

## **Objection to the Planning Application for change of use of land on Plot 8 of Bakers Wood Field**

### **Application Reference 17/00875/FUL.**

I am Dr Ronald James living at Wind in the Willows, Moorhouse Farm Lane, off Lower Road, Higher Denham, UB9 5EN. The side of my garden is approximately 100 metres from Plot 8 so I am very familiar with the site and its surroundings. I have read and studied the planning application.

I believe this planning application should be rejected for the following reasons

1. Core Policy 4 of Council's "South Bucks Core Strategy", adopted in February 2011 lists the factors to be taken into account in assessing the suitability of potential new sites for, and the determination of planning applications for sites, for Gypsies, Travellers and Travelling Show People. The site in question does not comply with the majority of these factors.
  - 1.1. In particular the site is designated Green Belt (and has not been the subject of temporary permission for a caravan that in very special circumstances might have led to consideration of granting permanent planning permission).
  - 1.2. It does not have good access to the highway network. Access from A 412 is via Old Rectory Road, a very busy narrow road, then Lower Road, an un-adopted residential road and Moorhouse Farm Lane, a privately owned narrow bridle way and finally an un-metalled muddy very narrow track suitable only for, and used by, walkers bikes and horses. Alternatively access could theoretically be gained from the A40 via Broken Gate Lane, a private residential road, and the aforesaid very narrow steep muddy track. Moorhouse Farm Lane is much used by walkers on a daily basis often with dogs and children walking or on bikes. It is wholly unsuitable for caravan traffic.
  - 1.3. The site does not have access to local services. The adjacent communities are Bakers Wood and Higher Denham. Neither have shops, schools, pubs or doctor's surgeries. There are no safe routes to the nearest schools within acceptable walking or biking distance. The access routes to the site are not suitable for emergency services such as fire or ambulance.
  - 1.4. The site is directly overlooked by some residents of Bakers Wood because their houses are at a higher level. It is also clearly visible from Moorhouse Farm, a grade II listed building. Satellite views on Google maps of the three Gypsy sites that were until recently owned by the Council, and personal inspection of the site just off the A40 today, indicate the general mess and untidiness that can be expected on any gypsy site. As such, the site even if fenced does not provide adequate levels of privacy and residential amenity for local residents and is completely unacceptable so close to a listed building.
  - 1.5. There are no details in the planning application for provision of a water supply to the site, nor of where or how the treated waste water from the treatment plant will be safely disposed of.
  - 1.6. The River Misbourne flows just 50 metres from the proposed site and, at this nearest point it supports a small population of water vole, a protected species. See survey results in the supporting document. The river downstream of my garden, which is where the vole have been detected, is also suitable as vole habitat and indeed may contain voles, but this section of river has not been surveyed because of difficulty in gaining access to it. In addition the area provides habitat for snipe, green sandpiper and wood sandpiper, all of which have been seen in my garden from time to time and especially when there is snow on the longer grass

on the Bakers Wood Field that prevents these birds feeding. See photo of snipe in my garden. All three species are on the amber list for conservation because of declining numbers and all three are extremely rare anywhere inside the M25 ring. In particular, there are less than 1000 green sandpipers in the whole of the UK. Any occupation of the site is likely to adversely affect both the water vole and bird species in the area. The site is less than 250 metres from a SSSI and Plot 8 and the adjacent land is likely to contain the same plants and habitat that the SSSI was established to protect. The planning application is wrong in respect of the answers to questions 13 (a) and (b) on the application form where the answer should be "YES on land adjacent to or near the proposed development". A full environmental impact assessment should be provided by the applicant.

2. The site is an important piece of designated Green Belt and is one of more than 120 similar small plots which together are the subject of an extant direction made by the Council under Article 4(1) of the Town and Country Planning (General Permitted Development) Order 1955 on 28th October 2002 which prohibits "the erection, construction, maintenance, improvement or alteration of a gate, fence, wall, or other means of enclosure", which otherwise would have been permitted developments not requiring planning consent. Presumably, the Council was rightly concerned that fencing the many small plots would substantially adversely change the character of this Green Belt. Bakers Wood Field is at its narrowest at Plot 8 so any development on this site would begin to join the two settlements at Higher Denham and Broken Gate Lane, which is exactly what the Green Belt is in place to prevent.
3. I have little doubt that were this an ordinary planning application it would certainly be summarily rejected, but the applicant claims "Gypsy Status" and sites the Human Rights Act particularly Article 8. A number of points arise from this.
  - 3.1. First the "Gypsy Status" claimed must be verified if the application is not to be summarily rejected. There is nothing in the application that helps to identify Felix Connors or enables the Counsel to determine his nomadic life style or any connection to the local area. A gypsy traveller named Felix Connors was the subject of an eviction appeal from an unauthorised encampment at Chiltley Lane on the outskirts of Liphook in June 2016. This Mr. Felix Connors was apparently not living himself on the site but using caravans on that site to house Eastern European workers employed in his drive restoration business. A Mr Felix Connors runs a similar business from an address in Hatfield, see [www.chechatrade.com/TotalDrivewaySolutionsLtd/](http://www.chechatrade.com/TotalDrivewaySolutionsLtd/) and [www.totaldrivewaysolutions.co.uk](http://www.totaldrivewaysolutions.co.uk) . These may or may not be the same person as the applicant. Running a drive restoration business, or any other business, from a fixed address does not accord with the migrant requirement for Gypsy Status nor indicate any special needs for his family. While I am aware that none of this can be considered relevant in determining the actual planning application, it certainly is relevant and can and must be taken into account in determining the "Gypsy Status" of the applicant and whether he merits any special consideration not otherwise accorded to a planning applicant.
  - 3.2. In the notes accompanying the planning application Mr Connors agent sites Article 8 of the Human Rights Act 1998. Article 8 is short, consisting of two clauses. 8.1 states "*Everyone has the right to respect for his private and family life, his home and his correspondence.*" 8.2

states “*there shall be no interference by a public authority with the exercise of this right **except** in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for prevention of disorder or crime, for the protection of health or morals, **or for the protection of the rights and freedoms of others**”.* Emphasis added. The prevention of crime may be applicable here, but in any case to comply with 8.2, the Council must balance the human rights of Mr Felix Connors against the protection of the rights and freedoms of local residents. The presence of a gypsy caravan site on Plot 8 would substantially and negatively impact on the enjoyment of their homes and gardens, walking and recreation in the area, and enjoyment of the green belt fields etc by others. In particular there is justified widespread fear of the outcomes that may result from having a nearby gypsy site, which fears have been reinforced by the activities of caravan dwellers occupying private and public land in Higher Denham and the surrounding area in recent weeks.

4. It is not clear from the application whether Mr Felix Connors owns Plot 8 at Bakers Wood or whether his agent owns it. This needs clarification and then verification.
5. Finally, while it is generally accepted that the effect of any one planning application on future developments is not a material consideration in the determination of that application, the nature of this site within a green belt field containing many similar sites may make this an exceptional case so the Council must be mindful that, if planning consent is given for this plot it is very likely that it will be inundated with similar applications in relation to the other plots on the Bakers Wood Field. Many people have unadvisedly purchased plots on the Bakers Wood Field only to discover that there is little that can be done legally on these plots. The opportunity to recover some of the money invested in a plot, by selling it to a gypsy family, will be compelling and if consent is given for one plot it will be very hard to justify not giving it to other plots, which if it happened would greatly compound all the problems listed above.

Dr Ronald James.