



Appeal Decision

Hearing held on 22 December 2015

Site visit made on 22 December 2015

by Melissa Hall BA(Hons) BTP MSc MRTPI

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

Decision date: 12 April 2017

Appeal Ref: APP/C3430/W/15/3033377

**Plots 2-6, New Acre Stables, Wolverhampton Road, Penkridge,
Staffordshire ST19 5LU**

- 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 Messrs Barney, John, John, Kevin and Jason McCarthy and Joseph Quinn, Winnie and Philomena Ward against the decision of South Staffordshire Council.
 - The application Ref 15/00001/FUL, dated 31 December 2014, was refused by notice dated 8 April 2015.
 - The development proposed is the material change of use of land to travellers site for 5 plots with associated hard standing, access, fencing, utility blocks and cesspools.
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Decision

1. The appeal is allowed and planning permission is granted for the material change of use of land to travellers site for 5 plots with associated hard standing, access, fencing, utility blocks and cesspools for a temporary period of 3 years from the date of this decision at Plots 2-6, New Acre Stables, Wolverhampton Road, Penkridge, Staffordshire ST19 5LU in accordance with the terms of the application, Ref 15/00001/FUL, dated 31 December 2014 and the plans submitted with it, subject to the schedule of conditions attached at Annex A.

Procedural and Preliminary Matters

2. I observed that the use has already commenced. I have therefore considered the appeal under the terms of Section 73A(2)(a) of the 1990 Act, albeit I have omitted the reference to '*retrospective*' from the description of development.
 3. At the Hearing, Mr John Joseph McCarty confirmed that the spelling of his surname differs from that of his father Mr John McCarthy. I have therefore used this convention throughout my Decision for the purposes of referring to the respective appellants.
 4. The existing occupants differ from those who intended to live on the site when the application was made in 2014. The appellants have confirmed that permission is not being sought for Messrs Barney, John, Kevin and Jason McCarthy or Joseph Quinn to reside at the site. Rather, the existing occupants are John Joseph and Fanta McCarty, Winnie, Lucy and Philomena Ward, Ann McDonagh, and their dependents. The Council is satisfied that the appellants
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and occupants are Irish Travellers with connections to the West Midlands. Based on the evidence before me, I am satisfied that the appellants are Travellers. The Traveller status of the current occupants is not therefore in dispute.

5. At the Hearing, additional letters were submitted by the appellants providing further information relating to the education, health and social / welfare needs of the occupants. As this does not result in the introduction of new evidence relating to matters not already at issue in this appeal, and the Council confirmed its agreement in this regard, I do not find that any party would be prejudiced by my consideration of this additional information.
6. A Statement of Common Ground (SOCG) has been prepared by the Council. At the Hearing, it was confirmed that the appellants are in agreement with the Council regarding the factual information associated with the proposal. It is common ground that the development represents inappropriate development in the Green Belt and that it would result in some loss of openness and encroachment in the countryside in conflict with one of the purposes of including land in the Green Belt.

Matters Arising after the Close of the Hearing

7. Following the Hearing, it was brought to my attention that a decision has been made in respect of a 'de-recovered' appeal for the change of use of land to a residential caravan site for an extended gypsy family on an adjoining parcel of land at New Acre Stables¹. As both main parties have been given an opportunity to comment on its relevance, I do not consider that any party would be prejudiced by me taking it into account in coming to my decision.
8. Both parties were given additional time to deal with matters arising as a result of the proximity of the site to a Special Area of Conservation (SAC) designated under the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations). A signed and dated Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended) has subsequently been submitted which secures a financial contribution towards SAC mitigation.

Background

Planning policy

9. National planning policy guidance referred to by the parties includes the National Planning Policy Framework ('the Framework'), the Ministerial Statements of 1 July 2013 and 17 January 2014 and Planning Policy for Traveller Sites (PPTS) which was revised in August 2015.
10. Paragraphs 87 and 88 of the Framework state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must therefore be 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, is clearly outweighed by other considerations.
11. The revised PPTS makes clear that to protect the Green Belt, subject to the best interests of the child, personal circumstances and unmet need are unlikely

¹ Appeal Ref APP/C3430/A/13/2210160

to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

12. The Development Plan includes the Core Strategy Development Plan Document (DPD), adopted in 2012. Policy GB1 sets out the criteria for development in Green Belt. Policy H6 states that the Council will meet the accommodation needs of gypsies, travellers and travelling showpeople in accordance with its Gypsy and Traveller Accommodation Assessment 2008 (GTAA) and will seek to maintain a 5 year supply of specific deliverable sites on an annual basis. It sets out the criteria for the consideration of proposals for such sites, one of which is that in Green Belt, demonstrable harmful impact on its openness will be resisted. Both policies are consistent with the Framework in seeking to protect the Green Belt from inappropriate development.
13. I have before me the Gypsy and Traveller Accommodation Assessment (GTAA) for South Staffordshire District Council, dated January 2014, which updates the previous 2008 GTAA. It identifies a need for 33 additional permanent pitches over the development plan period 2013/14 to 2027/28. For the 5 year period of 2013/14 to 2017/18, it identifies a shortfall of 11 pitches.
14. The Council has also provided me with a copy of its Site Allocation Document (SAD) '*Gypsy, Traveller and Travelling Showpeople*', Issues and Options Consultation Paper dated October 2014, which it confirmed at the Hearing was in its 8 week consultation period which commenced on 15 December 2015. However, whilst this may be helpful in terms of providing an indication of the preferred location for allocated pitches for gypsies and travellers, it has not yet been adopted as part of the Development Plan. Hence, I have not afforded it significant weight in coming to my decision.
15. The Council has confirmed that the site is within 8km of the Cannock Chase SAC which lies to the north east. The Council's '*Cannock Chase Special Area of Conservation: Guidance to Mitigate the Impact of New Residential Development*' ("the SAC Guidance") 2015 confirms that the SAC has been designated under the Conservation of Habitats and Species Regulations 2010 ("the Habitats Regulations") for its unique heathland habitat which is under threat from recreation pressures.
16. I therefore have a duty as the Competent Authority to ensure that my Decision complies with the Habitats Regulations and meets the requirements of the Habitats Directive. DPD Policy EQ2 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 SAC.

Planning history

17. The appeal site forms part of a wider gypsy and traveller site granted temporary planning permission on appeal in 2011² for the change of use of land to '*use as a residential caravan site including the stationing of 23 caravans, erection of two amenity blocks, laying of hardstanding and improvements of access*'. In reporting to the Secretary of State (SoS), the Inspector concluded that significant weight should be given to the general need for gypsy sites in the district and the lack of available alternative sites. A moderate amount of weight was given to the general educational and medical needs of the appellants, other than in the case of one particular family whose

² Appeal Ref APP/C3430/A/10/2127110

medical needs attracted a significant amount of weight in favour of the development. Notwithstanding that the application sought the provision of 9 pitches and the stationing of 23 caravans, the SoS granted a permission for 7 pitches (19 caravans) and associated works including 2 amenity blocks for a temporary period to 31 December 2014.

18. The part of the site to which the appeal relates is the mid-section, Plots 2-6, of the overall area of land benefitting from the 2011 permission. It is subdivided into 5 no plots and, with the exception of Plot 2, each contains a mobile home, touring caravan and an amenity block. In the case of Plot 2, the submitted plan shows 2 no mobile homes, 2 no touring caravans and 2 no amenity blocks. Close boarded fence separates each plot from the next and from the access. A further run of close boarded fence separates the rear site boundary from the railway cutting beyond. The site is, for the most part, hard-surfaced with gravel, lit and landscaped.
19. The condition of the land can best be described as tidy and orderly. Owing to the boundary treatment and vegetation along the front boundary of the site with the highway, it is partly obscured from view from public vantage points.

Main Issue

20. Against this background, the main issues are:

- The effect of the proposed development on the openness of the Green Belt.
- 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.
- The effect of the development on the Cannock Chase Special Area of Conservation (SAC).

Reasons

Effect on openness

21. The site lies within the West Midlands Green Belt and to the south of the village of Penkridge.
22. National guidance in the Framework advises that inappropriate development in Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
23. The number of caravans and mobile homes for which planning permission is sought under this appeal would total 6 touring caravans and 6 mobile homes over 5 no plots of a smaller site area than that of the 2011 permission. I also note that there would be four more separate amenity blocks than that approved over the wider site. There can therefore be no dispute that the density of development is greater, with or without the retention of the parts of the wider site and its associated development either side of the appeal site in the ownership of the Lee and Jones families.
24. Hence the presence of caravans, mobile homes, amenity blocks, parked cars and other associated domestic paraphernalia inevitably reduces the openness of the Green Belt, in conflict with the fundamental aim of Green Belt policy to

prevent urban sprawl by keeping land permanently open³. The significant harm to the openness of the Green Belt adds to the substantial harm by reason of inappropriateness.

25. The question is therefore 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.

The need for and provision of gypsy/traveller sites and alternative sites

26. I heard from the Council that the identification of the need for gypsy and traveller sites is based on its 2014 GTAA. It identifies a total shortfall over the next five years of 11 pitches in South Staffordshire which, extrapolated over the remaining plan period to 2027/28, results in an overall need for an additional 33 pitches. Whilst I acknowledge that the Council may have exceeded its pitch provision to 2014 which resulted in an oversupply against target as outlined in its *Gypsy and Traveller Pitch Supply* monitoring of March 2014, the GTAA nonetheless demonstrates a failure to maintain a 5 year supply of specific deliverable sites on an annual basis as required by DPD Policy H6.
27. Notwithstanding the identified shortfall, the appellants consider that the methodology in the 2014 GTAA is fundamentally flawed and results in an under-estimation of actual need. The appellants take issue primarily with the lack of allowance for in-migration, unrealistic projection of household growth, a reliance on the annual site turnover rate and immediate unmet need as a result of unlawful encampments.
28. The Council's Research Consultant and author of the 2014 GTAA explained that the principle behind the assessment is to establish the total number of authorised, permanent pitches in a local authority area. It was explained that greater need has been identified as a result of the 2014 survey, and the information available is the most robust there is.
29. Based on the written evidence and the verbal submissions at the Hearing, I agree that the assumption regarding turnover may be overly simplistic and could prove unrealistic. I also note that the identified need does not satisfactorily take account of in-migration or household formation. Hence, the immediate identified need appears to be low and I do not disagree with the appellants that it should therefore be regarded as a minimum.
30. Turning to the availability of sites to meet need, the Council acknowledges that it cannot demonstrate a 5 year supply of identified pitches and that there is a lack of available, alternative public sites. It considers, however, that the shortfall is relatively small and that the correct procedure for identifying sites is through the *Site Allocations Document (SAD)*, the process of which I understand is underway.
31. My attention has been drawn to other privately owned sites, which the Council states have not been occupied on a long term basis or are only partially occupied. However the site at Malthouse Lane, Calf Heath is owned by another Gypsy family and the site at Fishponds, New Road, Featherstone is conditioned for personal occupation of a named family, with the exception of a small proportion which is a transit site. The Council also states that it consulted on in

³ Paragraph 79 of the Framework.

excess of 170 sites for the purposes of its *Gypsy and Travellers Issues and Options* consultation for the SAD. Be that as it may, there is no compelling evidence that any of these pitches are immediately available to the occupants of the appeal site. The Council was therefore unable to offer a solution as to how unmet need should be addressed in the immediate term.

32. I acknowledge that the SAD is the obvious vehicle for identifying additional sites and that accommodation needs should be assessed through the development plan process with a supply of suitably deliverable sites to meet need. In this regard, I note the view of the previous Inspector that, through this process, *'sites which best meet the need with least harm to the environment should come forward and those sites may be less harmful than, and therefore preferable to, the appeal site'*. Nevertheless, the process is not sufficiently advanced to rely on this as a means of delivering much needed gypsy and traveller sites, irrespective of the fact that the Council considers the extent of the shortfall to be relatively small.
33. In this context, I find that the present position is similar to that found by the Inspector in 2011: there is a current shortfall against provision, a lack of an identified 5 years supply of suitable pitches, no assurances that the need will be fully addressed through the development plan process and no available alternative sites. Hence, the need to meet the accommodation needs of Gypsies and Travellers as required by DPD Policy H6 has not been met.
34. Whilst the previous Inspector gave significant weight to the general need for gypsy sites in the district and the lack of available alternative sites, the revised PPTS makes clear that unmet need is unlikely to outweigh harm to the Green Belt and other harm to constitute the 'very special circumstances'. I have no compelling reason to conclude that unmet need, in this instance, outweighs the significant harm to the Green Belt.
35. I am also told that all new sites allocated through the SAD are likely to be in the Green Belt. To this end, the appellants contend that the loss of openness on this site would be no greater on the appeal site than on any other site. Be that as it may, it is not for this appeal to compare the suitability of other sites in the Green Belt to that which is before me. Neither do I know which of the preferred sites identified in the SAD will be taken forward to adoption. Rather, I have considered the appeal site on its own merits.

Personal circumstances

36. Paragraph 13 of the PPTS seeks to enable the provision of suitable accommodation from which travellers can have a secure base and access to education, health, welfare and employment.
37. The appellants' planning statement, the subsequent statements from other parties and oral evidence at the Hearing, provide details of the health and education needs of the occupants, with particular reference to the children.
38. In terms of health issues, I have before me a letter from South Staffordshire and Shropshire NHS Trust diagnosing one of the children with ADHD, which I understand is being managed with ongoing medication. However, the letter confirms that children with ADHD do not cope well with change or variation and, as such, it is important to promote consistent routine and predictability with the same adults working with the child across environments to promote consistency.

39. I have also been provided with a letter from the Central Manchester University Hospital advising of ongoing annual appointments in relation to Mr McCarty's son, who has undergone surgery and treatment for a tumour.
40. I am also aware that Ms McDonagh is under the care of Rowley Hall Hospital and Ms Ward visits the doctor regularly for counselling.
41. Turning to education needs. Seven of the children attend Marshbrook First School, and the letters from the school suggest that the children have settled, made friends and are making progress in their learning. At the time of making the appeal, one child was in Penkridge Middle School but has since progressed through to high school in Autumn 2015. I am told that this child is also making good progress, developing well in his social skills with a positive attitude to his work.
42. I heard that continuity in the childrens' education is important and would be difficult to maintain if they were not residing at this site or in the locality⁴.
43. In respect of integration with the local community, two of the children have become members of the boxing club and the Ward family attend St Anthony of Padua Catholic Church in preparation of the children for first communion and confirmation.
44. In summary, there is no compelling evidence before me that the health needs of Ms Mcdonagh and Ms Ward are such that they require a presence on this particular site. In addition, the annual check-ups in relation to Mr McCarty's son are carried out at a Manchester hospital, and thus require travel away from the site rather than a need for a presence on the site. However, as there are no alternative sites for the families to move to, access to general healthcare would be likely to be more difficult, especially if they were to revert to a roadside existence. I therefore give moderate weight to these particular health care needs.
45. However, the health issues of one particular child with ADHD, together with the education needs of the children in full time school in the local area, are important matters to which I give significant weight.

Social cohesion

46. I acknowledge the concerns of the Council regarding matters of crime and safety. Staffordshire Police were represented at the Hearing to provide details of the occasions on which they have attended the site since April 2011, where there has been violence or disorder, threats of violence or disorder and potential impact on the wider community.
47. At the Hearing, it was established that some of the incidents listed occurred between members of the McCarthy family who do not now reside on the site and the Jones and Lee families who own the other plots⁵. I also heard that gates have been erected at the front of the appeal site, and a separate access has been created to serve the northern part of the wider site owned by Mr Lee.

⁴ Verbal evidence at the Hearing from Caroline Escott who is a teacher working with Gypsy children in Staffordshire on behalf of the Council.

⁵ At the Hearing, it transpired that Mr John McCarthy involved in the incidents cited by the Police was not the current Mr John Joseph McCarty occupying the site but Mr John McCarthy.

48. On the basis of the written evidence before me, and the verbal submissions at the Hearing, it would appear that none of the instances cited relate specifically to the current occupants of the site. Additionally, I consider it likely that the controlled access will overcome some of the disputes that have arisen over land ownership and therefore minimise the likelihood for disturbance in this regard in the future.
49. I have also been provided with a character reference for John Joseph McCarty from PC J Finnigan at Wythenshawe Police Station, who confirms that Mr McCarty undertook some private work for his family and that he was found to be trustworthy, committed and professional, carrying out his work with speed and accuracy.
50. Whilst I acknowledge that the volume of incidents reported from the site was high in relation to the previous occupants of the site, I do not find the level of crime and disturbance to be unusually high in relation to the current occupants. Although there have been incidents reported during the time the current occupants have resided on the site, there is no compelling evidence before me to the effect that these occupants have been involved in, or are responsible for, instances of crime or disorder.
51. In this context, I do not find that the use of the land as a traveller site for the current occupants would result in significant instances of crime and disorder that would have the potential to harm either the existing occupants or the wider community. Consequently, I do not find conflict with DPD Core Policy 13: Community Safety which requires new development to take account of the need to reduce the opportunities for crime and fear of crime, disorder and anti-social behaviour, and promote safe living environments.

Other planning matters

52. As the site lies within a 0-8km Zone of Influence (ZOI) of the Cannock Chase SAC, the Council has sought a financial contribution towards mitigation for the impact of the development in line with its SAC Guidance. In doing so, it has suggested that planning permission could be granted for the development subject to a planning condition requiring a signed Unilateral Undertaking in respect of a financial contribution towards SAC mitigation.
53. At the Hearing I was provided with a copy of Policy EQ2, which states that development will only be permitted where it can be demonstrated that it will not lead directly or indirectly to an adverse effect upon the integrity of the SAC. It adds that a net increase of housing development that is likely to have an adverse effect should mitigate for such effects. Whilst the appeal before me does not involve the construction of permanent dwellings, the Council considers that as the proposal introduces a residential use on the site, it should be taken to be within the spirit of this Policy.
54. The Council's '*Cannock Chase Special Area of Conservation: Guidance to Mitigate the Impact of New Residential Development*' 2015 confirms that the SAC has been designated under the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations) for its unique heathland habitat.
55. The SAC Guidance outlines that the 'in combination' impact of proposals involving one or more dwellings within a 15km radius of the SAC would have an adverse effect on its integrity as a result of an increase in recreation over the plan period, unless avoidance and mitigation measures are in place. It

recognises that a significantly higher proportion of visitors would come from within 8km, with financial contributions for the required mitigation being sought in this Zone only. The Council did not provide any additional expert evidence at the Hearing relating to the impact of the development on the SAC, but instead sought to rely on its Guidance only. Neither have the appellants provided any evidence in relation to the likely impacts on the SAC, if any.

56. Be that as it may, the Guidance provides what it describes as '*a simple regime of financial contribution as an alternative to developers providing Habitat Regulations Assessment information to inform mitigation so as to prevent harm to the SAC.*'
57. That is, the Council recognises that there is an issue of potential adverse effects on the SAC as a result of the additional recreational pressures arising from new residential development. Whilst there was no direct evidence for either party as to what the impact would be in this case and, in any event, I'm not convinced that it is entirely possible to quantify what the impact for each individual new household within the 8km radius would be, the Council was satisfied that any likely adverse effects on the SAC arising from the development could be appropriately mitigated via a financial contribution.
58. To this end, a signed and dated Unilateral Undertaking in respect of a financial contribution towards SAC mitigation has been provided in line with the Council's Guidance. I can therefore conclude that measures have been secured to mitigate any likely adverse effect on the integrity of the SAC arising as a result of an increase in recreation associated with the use of the site for residential purposes. The development therefore complies with the Habitats Regulations and with DPD Policy EQ2.

Overall Balancing: whether the harm is clearly outweighed by other considerations

59. The Framework makes clear that inappropriate development should not be approved except in very special circumstances. These will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
60. The potential harm caused by reason of inappropriateness and the significant impact on openness carries substantial weight against the proposal.
61. I have given moderate weight to the unmet need for gypsy and traveller sites in the district, the failure of the Council to meet that need and a lack of alternative sites. Whilst these are important factors, having regard to the revised PPTS, these are not matters which justify permanent harm to the Green Belt. Crucially, paragraph 27 of the revised PPTS states that if a LPA cannot demonstrate an up to date supply of deliverable sites, this cannot be a significant material consideration when considering applications for the grant of planning permission where the proposal is on land designated as Green Belt.
62. Similarly, the revised PPTS advises that personal circumstances are unlikely to outweigh harm to the Green Belt and any other harm so as to amount to very special circumstances. The healthcare and education requirements are such that the occupants would clearly benefit from a settled site from which to access such facilities. However, in relation to the majority of the occupants, their general needs are no different to any other gypsy family.

63. 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.
64. The possibility of a further temporary planning permission has been raised. To this end, a period of three years has been suggested by the appellants.
65. Paragraph 88 of the Framework requires substantial weight to be given to any harm. So although the weight to be given to harm may be reduced in the context of a temporary planning permission, it would still be 'substantial' for the purposes of the Framework.
66. However, in the circumstances where the permission would be time limited, the unacceptability of the scheme by reason of inappropriateness and its effect on openness is moderated by the reasonable expectation that the planning circumstances will change at the end of the period of temporary permission; in this case, the adoption of the SADPD. A temporary permission would enable the families to pursue a site through the DPD process.
67. In comparison to the recently dismissed appeal on the northern part of the wider New Acre Stables site, the occupants and their dependants are, in this case, currently living on the site. The needs of the families in this regard are therefore considerable. As the appeal site appears to be the only option for a settled site in the Borough in the immediate term, in the event that the occupants could no longer reside here, it is highly likely that the children's education would be disrupted or at least made extremely difficult in terms of access. This would also be detrimental to the child with ADHD where consistency and routine are of much importance. Given the positive impact the education system is having on the children as evidenced by the submitted letters, and the considerable time period which remains before several of the children complete their education, I consider that they should be given every opportunity to remain in the settled education and community environment to which they have become accustomed. I find this to be in the best interests of the children.
68. Having regard to the Human Rights Act 1998 and the Public Sector Equality Duty under the Equality Act 2010, together with the advice in the Ministerial Statements of 1 July 2013 and 17 January 2014, I am aware that dismissing the appeal would result in the loss of the occupants' home and a disruption to the childrens' settled education and health regime and their integration in wider community activities. To this matter, I attach significant weight and conclude that the granting of a temporary planning permission would, in the short term, prevent an interference with the best interests of the children.
69. In these circumstances, and for the purposes of the tests outlined in the Framework and the PPTS, the harm to the green belt and any other harm would be clearly outweighed by other considerations in the short term, and until need can be met on sites allocated through the adopted SAD.
70. The Council expressed some concern regarding the appellants' suggested three year period for a temporary permission. Whilst the Council anticipate that the SAD is likely to be adopted early in 2017, there is no firm commitment of this being achieved within this timeframe. Allowing for slippage in the timetable, and the need to secure any consents thereafter, I consider that a three year

temporary permission would address the interim position regarding the lack of currently available alternative sites to which the occupants could relocate in order to achieve minimal disruption the education and health needs of the children.

71. I therefore conclude that subject to the imposition of conditions limiting the period of the permission to three years and making the permission personal to the present occupants, very special circumstances do exist to justify permission being granted for this inappropriate development in the Green Belt.

Conditions

72. The Council's suggested conditions were discussed at the Hearing and I have had regard to whether they meet the tests outlined in the NPPF.
73. A condition requiring the use to cease and all material and paraphernalia associated with the development to be removed is necessary given the temporary nature of the permission and to comply with section 92 of the Act.
74. In the interest of clarity, a condition detailing the approved plans is appropriate.
75. Conditions stating that the site shall be occupied only by gypsies and travellers, and detailing the occupants and their dependents, are necessary in view of the personal circumstances that have been taken into account in granting a temporary planning permission.
76. A condition requiring a limit on the size of vehicle to be stationed or parked on the land and the number of commercial vehicles are necessary in the interest of highway safety.
77. Conditions placing a limit on the number of caravans, requiring details of the amenity blocks and preventing commercial activity on the site are both reasonable and necessary to minimise the impact on the Green Belt and to protect the character and appearance of the area.
78. The Council also suggested a condition requiring the submission of a site development scheme to include details of site layout, drainage, lighting, landscaping and boundary treatments, parking and turning areas. However, it was agreed at the Hearing that such details have already been implemented on the site and are acceptable. Such a condition is not therefore necessary.

Conclusion

79. For the reasons outlined above, and having regard to all matters raised, I conclude that the appeal should be allowed.

Melissa Hall

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Ms Alison Heine	Planning Consultant
Ms Caroline Escott	Advisory Support Teacher to SCC
Mrs Winnie Ward	Appellant
Ms Philomena Ward	Appellant
Ms Lucy Ward	Appellant
Ms Ann McDonagh	Appellant
Mr John McCarty	Appellant
Mrs Fanta McCarty	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr Paul Turner	Planning Consultant
Mr Michael Bullock	Research Consultant
Mr Giles Parsons	Inspector, Staffordshire Police
Mr Gordon Scott	Architectural Liaison Officer, Staffordshire Police
Mr Ed Fox	Senior Local Plans Officer, SSC
Ms Sue Frith	Team Leader, Major Applications and Appeals, SSC
Ms Lucy McDonald	Principal Planning Enforcement Officer, SSC

INTERESTED PARTIES:

Mr L Bates	Councillor, SSC
Mr J Raven	Councillor, SSC
Ms C Raven	Councillor, SSC
Mr C Stonehouse	Penkridge Parish Council
Mr V Kelly	Resident

DOCUMENTS

1. Council's Notification letters of the appeal, dated 31 July 2015 and 12 November 2015.
2. Extract of the Council's Gypsy Pitch Supply, March 2014.
3. Council's schedule of gypsy and traveller applications granted or allowed on appeal 2007 – 2013.
4. Extract of Core Policy 13: Community Safety from the South Staffordshire Local Plan Core Strategy Development Plan Document, December 2012.
5. Extract of Policy EQ2: Cannock Chase Special Area of Conservation from the South Staffordshire Local Plan Core Strategy Development Plan Document, December 2012.
6. Copy of the Council's Cannock Chase Special Area of Conservation Guidance to Mitigate the Impact of New Residential Development, May 2015.
7. Letters and statement from the NHS dated 25 April 2013, 10 September and 26 November 2015, Marshbrook First School dated 20 May and 29 September 2015, Penkridge Middle School dated 30 April 2015, the Planning Enforcement / Travellers Encroachment Officer at Sandwell Council dated 30 September 2015, the Parish Priest at St Anthony of Padua Catholic Church dated 13 December 2015, undated letters from Bushbury Gym Boxing Club and a Psychological Wellbeing Therapist and a character reference for John McCarty from PC J Finnigan of Wythenshawe Police Station.

Annex A: Appeal Ref APP/C3430/W/15/3033377

Schedule of Conditions subject to which planning permission is granted:

1. The use hereby permitted shall be for a limited period being the period of 3 years from the date of this decision. At the end of this period, the use hereby permitted shall cease, all materials and equipment brought on to the land in connection with the use shall be removed, and the land restored to its former condition in accordance with a scheme previously submitted to and approved in writing by the local planning authority.
2. The development shall be carried out in accordance with the approved drawings: Plan 1 Revised Location Plan received on 13/01/2015; Plan 2 Revised Proposed Layout Plan received on 13/01/2015; Proposed Utility Blocks received on 05/01/15.
3. The site shall not be occupied by any persons other than gypsies and travellers as defined in the National Planning Policy for Traveller Sites.
4. The occupation of the site hereby permitted shall be carried on only by the following and their resident dependents:

John and Fanta McCarty

Winnie, Philomena and Lucy Ward

Ann McDonagh
5. No more than 6 amenity blocks may be constructed and, prior to their construction, details of the external materials shall be submitted to and approved in writing by the local planning authority. The blocks shall be erected in accordance with the approved details.
6. No more than one commercial vehicle per pitch shall be kept on the land for use by the occupiers of the caravans hereby permitted.
7. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.
8. No commercial activities shall take place on the land, including the external storage of materials.
9. No more than 12 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 6 shall be static caravans or mobile homes) shall be stationed on the site at any time.