

BRECKLAND COUNCIL

PLANNING COMMITTEE - 8th MAY 2013

REPORT OF THE DIRECTOR OF COMMISSIONING (Author: Chris Raine, Senior Planner)

MATTISHALL: C/U FROM AGRICULTURE TO RESIDENTIAL, ERECT 1 STATIC CARAVAN & RETENTION OF 1 TOURING CARAVAN AT SUMMER MEADOWS, MILL ROAD, MATTISHALL

Applicant: S Jay & S Falquero

Reference: 3PL/2012/1004/F

DEFERRED ITEM REPORT

At the Planning Committee on the 8th of April 2013 Members agreed to defer the application in order to undertake a site visit. This was duly undertaken on the 26th of April 2013.

Since the deferral, the applicant has served an ownership certificate on the relevant interested parties (Mr & Mrs Thomas). This will expire on the 10th of May 2013. To date no further representations have been received in response to this.

A recent high court judgement from April 2013 (Jane Stevens vs The Secretary of State for Communities and Local Government and Guildford Borough Council) has been referred to in the agent's recent submission which highlights the need to have appropriate regard to an applicant's circumstances, including those of any children.

It should be noted that the committee report from the 8th of May 2013 confirmed that children attending school can be a justifiable reason for a traveller or gypsy family ceasing to travel as set out in the document entitled "Planning Policy for Travellers Sites" which accompanies the NPPF.

In accordance with the Human Rights Act, the following needs to be considered:

Public authorities must act in a way which is compatible with the Convention. The principal relevant provisions are:

Article 8 – right to respect for private and family life, home and correspondence except where necessary for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 14 – no discrimination on grounds of sex, race, colour, national or social origin, etc.

Article 1 of Protocol: right to peaceful enjoyment of possessions, except in the public interest.

Actions of the Council must be proportionate and necessary. The Council must make an assessment which balances the human rights and interests of the applicant with those of the community. It must consider how its aims can best be achieved - for example, whether conditions on a permission would be sufficient.

Conclusion

It is considered that the scheme continues to be considered acceptable in planning terms and is therefore recommended for approval subject to no new issues being raised as a result of the amended ownership certificate, which expires on the 10th of May 2013.