

23/00066/FUL

Mr John Ward

PENKRIDGE
Councillor Helen Adams
Councillor Victor Kelly

New Acre Stables, Wolverhampton Road, Penkridge ST19 5PA.

Use of land for the stationing of caravans for residential purposes.

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

The application site is located to the western side the A449, approximately 100m south of the village boundary of Penkridge and within the West Midlands Green Belt. It is bounded by the main west coast railway line to the west, the former mineral railway line to the north and the A449 to the east. The application proposes 2 new pitches to the north and one to the south of the existing authorized site which has personal/temporary planning permission for 5 pitches (including one double pitch) and is extant until 12th April 2025.

1.2 There is an unauthorized static home on the southern section of the proposed site which is the subject of ongoing Enforcement investigation.

1.3 A unit has been installed on a concrete pad, parallel with the A449 to the north of the site access (Pitch 2) of the extant permission site that does not accord with the site layout approved under conditions attached to the temporary appeal approvals and is not part of the current application proposals. There are also additional touring caravans and sheds on the site that do not accord with the appeal approved site layout. These matters are subject to a separate Enforcement investigation.

1.4 Planning History

1990, 5 enforcement notices (A-E) served requiring the removal of hardstanding (notice A), and the use of the land for the stationing of caravans for residential purposes to cease (notice E). Notices B-D related to the individual plots for the stationing of caravans. The Inspector noted in his decision (para 29) that the site 'might accommodate up to 20 or more caravans' 1990, change of use of land to private gypsy site with 11 pitches, refused and appeal dismissed (90/00062)

2011, change of use of land for 9 gypsy and traveller pitches comprising 23 caravans, 2 amenity buildings and associated access improvements, refused. Appeal allowed for 7 pitches for a temporary period to 31st December 2014, personal to the named applicants (09/00809/FUL).

2011, new gateway entrance, approved (11/00885/FUL).

2013, Change of use land (northern portion of the 2011 appeal site) to use as a residential caravan site for an extended gypsy family with 6 caravans, refused (13/00191/FUL). Appeal dismissed.

2013, vary condition 11 of permission 09/00809/FUL to substitute the names of site occupants, refused (13/00139/VAR).

2013, vary condition 11 of permission 09/00809/FUL to substitute the names of site occupants, refused (13/00290/VAR).

2013, use of land for permanent stationing of residential caravans (2 mobile homes and a touring caravan), Plot 2, applicant John McCarthy., refused (13/00347/COU).

2015, Change of use of land to Traveller site for 5 plots (6 pitches) with associated hard standing, access, fencing, utility blocks and cesspools-retrospective, refused (15/00001/FUL). Granted 3 year temporary/personal planning permission (expiring 12.04.2020) at Appeal (Ref. APP/C3430/W/15/3033377).

2015, Change of use of land to use as residential caravan site for one Gypsy family for up to 4 caravans, laying of hardstanding, erection of utility building and formation of new access, refused (15/00008/FUL). Appeal Dismissed.

2015, New gated access, approved, (15/00547/FUL).

2017, Variation of condition 4 of 15/00001/FUL) - to substitute name in personal condition, refused (17/00435/VAR). Appeal allowed on a personal and temporary basis for the duration of the term of the host appeal permission (12.04.2020).

2020, Variation of 15/00001/FUL appeal decision. Conditions 1 (time limit), 4 (personal condition), 9 (number of caravans). Approved subject to conditions, including personal and temporary consent until 12.04.2025 (20/00243/VAR).

1.5 Pre-Application Discussions

1.5.1 None.

2 AGENTS SUBMISSION:

The applicant seeks planning permission for no.3 residential pitches to meet a recognised need, and a personal need, for such facilities in the area to accommodate a gypsy lifestyle.

The site layout has been determined to best meet the applicant's requirements and although it has been withdrawn by Government, in the absence of any replacement document, the pitch has been designed with reference to the standards that were defined in 'Designing Gypsy and Travellers Sites – A Good Practice Guide (2008)'.

The proposed caravans will conform to the definition within Section 29(1) of the Caravan Sites and Control of Development Act 1960 and Section 13(1) of the Caravan Sites Act 1968.

The application site is located on the Western side of Wolverhampton Road within the South Staffordshire Green Belt, 0.6km to the south of Penkridge. The proposed application will demonstrate that there would, at worst, be limited impact or other harm to the character and appearance of the area.

Penkridge is a tier 1 settlement and provides the nearest facilities to the application site. Due to its close proximity, the application site has the means to be deemed sustainable.

Facilities such as Princefield First School (1.8km), Co-op Food Penkridge (0.4km) and Rodbaston Drive Bus Stop (0.6km) support the application site as a sustainable location.

The application site will be accessed from Wolverhampton Road using an existing driveway. Vehicles accessing the site are able to enter without blocking the highway, turn, and leave in a front facing gear. Wolverhampton Road encloses the sites Western boundary, whilst the West Coast Main Line encloses the sites Eastern boundary. To the south there is vacant open space and to the north is the Wolverhampton Road Park which is extensively screened from site. Public viewing points of the site are limited as existing screening will be maintained. Any visual concerns can be minimised through appropriate landscaping, which can be agreed by condition.

The site benefits from the following planning permissions:

- Application Reference Number: 15/00001/FUL – “Planning application for material change of use of land to Traveller site for 5 plots with associated hard standing, access, fencing, utility blocks and cesspools-retrospective. Variation of condition 4 - to substitute name in personal condition” – Appeal allowed 28/03/2019

- Application Reference Number: 15/00010/REF – “Planning application for material change of use of land to Traveller site for 5 plots with associated hard standing, access, fencing, utility blocks and cesspools-retrospective”
– Appeal allowed 12/04/2017

- Application Reference Number: 10/00032/REF – “Change of use to residential caravan site for occupation by 5 gypsy families (9 pitches) providing a total of 23 caravans, plus erection of two amenity blocks, laying of hardstanding and access improvements [partially retrospective]” – Appeal allowed 28/02/2011.

This planning history demonstrates a clear pattern of development, of which caravans are prominent, and therefore contribute to the existing character of the area. The proposed development would have limited impact upon the visual amenity of the Green Belt location and be in keeping with existing character.

Further supporting this, the officer report for application 18/00789/COU – “Change of use of land to provide 2 no. additional pitches adjacent to existing gypsy & traveller site” at Bursnips Road Essington. – Approved 19/03/2020, states that in an assessment of the South Staffordshire Local Plan Site Allocations for Gypsy and Traveller sites in 2018 the appointed Inspector specified that: “ in South Staffordshire, all the existing Gypsy and Traveller sites lie within the Green Belt and all additional pitches are proposed at existing established sites, where the test of “very special circumstances” justifying this use has already been met. Moreover, SS CS Policy H6 does not envisage or require such sites to be removed from the Green Belt. The need to provide additional pitches established by SS CS Policy H6, the presence of existing Gypsy & Traveller provision on these sites, the site- selection process, including the GB assessment, and the needs of existing local Gypsy & Traveller families combine to provide further justification for proposed allocations.” Therefore, this application is of a similar nature to existing developments in the Green Belt and would have at worst limited impact upon the area.

The 2017 GTAA identifies a need for 90 pitches from 2016-2036. It is understood that there are no public sites in South Staffordshire and the local authority has no suitable sites to meet the unmet need. The minor expansion of an established site would cause limited harm to the Green Belt and the immediate area. This proposal will make for a more efficient use of

space, have no urbanising or adverse effects on the environment and/or amenity of the area and will not impact on the Green Belt any more than existing developments.

The proposal incorporates no.1 mobile home, no.1 touring caravan, and no.1 dayroom per pitch. Pitches are positioned to limit public views, utilising existing screening provided by trees/hedging, fencing and other vegetation where available. If there were any residual concerns, these could be satisfactorily dealt with by a landscaping condition. The dayroom will provide facilities that enable the occupants of the caravans to minimise the recognised hazards associated with cooking and fire in the close confines of caravans and provide facilities for washing and bathing and the maintenance of basic hygiene. The dayroom will be constructed out of brick to be in keeping with nearby existing building.

There are children living on the site and as such any decision taken by the council should be made having considered the best interests of the children on the site. There is an explicit requirement to treat the needs of the children on the site as a primary consideration (UNCRC Article 3, fully set out at para 80-82 of AZ) and, in respect of a decision by the LPA to safeguard and promote the welfare and well-being of the children (Children's Act 2004, s.11(1)).

3. APPLICATION DETAILS

3.1 Proposal

The proposal would add 3 additional pitches, two extending to the north and one to the south of the extant temporary permission/Publication Plan proposed Allocation site for 4 pitches.

Each pitch would comprise a static residential caravan, a touring caravan a utility/day room, permeable stone hardstanding areas, post and rail and close boarded boundary fencing, and grassed amenity areas.

Details of the mobile home would be controlled under the terms of the Caravan Sites Acts (max. size approx. 20m x 6.8m x 3m high).

The proposal seeks permanent permission. Other than stating that the Best Interests of Children are engaged, no personal/family circumstances are provided.

Temporary/personal permission should be considered as a fallback position if very special circumstances are not considered to weigh the planning balance in favour of a permanent permission for general gypsy and traveller occupation needs but are considered sufficient to weigh the balance in favour of a temporary consent when taking account of all material considerations.

4. POLICY CONTEXT

4.1 Within the Green Belt

4.2 Adopted Core Strategy 2012

Strategic Objectives:

Strategic Objective 1: To protect and maintain the Green Belt and Open Countryside in order to sustain the distinctive character of South Staffordshire.

Strategic Objective 3: To protect and improve South Staffordshire's environmental assets.

Strategic Objective 6: To ensure that all new development is sustainable, enabling people to satisfy their basic needs and enjoy a better quality of life, without compromising the quality of life of future generations.

Strategic Objective 8: To ensure the delivery of decent homes for members of the community including the provision of more affordable housing which matches in type, tenure and size the needs of the residents of South Staffordshire and to meet the needs of an ageing population.

Core Policies:

Core Policy 1 - The Spatial Strategy for South Staffordshire

Core Policy 4 - Promoting high quality design.

Core Policy 6 - Housing Delivery

Core Policy 11 - Sustainable Transport

Core Policy 13 - Community Safety

Development Policies:

GB1 - Development in the Green Belt

EQ1- Protecting, Enhancing and Expanding Natural Assets

EQ2: Cannock Chase Special Area of Conservation (within 15km of zone of influence).

Development will only be permitted where it can be demonstrated that it will not be likely to lead directly or indirectly to an adverse effect upon the integrity of the Cannock Chase Special Area of Conservation (SAC).

EQ4 - Protecting and Enhancing the Character and Appearance of the Landscape

EQ9 - Protecting residents' amenity.

EQ11 -Wider Design Conditions

EQ12 -Landscaping

H6 - Gypsies, Travellers and Travelling Showpeople

EV11- Sustainable Travel

EV12 -Parking Provision

CS1 - Designing Out Crime

4.3 Adopted Site Allocations Document 2018

SAD 4 Gypsy and Traveller Pitch Provision.

4.4 Joint Strategic and Site Allocations Local Plan Review (including Gypsy & Traveller provision assessment and future allocations).

Issues & Options consultation undertaken between 8th October 2018 and 30th November 2018.

The Regulation 19 (Publication Plan) consultation ran for 6 weeks from Friday, November 11 to Friday, December 23, 2022. The LA announced a pause to the Local Plan in January 2023 in order to seek clarification on the National planning reform position/proposals. The LA is now resuming work on the Local Plan which it is anticipated, subject to confirmation of the National position, to be adopted by early 2026. Allowing a subsequent 12 month period for

the preparation and determination of planning applications, allocated sites should be available on the ground by early 2027.

The Publication Plan proposes the allocation of the neighbouring site for 4 permanent pitches from extant temporary consent.

4.5 **Other Policy Considerations:**

Planning Policy for Traveller Sites

National Planning Policy Framework

Designing Gypsy and Traveller Sites - A Good Practice Guide Communities and Local Government (historic context)

Gypsy and Traveller Accommodation Assessments (GTAA's)

South Staffordshire Design Guide 2018.

South Staffordshire Green Belt Study 2019.

5. CONSULTATION RESPONSES

Councillor comments:

Councillor Victor Kelly (comments received 31.07.23).

Objects. This plot was dismissed at appeal on Green Belt grounds, when it was supposed to be returned to its original condition, as stated by the planning Inspector, but never has been.

The Ward family now reside on the other four plots, in breach of planning by extending this site without firstly having a need, constructing fencing around the perimeter adding caravans on the site plus The site is still in Green Belt.

Local Plans (Comments received 24.07.2023).

Introduction

The applicant seeks planning permission for no.3 residential pitches. Two of the pitches are to the north of an existing site which is proposed for allocation within the emerging Publication Plan and one to the south. The sites are not proposed for allocation within the Publication Plan but are adjacent to the proposed allocation.

National Policy

The National Planning Policy Framework (NPPF) and Planning Policy for Traveller's Sites (PPTS) imposes a duty on Local Planning Authorities (LPA'S) to provide Gypsy and Traveller pitches and plots to meet evidenced need over a plan period. The above proposal however is within the West Midlands Green Belt.

While the National Planning Policy Framework is based upon a presumption in favour of sustainable development, it is clear from the framework that Green Belt Policy cannot be overridden by this presumption (see *paragraph 11* and *footnote 6*). Likewise, the PPTS Paragraph 16 under Policy E further enhances this stance by stating that;

"Inappropriate development is harmful to the green belt and should not be approved, except in very special circumstances"

Paragraph 16 of the PPTS also comments that;

"Subject to the best interests of the child, personal circumstances, and unmet need are unlikely to outweigh harm to the Green Belt and any other harm so as to establish very special circumstances."

South Staffordshire Local Plan

The 2012 adopted Core Strategy contains Policy H6: Gypsies, Travellers, and Travelling Showpeople, which sets out criteria for the determination of applications for Gypsy and Travellers sites and pitch requirements up to 2028.

Criterion 8a of Policy H6 states:

Criteria 8a) of H6 states that:

Proposals shall be sited and landscaped to ensure that any impact on the character and landscape of the locality is minimised, including impacts on biodiversity and nature conservation. In areas of nationally, sub-nationally or locally recognised designations planning permission will only be granted where the objectives of designation would not be compromised by the development - examples will include:

a) The Green Belt - where demonstrably harmful impact on the 'openness' of the Green Belt will be resisted'.

Development of the site would cause harm to the openness of the Green Belt although the site is relatively well screened. The proposal has the potential to meet the other policy criteria.

A GTAA was carried out in 2021 as part of the evidence gathering for the Local Plan Review. The Council is unable to meet its full 5-year requirement (72 pitches) for gypsy and traveller pitches the emerging Local Plan but identified suitable sites in the Publication Plan consultation to allocate 37 pitches towards the 5 year identified needs of families. The Council cannot currently demonstrate a 5 year supply of traveller sites, however as set out above, unmet need is unlikely to outweigh harm to the Green Belt.

The site

As previously stated, the sites are adjacent to the proposed allocation. It is relatively well screened being sandwiched between the A449 and the West Coast Main Line. The new pitches would be adjacent to existing pitches.

The pitches would also be within close proximity to Penkrige, a tier 1 settlement, which provides a range of services and facilities.

Very Special Circumstances (VSC)

As previously covered, the PPTS Paragraph 16 under Policy E states that:

"Inappropriate development is harmful to the green belt and should not be approved, except in very special circumstances"

Paragraph 16 of the PPTS also comments that;

"Subject to the best interests of the child, personal circumstances, and unmet need are unlikely to outweigh harm to the Green Belt and any other harm so as to establish very special circumstances."

The proposal is located in the Green Belt and therefore Very Special Circumstances (VSC) will need to be demonstrated by the applicant. VSC have been set out by the applicant in their supporting documents, which include gypsy & traveller status, lack of 5-year supply of pitches, lack of available alternative sites, needs of children.

The Planning Statement submitted with the application states *'Please note in regards to making the decision that there are children living on the site and as such any decision'*.

However, no further details have been provided. Further information would be needed in order for this to be fully assessed.

Conclusion

The proposal is contrary to 2012 adopted Core Strategy Policies H6 and GB1 as well as national policy on Green Belt. However, the proposal would result in the benefit of additional traveller pitches being provided within the District against an identified shortfall and lack of 5 year supply.

The pitches would also be located in a sustainable location with good access to services and facilities.

The Applicant has also progressed an argument for VSC which include gypsy & traveller status, lack of 5-year supply of pitches, lack of available alternative sites and best interests of the child (although no details have been provided). The case officer will there need to consider the harm to the Green Belt of the pitches against the case for VSC and weigh these in the planning balance.

Network Rail - (Comments received 03.08.2023).

Need to safeguard the Rail Network and ensure safety. Informatives provided related to procedures and necessary consent separate to the planning process.

No works are to commence until agreed with Network Rail. Early engagement with Network Rail is strongly recommended.

Crime Prevention Design Advisor - (Comments received 20.07.2023).

Policy/Guidance Context.

The proposal has been reviewed with particular reference to Police CPI's Secured by Design guidance and in accordance with the recognised principles of Crime Prevention Through Environmental Design.

NPPF Para 92(b) 'Promoting Safe and Healthy Communities' states:

"Planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion."

NPPF Para. 130(f) 'Achieving Well-Designed Places' states:

"Planning policies and decisions should ensure that developments create places that are safe ... and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

NPPG Planning Should Address Crime Prevention, Design states "Designing out crime and designing in community safety should be central to the planning and delivery of new development";

South Staffordshire District Council adopted Core Strategy:

Core Policy 13, Community Safety explanatory text states;

"The design of buildings and spaces can make a significant contribution towards reducing the scope for crime, and create more pleasant and reassuring environments in which to live, work and play. The opportunities for crime to occur can be minimised by designing and planning out crime in new development. The Council supports the national guidance 'Secured by Design' and will continue to work with Staffordshire Police architectural liaison officer in relation to the design and layout of development proposals".

Policy CS1: Designing Out Crime states:

In accordance with Core Policy 13, the design of development must include, means of reducing the opportunities for crime and anti-social behaviour, and must also seek to reduce the potential for fear of crime. This will include support for:

- Social facilities to be provided in locations which can be adequately controlled and supervised;
- Development to be designed to increase natural surveillance of public and private spaces, with continuous public surveillance as an alternative;
- Liaison with the Police to design out crime and fear of crime in specific schemes which also meet other design objectives in Policy EQ11.

Core Policy 13 sets out the strategic policy for community safety that supports the aims and objectives of the Sustainable Community Strategy and the Community Safety Partnership Plan. The above Policy provides further detail on the design of development and 'Secured by Design', and in turn supports Policy EQ11 covering wider design considerations. The statutory obligation placed on local authorities to do all they reasonably can to prevent crime and disorder in accordance with Section 17 of the Crime and Disorder Act 1998.

Staffordshire Police recognises the status and rights of Romany Gypsies and Irish Travellers as distinct ethnic groups, their unique and legitimate lifestyle, and its duty under the Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000 to positively promote good race relations in our work with the Gypsies and Irish Travellers. Consultation in other areas with the Gypsy and Traveller community along with other consultation documents supports the view that the size of sites should be small (five to ten pitches) and, where possible occupied by one extended family group (Menter Briefing Paper, John Day, April 2007). Sites should also provide a safe environment for the residents. Consideration needs to be made as to who currently lives on the site and whether they have any issues or existing conflicts with other families who may be new comers. Staffordshire Police recommend that this application for additional pitches for occupancy by a single extended family.

Consultation with members of the travelling community appears to endorse this recommendation. Research in Hertfordshire with Gypsies and Travellers themselves recommends a limited number of pitches / families per site. Family disputes on sites cause Policing issues and the overall success and peaceful running of a site will clearly be of benefit to both the traveller and settled communities in each locality. We continuously strive to engage in partnership, working with other public sector bodies to improve our shared service delivery to the Gypsy and Traveller community.

County Highways – (Comments received 14.07.2023)

No objections subject to conditions:

- 1) No commercial activities shall take place on the site including the storage of materials.
- 2) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
- 3) The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with the approved plans.

Reasons. In the interest of highway safety. To comply with the principles set out in the National Planning Policy Framework.

Natural England (Comments received 10.08.2023).

Having considered the assessment, and the noted information regarding the agents refusal to submit a unilateral undertaking both from yourself and within the HRA, it is the advice of Natural England that it is not possible to ascertain that the proposal will not result in adverse effects on the integrity of the sites in question.

NatureSpace Partnership Newt Officer (Comments received 06.07.2023).

Holding Objection.

The application has provided Reasonable Avoidance Measures, but no details about habitat on-site, nor quality of nearby ponds in order that the likelihood of impact on great crested newts can be assessed. Further information is required before the potential impact on great crested newt can be properly assessed.

Conclusion and recommendation for conditions

We are not satisfied that the applicant has adequately demonstrated that there will no impact to great crested newts and/or their habitat as a result of the development being approved. Therefore, in line with the guidance from Natural England (Great crested newts: District Level Licensing for development projects, Natural England, March 2021), there is a reasonable likelihood that great crested newts will be impacted by the development proposals and therefore, the applicant must either:

- Submit a NatureSpace Report or Certificate to demonstrate that the impacts of the proposed development can be addressed through South Staffordshire Council's District Licence; or
- Provide further information (describe the information required), in line with Natural England's Standing Advice, to rule out impacts to great crested newts, or demonstrate how any impacts can be addressed through appropriate mitigation/compensation proposals; or
- If it is determined that there is no suitable habitat impacted on site and the likelihood of GCN is very low, then a precautionary working statement in the form of Reasonable Avoidance Measures (RAMs)/Non-Licensed Method Statement (NLMS) strategy documents completed by a suitably qualified ecologist may be acceptable for the development.

South Staffordshire Senior Ecologist (Comments received 18.07.2023).

Subject to SAC Unilateral Undertaking. no objection subject to conditions.

Designated Wildlife Sites:

SSDC Cannock Chase SAC Guidance (Updated 1st April 2023) states that the 'in combination' impact of proposals involving a net increase of one or more dwellings within a 15 kilometre radius of the SAC would have an adverse effect on its integrity unless avoidance and mitigation measures are in place.

This proposal qualifies as a net increase of residential dwellings within the 15km zone of influence and a Unilateral Undertaking must be completed to secure the appropriate financial contribution.

Until such a time that a draft Unilateral Undertaking has been provided to enable us as the Competent Authority to complete an Appropriate Assessment which concludes no significant effects are likely, I must lodge a holding objection to the proposed development.

Habitats & Protected Species

I have reviewed the great crested newt method statement and have also assessed local biological records and aerial imagery. The development site is very small, c.0.14ha in area, and is located on sparsely vegetated land. I acknowledge the presence of a pond c.240m east which appears to be a SUDS pond, and other ponds outside of 250m from the site. There is also one record of GCN within 1km however there are several significant barriers to dispersal of GCN to/from this record.

The submitted GCN method statement is very generic and does not take site-specific conditions into account, nor does it make any credible assessment of the potential risks of the proposed development to GCN.

Taking into consideration likely site conditions, distribution of ponds in the local area, barriers to dispersal and the nature of the proposed development, I do not consider that the proposals would pose a significant risk to GCN such that further ecological survey is warranted. However, it is necessary to secure an amended GCN method statement as part of a planning condition to ensure that any ongoing risks are appropriately managed at the site level during site clearance and construction.

Should GCN be found on site during works, I consider that a low-impact GCN licence would be likely to be granted as presence would have been established at that point, and both the size of the proposed development and distance from ponds is likely to comply with low-impact criteria.

I have no other significant concerns in relation to the impact of the proposed development to protected species or habitats.

Recommendations

Should you be minded to approve the proposed development, I recommend that the following conditions and informative notes be applied to any decision notice:

GCN Method Statement

1. No development shall take place, including demolition, groundworks or any necessary vegetation clearance until a method statement for great crested newts (GCN) has been submitted to and approved in writing by the Local Planning Authority. The method statement must include (as a minimum):

- A risk assessment in relation to site activities that may impact GCN and the associated legislative breaches that may occur due to works;
- Details of all reasonable avoidance measures to ensure GCN are not adversely affected by works;
- Actions to be progressed should a GCN be found on site during works;
- Identification sheets for native amphibians (to be kept on site).
- Details of the toolbox talk and signed register for attendees

Reason: To prevent harm to protected species in accordance with Policy EQ1 of the adopted Core Strategy.

Planning Enforcement - (No comments received; consultation period expired 03.08.2023).

Parish Council - (No comments received; consultation period expired 03.08.2023).

One neighbour (Representation received on 13.07.2023) objects on the following grounds: This was a bank holiday incursion and should not be granted permanent approval. The original residents are not in the main still resident and have no special needs.

Site Notice - Posted 13.07.2023 (Consultation period expired 03.08.2023).

6. APPRAISAL

Principle of Development.

6.1 The proposal represents inappropriate development in principle within the Green Belt and the proposed introduction of 3 additional static caravans and 3 additional touring caravans together with three 6.5m x 3.4m x 3.5m high brick and tiled pitched roof utility/day rooms would add a quantum of development that would have a significant detrimental impact on the openness of the Green Belt.

6.2 Assessment of impact on openness is fundamentally based on the presence or absence of development, the quantum of development impact spatially on a designated area. The level of visual impact is relevant to the assessment but secondary in importance, otherwise any indiscriminate/inappropriate development could be justified by landscape screening in the Green Belt, fundamentally undermining the justifying principles of Green Belt Policy. The visual impact element is relatively low in this instance but the increased quantum of development would have a significant detrimental impact on the openness of the Green Belt.

6.3 The original planning permission for traveller pitches at New Acre Stables was granted at appeal by the SoS in 2011 for 7 pitches. However, this was granted strictly on a temporary basis (3 years expiring at the end of 2014) with the SoS concluding that the adverse impacts on the Green Belt did not warrant permanent planning permission. Planning applications and subsequent appeals for pitches to the north and south of the extant temporary permission site have been refused/dismissed at appeal on negative Green Belt impact grounds, notwithstanding personal circumstances/Very Special Circumstances being provided and a backdrop of shortfall in 5 year supply and a lack of alternative sites at the time of those decisions (planning applications 15/00008/FUL and 13/00191/FUL & related appeal decisions).

6.4 The multiplicity of families that previously occupied the site resulted in conflict between resident families requiring prolonged Police interventions at the time. Subsequent temporary planning permission was granted at appeal in 2015 (15/00001/FUL) for a reduced number of 5 pitches (including 1 double pitch with 2 statics). This was justified on the grounds of need, shortfall in supply and proven Very Special Circumstances, with a reduced number of families. This temporary/personal planning permission expired on 12.04.2020. A variation of conditions related to this consent extended the period of permission until 12th April 2025 and varied the named occupants and number of caravans to a maximum of 14 including 7 static homes, with personal circumstances provided (20/00243/VAR of above Planning History summary).

6.5 The proposed 3 additional pitches fall outside the Publication Plan proposed site allocation and would increase the total number of pitches at New Acre Stables to 8/10 with the existing temporary consent for 5 pitches including two double pitches. This is contrary and prejudicial to the Local Plan Review which has yet to be subject to Examination.

6.6 No personal family details have been provided to demonstrate Very Special Circumstances other than that children would live at the site.

6.7 A shortfall in supply of pitches is acknowledged, as is a lack of alternative available sites and these factors weigh in favour of the application.

6.8 Para. 143 of the NPPF states that:

“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”.

Para. 144 of the NPPF continues:

“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations”.

6.9 The application site is located within the Green Belt. The principle of gypsy and traveller sites is by definition inappropriate development in terms of Green Belt Policy, not falling within an exempted category listed under para’s 145 and 146 of the NPPF, or in Policy GB 1 of the adopted Core Strategy.

6.10 The NPPF is based on a presumption in favour of sustainable development but is clear that Green Belt policy cannot be overridden by this presumption, where 'specific policies in this Framework indicate development should be restricted' (para 11). Footnote 7 includes 'land designated as Green Belt'.

6.11 The Central Government issued ‘Planning Policy for Traveller Sites’ 2015 states that 'Traveller sites (temporary or permanent) in the Green Belt are inappropriate development, and that subject to the best interests of the child:

“personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances”.

6.12 The inappropriateness of the development in the Green Belt therefore carries significant weight in the balancing exercise required to determine this application.

Assessment of proposal against H6 and 5-year supply:

6.13 Policy H6 of the Core Strategy sets out the gypsy and traveller pitch requirements for South Staffordshire to 2028 and pledges to maintain a 5-year supply of sites.

6.14 The GTAA and Pitch Delivery Study 2021 (part of the evidence gathering for the Local Plan Review) is the most up to date objectively assessed evidence of need. It identifies a requirement for the 2021-2025 period of 72 pitches, adjusted to 74 pitches for the 2023 - 2028 period. This current application would contribute 3 additional pitches towards meeting this requirement, if approved on a permanent basis. The new GTAA has yet to be tested by Public Examination.

6.15 Council cannot currently demonstrate a 5-year supply of traveller sites. However, Planning Policy for Traveller Sites states that:

'If a local planning authority cannot demonstrate an up to date 5-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. The exception is where the proposal is on land designated as Green Belt.'

Therefore, as this site is in the Green Belt, the lack of a five-year supply should not carry significant weight in the determination balancing exercise.

6.16 Adopted Core Strategy Policy H6 sets out the criteria against which proposals for new/extensions to existing gypsy sites should be assessed. The criteria can be summarised as follows:

1. The applicants must meet the definition of gypsy and travellers;
2. Essential utility services are available to serve the site;
3. Site is designed to protect the amenities of proposed occupiers/amenities of neighbouring properties;
4. Transit sites should have good access to highway network;
5. Sites for Travelling Showpeople should be large enough to accommodate ancillary yards for business use providing there is no adverse impact on residential amenity;
6. The site can be adequately and safely be accessed by vehicles towing caravans, is well related to the established local highway network and adequate space within the site to accommodate vehicle parking, turning space and to accommodate the occupants of the site;
7. The development is of an appropriate scale so as to not put unacceptable strain on infrastructure or dominate the nearest settled communities and avoid problems of community safety arising from poor social cohesion;
8. Should be suitably landscaped to limit impact on landscape character of the area. In areas of nationally, sub-nationally or locally recognised designations planning permission will only be granted where the objectives of designation would not be comprised by the development - examples include:
 - a) in the Green Belt proposals should not be 'demonstrably harmful to openness'
 - b) where proposals that will harm the setting, function, and integrity of Cannock Chase AONB will be resisted
 - c) where proposals that will harm the setting, function, and integrity of any SSSI, SAC will be resisted
 - d) harm to heritage assets will be resisted.

9. Proposals must not be located in areas at high risk of flooding including functional floodplains (flood zones 3a and 3b).

Proposals that comply with all the above criteria will generally be granted planning permission to meet the existing need in the District.

6.16.1 Gypsy Status:

The first criterion of policy H6 requires that applicants meet the definition of gypsy and travellers or travelling showpeople as set out in Annex 1 of the National Planning Policy for Travellers Sites (PPFTS).

The Agent has confirmed that the applicants have gypsy and traveller status under these terms.

6.16.2 Servicing:

Details of foul and surface water disposal arising from the development, could be suitably controlled by condition.

6.16.3 Design and Landscaping:

The site is partially screened along the existing boundaries by mature trees and hedges.

6.16.4 The existing access would be utilised to serve the site. County Highways raise no objections subject to conditions. The proposal would be in accordance with the sixth criterion of policy H6.

6.16.5 Cumulative Impact, domination of settled community and community cohesion:

The application site is located approximately 0.1km to the south of Penkridge village Development Boundary within an area of dispersed development in a predominantly rural location. It is therefore not considered that the proposal would cause an unacceptable strain on infrastructure or dominate the nearest settled community.

However, given the cumulative number of pitches at New Acre Stables with existing pitches at 8/10 pitches, and in the absence of evidence of family connections/personal circumstances, the proposal is potentially contrary to Core Policy 13 and CS Policy H6 criterion 7 aimed at achieving social cohesion, the NPPF (Paras. 92(b) and 130(f) in respect of community cohesion and resilience. No evidence has been provided with the application to demonstrate that the aims of social cohesion would be met in accordance with relevant local and national policy advice.

6.16.6 Impact on Green Belt:

It is established that the proposal, by definition, represents inappropriate development in the Green Belt. Harm by inappropriateness of development attracts substantial/significant weight in the assessment.

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of the Green Belt are their openness and their permanence.

The siting of the proposed additional mobile homes, touring caravans and brick built utility/day rooms together with associated hardstanding for vehicles would consolidate the quantum of development on the site having a significant increased impact on the openness of the Green Belt. The previous appeal decisions in granting temporary consent emphasised that the impact of inappropriate development on the openness of the Green Belt was detrimental to an unacceptable degree and that the development was unacceptable on a permanent basis within the Green Belt.

At para. 63 of the 2017 appeal decision the Inspector determined that:

“Whilst I have attributed significant weight to the health care needs of one particular child, and the education needs of the children, I do not consider that these matters would amount to the very special circumstances required to justify the development on a permanent basis”.

6.16.7 Flooding and Drainage:

The application site is not located within a flood plain or in an area which is particularly susceptible to flooding.

6.15.8 Impact on Heritage Asset

There is no impact on Heritage Assets.

6.16.9 Summary of Criteria in H6:

The proposed development would further reduce openness by introducing an additional quantum of development on a previously open site and consolidating sporadic, dispersed development in the locality. The proposal is therefore in conflict with criterion 8 a) of Core Policy H6. The harm caused by loss of openness in this context would be significant and additional to the "substantial weight" attributed to the harm caused by reason of development inappropriateness.

The proposal, especially given the lack of evidence provided, is also in potential conflict with the community cohesion aspect of CS H6 criterion 7 and the NPPF.

6.17 Other Material Considerations

6.17.1 National Policy for Travellers Sites August 2015

The National Planning Policy for Travellers Sites provides a national strategic framework for assessing gypsy and traveller development. The key points for Local Planning Authorities to consider when determining applications for gypsy and traveller development are:

- Gypsy and traveller development in the Green Belt is "inappropriate development"; subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh the harm to the Green Belt and any other harm so as to establish very special circumstances
- Development plan (policy H6 in this case) is the starting point for assessing development proposals unless material considerations indicate otherwise;
- Level of need (including general need);

- Alternative sites;
- Personal circumstances;
- Sites should not dominate settled community or put undue pressure on services.

The document makes clear that 'inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

6.17.2 The decision taken must be cognizant of the best interests of children. The needs of children must be treated as a primary consideration in planning determination. The Local Authority has a responsibility to safeguard and promote the welfare and well-being of children under the Children's Act 2004. The applicant's agent confirms that there would be children living on the site but no details are provided. Therefore, limited weight can be apportioned in the planning balance in this case.

6.17.3 The Agent considers that the harm to the Green Belt and any other harm is outweighed by the identified need, and best interests of the child, absence of alternative sites, the lack of a five-year supply, and the failure of the Council to address the identified need through the development plan process.

6.17.4 Policy EQ2 'Cannock Chase Special Area of Conservation Development, states that development:

"will only be permitted where it can be demonstrated that it will not be likely to lead directly or indirectly to an adverse effect upon the integrity of the Cannock Chase Special Area of Conservation (SAC)".

Despite requests of the agent during the validation of the application no mitigation measures have been put forward to demonstrate mitigation of the identified potential significant harmful impact of the proposed development on the special character of this designated landscape (English Nature and South Staffordshire Ecology Officer representations).

The proposal is there, contrary to the aims of Policy EQ2 of the adopted Core Strategy.

6.17.5 Human Rights:

The National Policy for Traveller Sites makes it clear that Human Rights are a consideration in the determination of gypsy and traveller proposals. When considering this application account has been taken of the applicant's Article 8 rights. However, it is considered that the recommendation accords with the policies of the adopted Local Plan and national planning policy and the applicant has the right of appeal against this decision.

7. CONCLUSION

7.1 The site falls within the West Midlands Green Belt where there is a strong policy presumption against the inappropriate form of development proposed. The weight of harm

caused by inappropriate development in Green Belts is automatically classified as substantial in the planning decision making balance.

7.2 The proposal would also cause additional loss of openness, the acknowledged most important characteristic of Green Belts. The Very special circumstances identified by the agent would not be sufficient to overcome the identified harms to the Green Belt on a permanent or temporary basis. This position is consistent with the previous appeal decisions related to the application site, and recent Green Belt Traveller appeal decisions at Micklewood Lane and Doveleys Farm where the need to safeguard the Green Belt against inappropriate development has been upheld in the planning balance with need for pitches and the Best Interests of Children considered.

7.3 There is an acknowledged current shortfall in the supply of pitches to meet identified needs/5-year supply within the District, and a lack of apparent available alternative sites. This shortfall is being actively addressed as part of the on-going Local Plan Review, which will allocate sites throughout the District to strategically best meet need where it exists, and consider the relative impact of all sites put forward in Policy terms including relative Green Belt impact assessment.

7.4 The best interests of children, , current lack of 5-year supply and availability of a permanent alternative site, are recognised as factors weighing in favour of the development.

7.5 Account is taken of the relevant Central Government advice (PPTS - paragraph 16) which provides that;

'Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances'.

8. RECOMMENDATION - REFUSE for the following reasons:

1. The proposal represents inappropriate development in the Green Belt, contrary to Policies GB1 and H6 (criterion 7 and 8) of the adopted South Staffordshire Core Strategy and Central Government Policy and Guidance given in the National Planning Policy Framework (Protecting Green Belt Land) and Planning Policy for Traveller Sites. The circumstances put forward do not justify overriding the presumption against inappropriate development in the Green Belt in this case.
2. The proposal would cause demonstrable harm to the openness and permanence of the Green Belt, detrimentally impacting upon its essential characteristic; and would also introduce increased built form which would cause additional encroachment; contrary to policies GB1 and H6 of the adopted Core Strategy, Planning Policy for Traveller Sites and the National Planning Policy Framework.
3. The proposal, in the absence of necessary mitigation measures, is contrary to Policy EQ2 'Cannock Chase Special Area of Conservation' of the adopted Core Strategy being within a 15 kilometre radius of the SAC and having potentially adverse effects on its integrity.

Proactive Statement:

Proactive Statement - Whilst paragraph 38 of the National Planning Policy Framework (2021) requires the Local Planning Authority to work with applicants in a positive and proactive manner to resolve issues arising from the proposed development; in this instance a positive solution could not be found and the development fails to accord with the adopted Core Strategy (2012) and the National Planning Policy Framework (2021).

Plans on which this Assessment is based:

Plan Type	Drawing No.	Version	Received
Proposed Site Plan	003	P01	26 January 2023
Proposed Floor Plans and Elevations	005	P01	26 January 2023
Location Plan	001	P01	26 January 2023

Report prepared and recommendation made by : Paul Turner

Report Signed off by: Matthew Thomas

Date: 25/08/2023