

Claybrooke Parva Parish Council

Consultee Comment – Objection made under Material Consideration (*inter-alia* National Planning Policy Framework -para-11)

To: Planning Application 20/00605/FUL | Erection of a stable block, agricultural storage shed and extension to associated stable yard | Wells Close Woodway Lane Claybrooke Parva Leicestershire LE17 5BH

Date 21st May 2020

A Basis of the Objection.

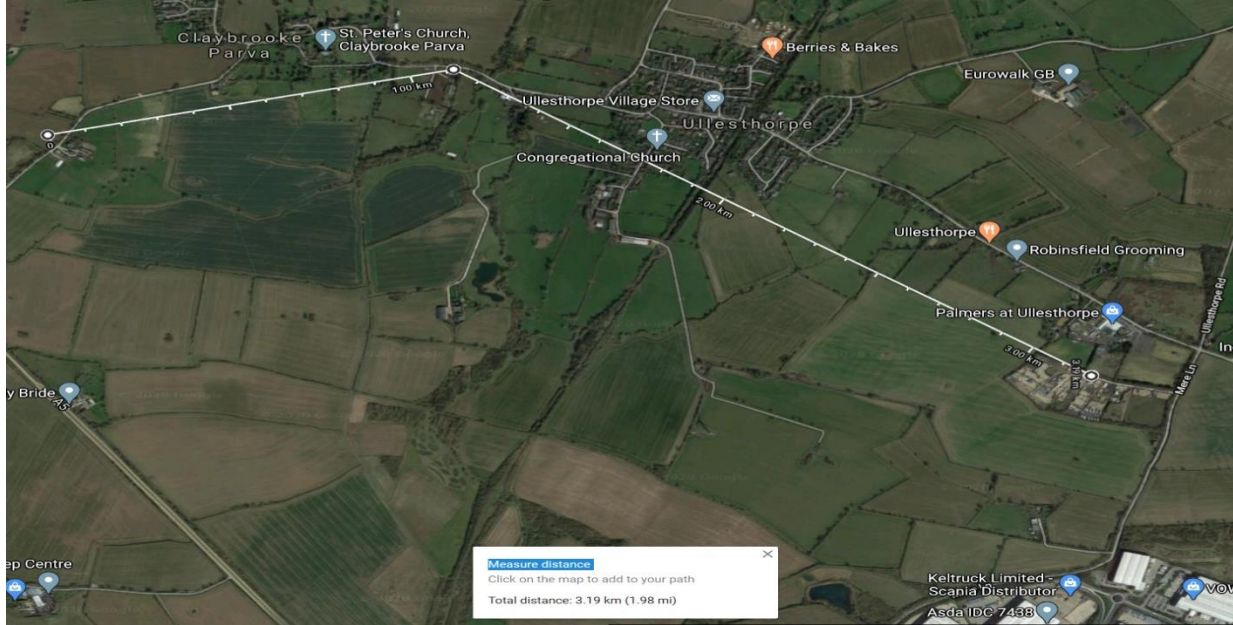
Claybrooke Parva Parish Council object to Planning Application ref 20/00605/FUL. The basis of our objection being a Material Consideration as defined within the National Planning Policy Framework para-11 Town and County Planning Act 1990 Section 70 (2).

The specific Material Consideration forming our objection being based on the ***Fears and Concerns held by members of the Public*** concerning Planning Application ref 20/00605/FUL being a further Gypsy / Traveller development in the Claybrooke Parva, Claybrooke Magna, Ullesthorpe, Lutterworth area increasing the risk and likelihood of local residents suffering greater escalation of Gypsy / Traveller crime and antisocial behaviour.

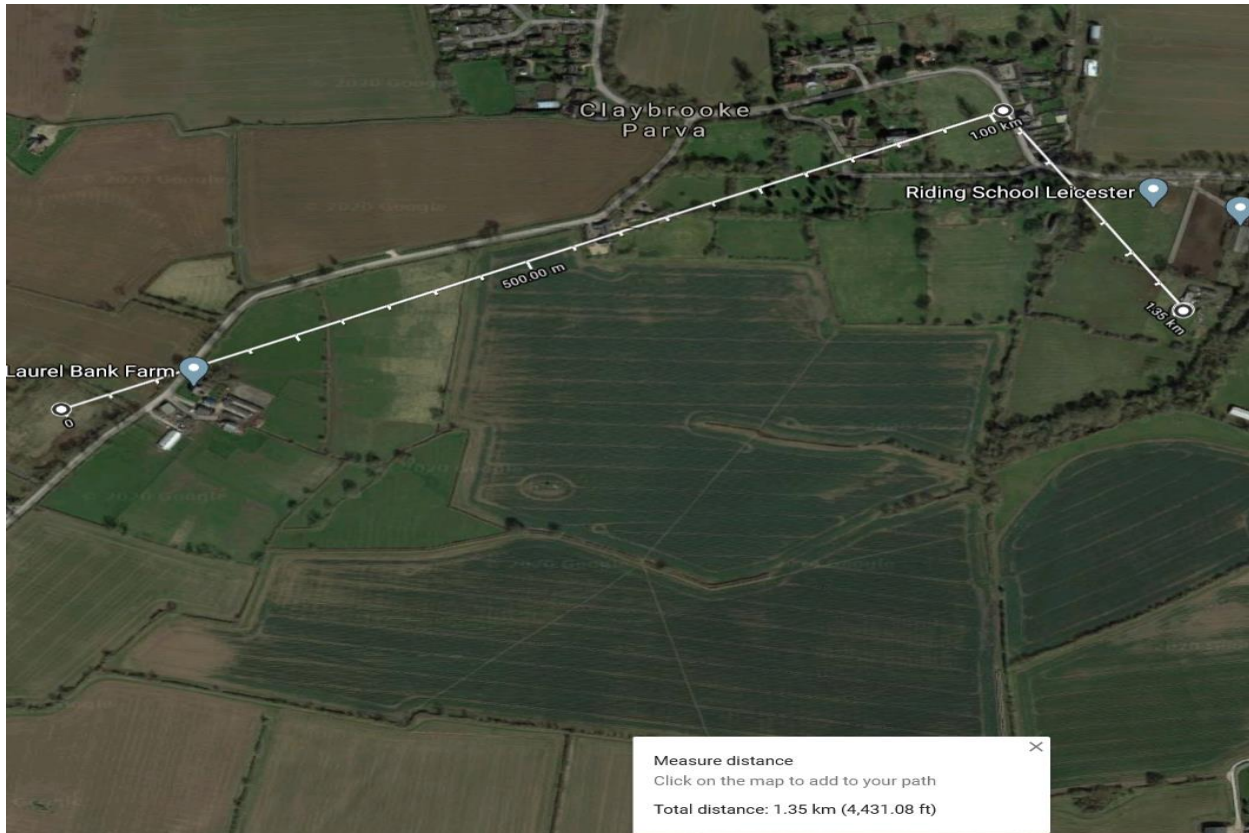
The local area already accommodates two separate Gypsy Traveller developments at Mere Lane Ullesthorpe, also Spinney View Farm Claybrooke Parva, these sites are located within 1.3miles of each other. *(See Map-1)*

Planning Application ref 20/00605/FUL Woodway Lane Claybrooke Prava would, if approved by HDC Planning Committee, increase this to three separate Gypsy / Traveller developments within 2.0 miles of each other *(see Map-1)* with two Gypsy / Traveller developments located less 0.5 miles centred on the Village of Claybrooke Parva *(see Map-2)*

Map-1



Map-2



B - Evidence demonstrating that Planning Application 20/00605/FUL at Woodway Lane Claybrooke Parva is an intended Gypsy / Traveller development for active use by the Gypsy / Traveller /Showman communities.

Section 31 Conclusions within Marrons (the Applicants Agents) Cover Letter and planning Statement confirms the intended use of the development as a Gypsy / Traveller / Showpeople Site facility. *(see extract 1)*

Extract-1

Conclusions

31. The proposed development is for the erection of a stable block and agricultural storage shed, with associated stable yard extension, ancillary to the application site's permitted equestrian land use and allocation within the Local Plan as a Gypsy, Traveller and Travelling Showpeople site. The background for the application is provided from paragraph

C – Statistical evidence demonstrating increased levels of Crime and Antisocial Behaviour associated with Gypsy / Traveller site locations

Crime and Anti-Social Behaviour statistic measured over a 1-year period 2018 to 2019 covering a 1-mile radius of the post-code measured of 30 number separate Gypsy Traveller sites record the following increases. *Information source Channel-4 Dispatches Programme Broadcast 16th April 2020*

Period	Number sites surveyed	Crime % above the National Average	Radius of Post Code in which a Gypsy / Traveller site is located
2018-2019	30	70% of the 30 sites surveyed reveal an above the National Average crime rate	1-mile
2018- 2019	30	47% of the sites surveyed reveal a crime rate a third above the National Average	1-mile
2018-2019	30	The Combined crime rate of all 30 sites surveyed reveals a crime rate one and a half times higher than the national average.	1-mile

The conclusion drawn from the crime figures is that there is a serious problem around a significant number of Gypsy / Traveller sites.

D- Specific Incidences of Crime local to Claybrooke Parva and nearby villages.

Residents of the Mere Lane Gypsy Traveller Site Ullersthorpe located 1.5 miles from Claybrooke Parva have at one time or another committed the following listed serious Crimes

- Aggravated burglary
- Robbery
- Fraud
- Vehicle Theft
- Cash Machine money theft from Lutterworth Post Office by use of explosives.
- Cash Machine money theft from 22 further locations by use of explosives or other means to a value of £1.5 million.
- Fire Arms offences

Information source Channel-4 Dispatches Programme Broadcast 16th April 2020

E- Disproportionate distribution of Gypsy Traveller Showpeople sites with Harborough District.

Bi-annual figures taken from www.gov.uk/government/statistics/traveller-caravan-count-july-2019 confirm Harborough District is rated 18th highest in a survey table of 317 Councils for the highest number of Gypsy Traveller authorised sites with Planning Permission.

Drilling down further into the same statistics within Leicestershire reveals the distribution of those Gypsy / Traveller sites is a significantly unequal burden on the residents of Harborough District and in particular those residents local to the Lutterworth area where the majority of Gypsy / Traveller sites are clustered.

- Harborough District = 50.5%
- Hinkley & Bosworth = 32.4%
- Blaby = 12%
- Melton = 3.4%

- NW Leics = 1.7%
- Oadby & Wigston = 0%
- Charnwood = 0%

F- The Law

The Town & Country Planning Act 1990 (as amended) (the 1990 Act) establishes the discretionary powers of planning authority in determining Planning Applications.

Section 70 (2) of the 1990 Act provides that Planning Authorities are obliged to “have regard to the provisions of the development plan, so far as Material to the application, and to any other **Material Considerations**”. Additionally, they must take into account any representations made to them by members of the public, statutory consultees and so on when making decisions on Planning Applications.

Paragraph 11 of the National Planning Policy Framework (March 2012) (NPPF) reiterates that planning law requires that applications for Planning Permission must be determined in accordance with the development Plan **unless Materials Considerations indicate otherwise**.

It is important to emphasise that the law makes a clear distinction between whether something is or is not a **Material Consideration**, and the weight which should be given to it. In *Tesco Stores Ltd v. Secretary of State for the Environment* (1995) 1 WLR 759, 2 All ER.636, **Lord Hoffman**: *held “the former is a question of the Law and the later is a question of Planning Judgment, which is entirely a matter for the Planning Authority. Providing that the Planning Authority has regard to all **Material Considerations**, it is at liberty... to give then whatever weight the Planning Authority thinks fit.”*

G-Burden of Proof on the Applicant.

The National Planning Policy Framework requires that the Applicant must support his Planning Application with sufficient evidence that allows the decision-taker (HDC Planning Committee) to make an informed decision.

Claybrooke Parva Parish Council asserts that the Applicant has failed in this Planning Application to provide transparency of information in relation to the statistical necessity demonstrating a need for a Gypsy / Traveller facility for his proposed development at Wells Close. The omission

of this information therefore would otherwise seek to limit the information available to the Planning Committee to make an informed decision.

H- National Planning Policy Framework

The NPPF details the Government's Planning Policy's for England. The Policy is set out over 60-pages and it is intended that the Applicant (and Planning Authority) should read it as and apply as a whole.

The NPPF requires Applicants to hold within any Planning Application the core requirement for **Achieving a Sustainable Development** and of the 13 individual categories listed for achieving a Sustainable Development, there exists a criteria for "**Promoting Healthy Communities**".

Claybrooke Parva Parish Council assert that the Applicants Planning Application fails as evidence confirms there exists a significant risk of increasing Gypsy / Traveller Crime and Antisocial behaviour which is already a real daily blight on local residents living in the settled community.

J- Harborough District Council & Leicestershire Police local community meeting early 2019.

Due to sustained and increased public concerns relating to increasing Gypsy Traveller Crime in the Lutterworth area during the Autumn and Winter period of 2018, HDC and Leicestershire Police held a open public meeting in early 2019 at the Wycliffe Hall Lutterworth to discuss public concerns and what the public could expect from these organisations to help combat local Gypsy / Traveller Crime and Antisocial behaviour problems.

Claybrook Parva Parish Council assert that the necessity for HDC and Leicestershire Police to hold such an unusual public meeting is in fact testament and recognition of a community problem between the Settled Communities and Gypsy / Traveller Communities in the local Lutterworth Area.

Much was discussed at this meeting the salient points taken away by members of the Public were:

Representing Leicestershire Police Chief Constable Simon Cole advised, Leicestershire Police financial resourcing budget reductions (cuts) had been significant and the prospect of increase budget funding in the future did not seem likely. The cuts had caused a direct reduction in the ability to maintain front line Policing levels, in particular the closure of Lutterworth Police Station.

Mr Cole further advised that the Police did not have sufficient resource to Police Gypsy / Traveller Crime and Antisocial behaviour problems in the Lutterworth Area, as the Police believed were necessary and could only run limited time bound target operations towards any proactive Policing measures and further the Police could provide a reactive service to certain types of crime only, with Car theft or burglary not likely to receive an immediate response unless the Crime was actually taking place.

Mr Norman Proudfoot HDC Joint Chief Executive Officer advised the meeting HDC had achieved it's Gypsy / Traveller facility Government target and therefore HDC would not consider approving Gypsy / Traveller Planning Applications.

K- Summary

Claybrooke Parva Parish Council reasonably believe the contents of this objection constitute grounds for HDC Planning Committee to reject Planning Application 20/00605/FUL as the Application openly admits the aim is to increase Gypsy / Traveller / Showpeople facilities in the local area against which public safety and the fear of Crime are a dominating **Material Consideration**.

Further that there already exists an unreasonable burden on the residents of Claybrooke Parva and residents of local villages due to the disproportionate number of Gypsy / Traveller sites within a 2-mile radius. A case may already exist as to negligence through HDC's failure to discharge adequate public **Safe-Guarding** responsibilities to local residents by already allowing the disproportionate number of Gypsy / Traveller site developments in the Lutterworth area. Granting this Applicant's current Planning Application should therefore be refused.

End of Objection.