



Appeal Decision

Site visit made on 26 January 2010

by **Karen L Ridge** LLB (Hons) MTPL

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
24 February 2010

Appeal Ref: APP/C3430/A/09/2114192

The Coppice, Lawn Lane, Coven, Nr Wolverhampton WV9 5BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs S Saunders against the decision of South Staffordshire Council.
- The application Ref. 09/00375/FUL, dated 19 May 2009, was refused by notice dated 3 September 2009.
- The development proposed is the change of use from paddock to two mobile home pitches.

Preliminary matters

1. The appellant does not have gypsy status and does not make the application on behalf of a specific individual or family who claim gypsy status. Notwithstanding this it is the appellant's intention to provide two pitches for persons/families with gypsy status. Accordingly I shall assess the proposal on this basis, having regard to the advice within Circular 01/06: *Planning for Gypsy and Traveller Caravan Sites*.
2. The appellant further confirms that a permanent planning permission is sought and if this is not acceptable then she seeks permission for a temporary period of five years.

Decision

3. I dismiss the appeal.

Main issues

4. The appeal site is within an adopted Green Belt and the appellant accepts that the proposal constitutes inappropriate development in terms of the guidance in Planning Policy Guidance 2- *Green Belts* (PPG 2). Paragraph 3.12 of this guidance confirms that the making of any material change of use is inappropriate development unless it maintains openness and does not conflict with the purposes of including land in the Green Belt. I consider that the proposed use would introduce caravans and other vehicles and domestic items onto the appeal site and in this regard would encroach onto the countryside and reduce openness. I therefore agree that the proposal is inappropriate development in the Green Belt.
5. Paragraphs 3.1 and 3.2 of PPG 2 provide that inappropriate development should not be approved except in very special circumstances and that very special circumstances will not exist unless the harm by reason of

inappropriateness, and any other harm, is clearly outweighed by other considerations.

6. The text to saved policy GB1 of the South Staffordshire Local Plan (LP) confirms that planning applications for inappropriate development will not be in accordance with the local plan. Policy BE26 sets out design criteria for new development, including a requirement for development to be sympathetic to the character and appearance of the surrounding area. Circular 01/06 confirms that sites for gypsies and travellers may be found in rural areas but reiterates the general presumption against inappropriate development within the Green Belt and confirms that such sites will normally be inappropriate. In accordance with the advice in PPG 2, I attach substantial weight to the harm to the Green Belt which would arise from such (inappropriate) development.
7. In view of this and having regard to the representations I have received, I consider the main issues to be as follows:
 - (i) the effect of the development on the openness of the Green Belt and its visual amenity;
 - (ii) whether the site provides good access to local services and facilities by means other than the private motor car;
 - (iii) other factors in support of the proposal, including
 - (a) the provision of, and need for, gypsy sites in the district,
 - (b) other benefits including positive landscape proposals and benefits and a reduction in fly tipping;
 - (iv) Finally, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Effect of the proposal on the openness of the Green Belt and on its visual amenity

8. **Openness:** Whilst the proposal would re-use the existing stable building it would also involve the siting of mobile homes and possibly touring caravans and other vehicles on each pitch. In addition it is likely that there would be internal divisions to demarcate the pitches and other domestic items. For these reasons I consider that it would harm the openness of this part of the Green Belt by introducing development where currently there is none. PPG 2 provides that openness is the most important attribute of the Green Belt and I attach substantial weight to this harm.
9. **Visual amenity:** The appeal site comprises the northern part of an agricultural field set aside for grazing. Within the site is a small brick stable building and an area of hardstanding, located a short distance from the private access track which leads from Lawn Lane. Beyond the northern boundary of the site is a stretch of dense woodland planting which screens the motorway beyond and links with planting around a large pond to the west of the site. The south-eastern boundary of the appeal site, and the remainder of the appellant's

landholding, run along the Lawn Lane frontage. The appeal site is on lower land than the adjacent highway and a hedgerow along this frontage partially screens views into the site.

10. The proposed use would result in the introduction of at least two mobile homes with possibly a further two touring caravans and other vehicles in what is currently an open, green site. In addition, the new use would probably include the siting of other domestic paraphernalia such as garden furniture, children's play things and washing lines. Together with the caravans and vehicles I consider they would amount to a domestication of land which is currently agricultural in character. Whilst I appreciate that there a substantial amount of landscaping is proposed as part of the scheme, there would still be views of the development from certain vantage points including down the access track from Lawn Lane and from the Lawn Lane highway, where I consider that the caravans would be prominent features.
11. There are gaps in the hedgerow along Pendeford Hall Lane to the southwest which currently provide views of the site but I accept that the proposed landscaping would significantly reduce views of the development from along this road. Whilst the appellant indicates the presence of a nearby caravan park, I do not accept that this automatically means that the introduction of caravans on to this site would be in keeping with the surrounding area. The appeal site is within a rural setting with open views of the site from Lawn Lane and I conclude that the proposal would be harmful to the visual amenity of the Green Belt and unsympathetic to the surrounding area, contrary to LP policy BE26.

Accessibility of the site by public transport and means other than the private car

12. The site is some 2.4 km from the settlement at Coven and a similar distance to a range of local facilities, schools and services at Bilbrook. Whilst the appellant points to a caravan park some 500 metres away, from the information available this park does not have any facilities on site which would be available to occupants of the appeal site. The nearest bus stop is approximately 600 metres away on Wobaston Road but the route from the appeal site is typical of many rural locations in that there is no footway and pedestrians would have to negotiate a rough grass verge which is unlit. The Council confirms that the bus service is every two hours whilst the appellant says it is every hour. Either way it is a fairly limited service. I am also informed that there is a cycle path along Wobaston Road which provides off road access to Bilbrook.
13. In these circumstances I conclude that occupiers of the site would be largely reliant on private motor transport for their day to day needs. I have also had regard to the existence of the stable building on the site which could potentially generate daily trips to the site to look after horses. However, the stables are currently unused and I consider that the provision of two pitches in this location would result in more daily trips than is otherwise likely. I conclude that whilst it is not remote, the site is not in the most accessible of locations in terms of the availability of transport options other than the private motor vehicle.
14. I have also considered the advice at paragraph 64 of Circular 01/06 regarding the wide range of factors to be taken into account when assessing the

sustainability of gypsy sites. I accept that any gypsy family settling on the appeal site could potentially benefit from easier access to healthcare and educational services, as well as having a settled base thus reducing both the need for long-distance travelling and environmental harm from unauthorised encampments. However, these benefits might also be secured via a site closer to services, with better options in terms of alternative transport modes. In this respect paragraph 65 of the Circular confirms that, at DPD stage, the priority should be to locate new sites in or near settlements with access to local services.

Other material considerations

Provision of, and general need for, accommodation for gypsies and show people in the local area

15. There are no public sites within the district and some 17 authorised private gypsy sites, 2 of which are transit sites and 2 have temporary consents. In addition I note that there are 2 long established sites for travelling showpeople. The last caravan count statistics points to some 24 pitches on unauthorised sites, some of which are the subject of ongoing applications for planning permission.
16. I understand that a joint Gypsy and Traveller Accommodation Assessment (GTAA) has been prepared for the South Staffordshire and North Warwickshire areas and was published in February 2008. It points to an additional need for 32 residential pitches in South Staffordshire in the period between 2007 and 2012 and a further 47 pitches between 2012 and 2026. A need for 13 additional plots for travelling show people over the 2007-2012 period and some 5 plots to 2026 was also identified.
17. The Regional Spatial Strategy is currently being revised and an options document was published in July 2009 which sets out a requirement for the additional provision of gypsy sites in South Staffordshire at between 44 and 50 pitches, 2007-2017. Travelling show people sites are intended to be distributed on a county level. Taking all of the above information into account it is clear that there is a current substantial need for additional sites in the district. In accordance with the advice in Circular 01/06, I attach substantial weight to the clear and unmet need for sites within the District.
18. The Council anticipates that a Site Allocations DPD will be submitted in September 2011 and adopted early in 2012. In addition, the Council is in the process of preparing an Interim Gypsy and Traveller Policy which it says will address the findings of the GTAA and provide guidance in advance of its site allocations DPD. The interim policy supports the extension of existing sites in the face of a proven need. It further provides that new sites will only be supported where there is a genuine need which cannot be met by the extension of an existing site or by another site outside the district.
19. The interim gypsy and traveller policy appears to be the subject of public consultation at the moment and has attracted objections. I therefore attribute only very limited weight to it. However, I do note that the Site Allocations DPD is scheduled to be adopted in early 2012, a little over 2 years away, by which time suitable sites will probably have been identified.

20. Paragraph 65 of Circular 01/06 provides that when deciding where to provide gypsy and traveller sites, Councils should first consider locations in or near existing settlements with access to local services. It goes on to set out the matters which Councils must examine when considering potential sites. Paragraph 49 confirms that alternatives should be explored before Green Belt locations are considered. However I do note that 80% of the district is within the Green Belt so it may prove difficult or be inappropriate to locate all of the additional sites outside the Green Belt. The Council's Gypsy and Traveller DPD will provide the opportunity for a comprehensive assessment of the relative merits of various sites, including their performance in sustainability terms. The appeal site could be included in such an assessment.

Other possible benefits of the proposal

21. The appellant contends that the proposal would have a positive effect on the environment because of problems with fly tipping and the use would limit opportunities for such tipping and vandalism. On my site visit some fly tipping was evident but it was a limited amount close to the access track. In any event, these are problems which are experienced from time to time across Green Belt locations and in my view do not place the site in the category of untidy or derelict land. I further accept the Council's contention that the active use of the stables, which is not an inappropriate Green Belt use, is equally likely to deter fly tipping.

22. The appeal site is within a locally designated Landscape Improvement Area where LP policies LS9 and LS10 seek to encourage tree and shrub planting. I accept that the provision of such planting as part of the scheme would provide a limited benefit in this regard.

Whether the harm to the Green Belt, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations such that planning permission should be granted

23. I have concluded that the proposal would be inappropriate and would cause some harm to the openness and visual amenity of the Green Belt and I attach significant weight to the harm by way of inappropriateness and further weight to the harm to openness and visual amenity. I further recognise that the site does not perform well in sustainability terms with regard to transport mode and distances to services and these are matters which weigh against the grant of a permanent planning permission.

24. In favour of the grant of a permanent planning permission is the current general need for additional pitches within the district to which I attribute significant weight. Other limited benefits would include the re-use of the stable building and some tree planting. Having regard to all of the above matters, I conclude that the harm which I have identified is not clearly outweighed by the factors in support of the proposal. Therefore very special circumstances justifying the grant of a permanent planning permission do not exist.

25. Paragraphs 45 and 46 of Circular 01/06 provide advice on the use of temporary permissions. Such permissions may be justified where it is expected that the planning circumstances will change in a particular way at the end of the period of the temporary permissions. The planning circumstances in this district will change with the adoption of the gypsy and traveller DPD in 2012. In

considering whether or not a temporary planning permission should be granted I give substantial weight to the unmet need for pitches. However, given the harm to the Green Belt, as well as sustainability considerations, I do not consider that a temporary planning permission would be an appropriate response in the context of this appeal.

26. The appellant has referred me to other appeal decisions and in particular one at Brinsford Bridge in Coven Heath¹. The site in this case was located in the Green Belt next to a Conservation Area. Whilst on my site visit some fly tipping was evident, it was a limited amount close to the access track. However I note that the Inspector found that there would be no harm to the Conservation Area and only minimal harm to the visual amenity of the Green Belt. In addition, in this case the site was within walking distance of Coven and the personal circumstances and personal needs of the family living on the site were given considerable weight in favour of the grant of permission. In the appeal before me, different factors are at play and I have determined this appeal on its own merits. For all of the above reasons the appeal must be dismissed.

Karen L Ridge

INSPECTOR

¹ Reference APP/C3430/A/06/2032103.