Executive Report
Report of Head of Economic Development
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Land for traveller accommodation at Home Farm, Effingham

Recommendation to Executive

That, subject to the approval of a growth bid for 2014-15, the Head of Economic Development be authorised to tender for consultants to:

(1) continue the scoping and feasibility exercise at Home Farm, Effingham for the potential submission of planning applications for additional traveller pitches on Council owned land; and

(2) assess the planning history of Home Farm and submit certificates of lawfulness where applicable to help regularise use and development that has taken place.

Reasons for recommendation:
To help provide sustainable new traveller accommodation that will help to improve the social outcomes for travellers, and will help to encourage communities to live alongside each other.

1. Purpose of report

1.1 To consider the scope for the provision of a small number of new traveller pitches at Home Farm, in Effingham. This provision would help meet our urgent need for traveller accommodation and would specifically serve the identified local need within the Effingham community (see Appendix A - plan of Home Farm, Effingham)

1.2 Our intention is that any new pitches on Home Farm would be allocated to the traveller families who demonstrate a long established connection with Home Farm and are in need of new pitches.
1.3 Some of the land at Home Farm in Effingham has an extensive history, and although established over many years, does not necessarily have planning permission. There is an opportunity to regularise development of land in this area, which will help us to improve the living conditions and take enforcement action more effectively in the future, when appropriate.

1.4 This report sets out the work we have done to date exploring the possibility of new traveller accommodation in this area and regularisation of land, and sets out how we can take this work forward.

2. Strategic priorities

2.1 One of the priorities in our Corporate Plan (April 2013 – March 2016) is to support the development of pitches and plots for the travelling communities.

2.2 By 2016, we aim to have enabled the new pitches and plots for the traveller communities as identified in the Traveller Accommodation Assessment (TAA). See paragraphs 3.8 to 3.14 of this report for more information regarding the need for traveller accommodation in Guildford borough.

3. Background

The local area and its history

3.1 Home Farm is within Effingham ward. It is located between the villages of Effingham and East Horsley. It is approximately eight miles east of Guildford town, and is towards the borough boundary with Mole Valley District Council.

3.2 Home Farm extends south from Orestan Lane, and north from Guildford Road (including Salmons Road), and east of Calvert Road (including Chester Road). It extends west of part of Dirtham Lane to include Parrott’s Copice and The Short Wood. The area includes bricks and mortar homes (some occupied by travellers and some by the settled community), mobile homes (occupied mainly by travellers) and open farmland.

3.3 The area is identified in the Local Plan (2003) policy H15 (background document). The area is marked H16 on the Local Plan 2003 proposals map, which is an historic error from the Local Plan. Diagonal black lines on the attached plan identify the area. The policy promotes environmental improvements to restore and enhance the rural character in this area, and subject to all material planning considerations and relevant policies, allows the replacement of dwellings that have a legally established use. (Local Plan policy H15 has been used in the recent past to give planning permission for mobile homes which have established use to be replaced by bricks and mortar homes).

3.4 Starting in the 1930s, a considerable amount of sporadic development has taken place in this area, including some residential properties of a temporary nature. In the 1950s Home Farm became a restricted area, with no further development allowed, and Surrey County Council attempted to purchase the residential plots to demolish dwellings and return the land to agricultural uses. Much of the land
was eventually purchased by Surrey County Council, some by Compulsory Purchase Order. However, following a public inquiry, some of the plots owned by recognised Gypsy families were allowed to remain in residential use. Since then, bricks and mortar accommodation has been built on some of these, and others remain with mobile homes.

3.5 Although some of the land at Home Farm does not have planning permission, we recognise that some of the uses have occurred for many years, and would be able to gain a Certificate of Lawful Established Use. This includes some mobile homes used for residential accommodation. Although these mobile homes are included in the annual caravan count, we have accepted, following discussions with Effingham Parish Council, that these are not necessarily restricted to traveller accommodation, since the residential plots can be freely sold outside of the traveller community. Only three plots have traveller site status in planning terms, these are 115, 116 and 117 Calvert Road.

3.6 There have been cases where living conditions for some residents in this area have not been to a standard that we would want to see in our borough. The junction accessing this area from the main A246 Guildford Road is sub-standard, and we need to improve it if we are to provide more accommodation in this area. In the recent past, planning applications for additional dwellings have been refused, and the decision upheld at appeal, because of the sub-standard junction.

3.7 We now own a significant proportion of the land in this area, purchased from Surrey County Council during the late 1980s. We let some of our land for grazing, some land is vacant, and some small sections of land may be occupied without permission. We also own the unadopted road serving the area.

The need for traveller accommodation

3.8 On 20 October 2011, we presented a report to the Executive seeking permission to scope land we own to see if it might potentially be suitable for traveller accommodation. As well as other land, the Executive authorised scoping to take place at Home Farm, to see if it might be possible to provide additional traveller accommodation for local families by way of infill development.

3.9 The need for pitches was recorded in our Gypsy and Traveller Accommodation Assessment (2006), but was not met. We lost many planning appeals because of this and, as a result, there are currently 15 traveller pitches in the Green Belt with temporary planning permission.

3.10 We have published an updated Traveller Accommodation Assessment (TAA, base dated June 2012). Our TAA states that we need to provide 43 traveller pitches and six travelling showpeople plots between June 2012 and 2017. Since June 2012, we have granted permission for 16 new pitches. There is a remaining need for 27 pitches and six travelling showpeople plots.

3.11 The TAA reports need across the borough, rather than by ward. Although individual figures for need in Effingham ward, or in the Home Farm area are not
documented in the TAA, we are aware that there are travellers living in unsuitable conditions at Home Farm who are in need of their own accommodation.

3.12 Any permanent pitches provided at Home Farm would contribute towards meeting this identified local need.

Identifying possible land to meet the need (Traveller Strategic Housing Land Availability Assessment)

3.13 To help us to identify land that could be used to provide the pitches we need, we are preparing a Traveller Strategic Housing Land Availability Assessment (SHLAA). The Traveller SHLAA will identify land that is suitable, available and viable for new traveller accommodation, and when it could be delivered and forms part of the evidence base that informs the new Local Plan.

3.14 In June and July 2013, we consulted on our proposed methodology for the Traveller SHLAA.

3.15 This work to assess whether we can deliver new pitches at Home Farm will inform the assessment of land at Home Farm in the Traveller SHLAA.

The new Local Plan

3.16 We are preparing a new Local Plan in accordance with our agreed timetable (the Local Development Scheme, 2013). We are currently running a Local Plan Issues and Options consultation, which started on 1 October 2013 and runs until 29 November 2013. We are preparing a Local Plan Strategy and Sites document, to which a Development Control Policies Development Plan Document will follow.

3.17 In accordance with our timetable, we will submit our Local Plan Strategy and Sites DPD to the Planning Inspectorate for examination in January 2015, and we expect to adopt it in September 2015.

General planning policy constraints

3.18 Home Farm is within the Green Belt, outside of a village settlement. Any development would be subject to Green Belt policy, as set out in our Local Plan 2003, the National Planning Policy Framework (NPPF) and Planning Policy for Traveller Sites (PPTS).

3.19 There is no impact in this area from development on the Thames Basin Heaths Special Protection Areas. The land is in flood zone 1 (low risk of fluvial flooding).

3.20 Any new pitches in this location would either need to be affordable pitches provided through rural exception policy, or permanent pitches where very special circumstances can be demonstrated that clearly outweigh the potential harm to the Green Belt.
4. The work we have done so far

The planning history

4.1 We have previously looked into the planning history in this area, which is complex, and extensive. The situation ranges from authorised caravan pitches on land both in private and public ownership. Similarly, other parcels of land are being used without the benefit of planning permission and not in accordance with the requirements of public health legislation.

Improving the unsatisfactory junction

4.2 The planning history for this area tells us that obtaining planning permission for more residential accommodation at Home Farm will only be potentially possible if we make the junction between Dirtham Lane (which leads into Calvert Road) and A246 Guildford Road safer. At present, it is difficult for exiting traffic to see oncoming traffic long enough to decide whether it is safe to exit onto the main road.

4.3 If we cannot overcome the constraint this junction poses, then we cannot provide any additional pitches at Home Farm. For this reason, our primary focus so far has been to assess our options to improve this junction.

4.4 A transport and planning consultant has prepared a report for us, that presents options we could consider to make this junction safer. The report recommends option 3b which retains two way traffic from the eastern access, with the western access providing access only to Dirtham Lane. This option requires limited engineering work, but does require a traffic regulation order. The report by our consultant is attached as Appendix B.

4.5 We have liaised with Surrey County Council as County Highway Authority and they have confirmed that subject to option 3b being implemented prior to new pitches being occupied, they are unlikely to recommend refusal for a planning application for up to ten new homes or pitches. It is likely that Surrey County Council would recommend a condition for the applicant to carry out the work, rather than accept payment (S106) for Surrey County Council to do it.

4.6 Resolving outstanding issues regarding the junction (and in particular the traffic regulation order) will be a key part of this work.

4.7 Despite advice from Surrey County Council regarding potential acceptability for up to ten new homes/pitches in relation to the junction, we would only consider at this stage providing up to six new pitches on our land. This is the number of pitches that we believe is needed in this area by local people, and the number we as landowner, are considering providing at our cost. We believe six new pitches are sufficient to maintain community cohesion and help to create an integrated community.
5. **Moving forward**

**Regularisation**

5.1 We need to establish, where planning permission exists, whether the development has been carried out in accordance with the approved plans, and in the case of mobile homes, to identify any conditions that restrict the number of caravans/mobile homes on each site.

5.2 Where no planning permission exists, we need to establish how long sites have been in their current use and for how long any operational development has been substantially complete. This is likely to require analysis of aerial photographs, site inspections, discussions with site owners/occupiers and others with local knowledge of the use of the sites such as previous owners, neighbours, the parish council and local councillors.

5.3 Whilst the majority of this work is expected to be desk top analysis, we will liaise with Effingham Parish Council, the local ward councillor and local residents to help with this work.

5.4 We would wish to draw this work together in a report, which explains the findings and makes recommendations on which sites certificate applications could be sought.

5.5 Following consideration of the report, we would wish to submit certificate applications under s.191 of the Town and Country Planning Act for those sites where appropriate.

5.6 Taking a unified and co-ordinated approach with the support of the local residents and landowners contributes positively to the wider community cohesion and integration. Regularising the land at Home Farm will establish a benchmark by which public health standards and planning conditions can be enforced.

5.7 It is very important to the local community that we achieve a balance between providing new provision and regularising the current position to ensure compliance with planning and public health law.

**New pitches**

5.8 We wish to see if it is a sustainable option to seek planning permission for development of land that we own, for up to six new traveller pitches at Home Farm, Effingham to accommodate a local need. We recognise that the land is Green Belt, and that other land may be more preferable. We will assess all potential land through the Traveller SHLAA. However, we also recognise the specific local needs in this area and the possibility of providing new pitches through rural exception planning policy.

5.9 If it is a sustainable option, we wish to include the land in our Traveller SHLAA, and deliver the pitches as soon as possible.
5.10 To help us to assess this, we need to carry on the scoping work through the preparation of feasibility and viability studies, and submit planning applications for development, if approved by the Executive following consideration of the feasibility and scoping studies.

Community engagement

5.11 Community engagement is an important part of the work we are doing at Home Farm in Effingham.

5.12 A joint committee of Home Farm residents and the parish council meets regularly with us to discuss this area and its future. We wish to maintain this working relationship as we move forward.

5.13 As we progress this work, we will have close regard to our Community Engagement Strategy and Community Involvement in Planning documents (2013).

Expertise and resources

5.14 Taking this work forward requires resources which are not currently available within the Council. In these circumstances, an external firm with the requisite technical skills and appreciation of the local community issues is best placed to work for the Council and the local community.

5.15 Consequently, we need multi-disciplinary consultancy services for this work. We require a consultant that can appraise the land, resolve the issues regarding the junction and submit planning applications and Certificate of Lawfulness applications with all required supporting information. We are ideally seeking a consultant who can carry out all elements of this work.

5.16 To support the selection of a suitable specialist and as part of the tender process, a brief setting out the requirements for the appointment will be issued.

Funding

5.17 Following receipt of tenders, we would seek authority from the Executive for funding for this work. In keeping with the agreement of the Executive in October 2011, we would present the results of the consultant’s appraisal to the Executive to seek a decision regarding applying for planning permission for development.

5.18 At present funding is available from the Homes and Communities Agency (HCA) for proposals that can deliver new pitches by March 2015. However, the HCA has recently confirmed that funding is not available for new pitches on Green Belt. However, it is currently not clear if this excludes affordable homes (pitches) provided through rural exception policy. We are continuing to liaise with the HCA to ascertain if they will extend funding for delivery beyond this time, and whether they would fund affordable pitches (rural exception sites) in the Green Belt.
6. **Financial implications**

6.1 A revenue growth bid has been submitted for £50,000 for inclusion in the 2014-15 estimates. This bid will not be confirmed until Council considers and approves the budget in February 2014. We cannot enter a contract to start before 1 April 2014. However, we can start the tender process so that we are ready to start the work as soon as possible in the new financial year.

6.2 A capital bid is being submitted as part of the budget setting process for 2014-15 for the potential development of these additional pitches and associated off site highway and infrastructure improvements. The average cost of a pitch is estimated to be £125,000 per pitch before taking into account any special circumstances relating to the specific site.

7. **Legal implications**

7.1 Travellers must be afforded the same rights and responsibilities as the settled community. The site’s deliverability will be reviewed again in the Traveller SHLAA, and in that context, we consider the current risk of legal challenge to be small.

7.2 Seeking planning permission for traveller accommodation on this site presents considerable risk of legal challenge from third party interests.

8. **Human resource implications**

8.1 There are no additional staffing requirements at this stage, however, steps will be taken to manage any increased work load.

9. **Conclusions**

9.1 Appointing consultants to help us with this work would be a continuation of the scoping exercise authorised by the Executive in October 2011.

9.2 Following receipt of tenders, we would seek authority from the Executive for funding for this work. We have submitted a growth bid. Appointment of consultants would not automatically mean that planning permission would be sought. In keeping with the agreement of the Executive on 20 October 2011, we would present the results of the consultant’s appraisal to the Executive to seek a decision regarding applying for planning permission for development.

9.3 We want to improve living conditions for current residents, provide much needed traveller accommodation for local people and make the best use of our land where appropriate. We believe new traveller pitches for local residents of this area could help improve social cohesion and inclusiveness, with the potential to achieve an exemplary mixed community.

10. **Background papers**

- Executive 20 October 2011, Item 05 - Gypsy and Traveller pitch provision.
- Traveller Accommodation Assessment
Agenda item number: 9

- Traveller Strategic Housing Land Availability Assessment
- Community Engagement Strategy and Community Involvement in Planning

11. Appendices

Appendix A – map of Home Farm in Effingham, taken from the Local Plan (2003)

Appendix B – consultant’s report regarding the unsatisfactory junction