV8 -Windfall Housing

Policy FV17 – Aston Firs

6.2 Material Considerations

- The National Planning Policy Framework (NPPF) (2024)
Chapter 2: Achieving Sustainable Development
Chapter 4: Decision Making

- Planning Policy for Traveller Sites
- Blaby District Council Gypsy and Travellers Accommodation Assessment (GTAA) 2022
- The National Planning Policy Guidance (NPPG)
- Leicestershire Highways Design Guide (2024)

7. Consideration of Application

The main issues to be considered in the assessment of this planning application are as follows:

- The principle of the development;
- The impact of the development on the character and appearance of the area;
- The impact of the development on the amenity of nearby residents;
- The impact of the development on the surrounding highway network;
- The impact on ecology including trees and
- Human Rights

7.1 The Principle of the Development

7.1.1 Policy CS18 of the Blaby Core Strategy states that within areas designated as Countryside, planning permission will not be granted for built development, or other development which would have a significantly adverse effect on the appearance or character of the landscape... The need to retain Countryside will be balanced against the need to provide new development (including housing) in the most sustainable locations. The detailed boundaries of Countryside will be determined through the Allocations, Designations and Development Management DPD.

7.1.2 The development involves the siting of mobile homes on land designated as countryside which in their truest form would not be considered built development. As to whether it would have a significant impact effect on the appearance or character of the landscape, it is defined by the specific location of the site which is located down an access track and further lower than natural ground level whereby visibility is severely limited. As a result, it is considered that the proposal would not have this significant effect on the appearance of character of the landscape. As a result, the development would accord with CS18 of the Blaby Core Strategy.

7.1.3 CS9 of the Blaby Core Strategy states that provision of sites will be made through a combination of the development management process and the Allocations, Designations and Development Management DPD. In this case of this application, it is the former as the current policies highlight a shortage of traveller sites in the district.

- 7.1.4 As a result, considerations of new sites have been considered and in line with CS9 a) to f) insofar as:
- a) the development would be located within reasonable distance to Burbage to the west and Aston Flamville to the east;
 - b) does not pose a significant adverse impact on landscape, countryside and the built environment by reasons stated provides sensitive landscaping and screening;
 - c) is capable of being accessed without detriment to highway safety and adequate parking, turning and servicing space is provided;
 - d) it is of an appropriate scale in relation to the settlement to which it relates, and its local services and infrastructure; capable of providing satisfactory living conditions for residents without hazards / nuisance caused by (amongst other things) flooding, noise or land contamination;
 - e) The development capable of implementation without causing unacceptable nuisance to existing neighbours by virtue of noise and other disturbance caused by movement of vehicles to and from the site.

The proposal is in broad accordance with the 'Designing Gypsy and Traveller Sites, Good Practice Guide'.

- 7.1.5 The most current evidence suggests there is a significant lack of supply of accommodation for gypsies and travellers. As with traditional housing, there is a duty for local planning authorities. Taking this and the above considerations into account, the development is considered be acceptable in principal.

7.2 Impact on the character and appearance of the area

- 7.2.1 Policies CS2 (Design of new development) and DM1 (Development within the settlement boundaries) seek to ensure that a high-quality environment is achieved in all new development proposals, respecting distinctive local character and contributing towards creating places of high architectural and urban design quality. The design of new development should also be appropriate to its context and development proposals that are consistent with the policies of the Local Plan are to be supported.

- 7.2.2 As discussed at section 7.1.4 above, the proposal is considered to be designed appropriately and with the imposition of a landscaping scheme, it is viewed the proposal would accord with this policy.

7.3 Impact of the development on the amenity of nearby residents

- 7.3.1 NPPF paragraph 135 states that planning decisions should ensure that developments: create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

7.3.2 There are no immediate neighbours to the site with the nearest residential property over 130m across the road from the land in which the development is proposed.

7.3.3 Conditions have been imposed in respect of external lighting which aims to control the amenity considerations of this should be required.

7.3.4 As a result, the development is considered to not significantly impact the amenity of those living nearby and will accord with relevant policies.

7.4 The impact of the development on the surrounding highway network

7.4.1 Policy DM8 requires development to provide an appropriate level of parking provision and to be designed in accordance with the Leicestershire Highway Design Guide (LHDG), having regard to accessibility, the type and mix of development and opportunities for sustainable transport. Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

7.4.2 The site will be accessed using a comprehensive access of the appropriate widths that is deemed acceptable to the Leicestershire County Council highways department.

7.4.3 As a result, the development is considered to accord with DM8 of the Local Plan (Delivery) Development Plan Document.

7.5 The ecological impact and Biodiversity Net Gain (BNG)

7.5.1 Policy CS19 of the Core Strategy seeks to protect the important areas of the District's natural environment (species and habitats), landscape and geology and to improve biodiversity, wildlife habitats and corridors through the design of new developments and the management of existing areas. Biodiversity Net Gain (BNG) is a strategy to develop land and contribute to the recovery of nature. It is a way of ensuring that habitats for wildlife are in a better state after development than before. A 10% provision of BNG became mandatory for planning applications for major development submitted from 12 February 2024 and for small sites from 2 April 2024.

7.5.2 The application is retrospective with no known biodiversity impacts known. The area in which the development has taken place is restricted to poor quality grassland and therefore there are no significant biodiversity impacts identified by the proposed development.

7.6 Human Rights

7.6.1 When considering an application for planning permission for gypsy pitches, the Council needs to consider whether Article 8(1) of the European Convention on Human Rights (ECHR) is engaged. Article 8(1) provides that everyone has the

right to respect for his private and family life, his home and his correspondence. Case law has established that Article 8(1) of the ECHR is engaged in applications for planning permission for residential Gypsy caravan pitches irrespective of whether the applicants are occupying the site as their home at the time the application is made.

7.6.2 Article 8(2) of the ECHR allows interference by a public authority with the right to respect for private and family life where the interference accords with the law and is necessary in a democratic society for the wider public interest, in terms of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of rights and freedom of others.

7.6.3 Case law has also established that the greater interference with ECHR rights, the greater will be the need to justify the interference by reference to necessity and proportionality. The concept of proportionality can be equated to the balancing exercise which should be undertaken by all decision makers and in the case of applications for Gypsy sites, any action must be evenly balanced and fully considered in order to avoid the criticism that it is disproportionate relative to the harm caused. These cases suggest that legally it will not be sufficient for local authorities to rely on a breach of Development Plan policies in refusing planning permission. Rather there must be clear evidence of demonstrable harm which outweighs the consequences of the Council's decision for Gypsies. There is thus a need for the Council to weigh demonstrable harm against the consequences of a refusal for the applicant, including health, education, other social issues and the availability of alternative sites. It has however been found that the fact that no alternative site has been identified does not necessarily mean that it is disproportionate to refuse planning permission.

8. Overall Planning Balance and Conclusion

8.1 Blaby District Council has a recognised shortfall in sites for gypsies and travellers. As a result, there is a presumption to look at alternative sites positively.

8.2 The proposed site is already in use for one family and owing the site characteristics discussed above with no objection from relevant consultees it is considered to accord with the relevant planning policies with no material considerations dictating that an alternative view to be taken.

8.2 Overall, the proposed development is in conformity with the Development Plan. The three dimensions of sustainable development have been considered (economic, social and environmental) as set out in the NPPF, and taking into account the adopted Development Plan considerations and all other material considerations your Officers are of the opinion that the proposal is acceptable, and accordingly it is recommended that planning permission is granted.