

DECISION DATE 6 January 2009	APPLICATION NO. 08/01303/RCN A6	PLANNING COMMITTEE: 12 January 2009
DEVELOPMENT PROPOSED REMOVAL OF CONDITION 5 ON APPLICATION NO. 99/01002/FUL AND CONDITION 4 ON APPLICATION NO. 05/00382/CU TO ALLOW OCCUPATION BY PEOPLE WHO ARE NOT GYPSIES OR TRAVELLERS		SITE ADDRESS OXCLIFFE NEW FARM OXCLIFFE ROAD HEATON WITH OXCLIFFE MORECAMBE LANCASHIRE LA3 3EF
APPLICANT: Hanley Caravans The Bungalow Caravan Park 272 Oxcliffe Road Heysham Morecambe LA3 3EH		AGENT: John Lambe Associates

REASON FOR DELAY

Awaiting consultation replies.

PARISH NOTIFICATION

Heaton-with-Oxcliffe Parish Council – No observations received within statutory time period.

LAND USE ALLOCATION/DEPARTURE

Countryside Area.

STATUTORY CONSULTATIONS

Environmental Health - No objections, but they point out that if permission is granted a new site licence will be required.

Strategic Housing - Observations awaited.

OTHER OBSERVATIONS RECEIVED

As per the previous report, namely:

The sister in law of a former occupier (deceased) of a caravan at Oxcliffe New Farm, has written to say that she has been told by the site owner that it can only be sold to gypsies or travellers. However she has found that another caravan on the site is being advertised through a local estate agent with no mention of this restriction. She asks that the present occupancy condition be removed.

The agent acting for the site owner, who has submitted a separate application (08/01303/RCN - see report), has written to argue that the present proposal is invalid as the letter notifying him of the proposal was unsigned. This has been discussed with the City Council's Legal Service and it has been concluded that the application is still valid.

Any other representations received will be reported orally at Committee.

REPORT

This is the second application involving the gypsy site at Oxcliffe New Farm. The proposal has been submitted on behalf of the site owner, Mr Hanley (also known as Mr Maloney).

His agent has submitted a letter with the application, a copy of which appears at the end of this report. He claims that his client has always displayed the site licence in his office window, making it clear that the site is intended for gypsy use, and has agreed that any new occupiers will be made aware of the restriction. However, this does not resolve the problems of people already on the site who are not, and never have been, gypsies or travellers.

The issues involved are identical to those associated with the previous application. Therefore, Members are advised that a similar recommendation of approval has been reached.

HUMAN RIGHTS IMPLICATIONS

This proposal has to be considered in relation to two sections of the Human Rights Act. These are Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). The present application involves accommodation reserved for use by gypsies and travellers, who frequently have difficulty finding sites suitable for their needs. In this context the provisions of Article 8 are particularly relevant. However these have to be balanced against the interests of the existing occupiers of the site. The issues arising do not appear to be of such magnitude that they override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

RECOMMENDATIONS

That **PERMISSION BE GRANTED** subject to the following conditions:

NONE.