

20/00601/COU
NON MAJOR

Mr Nino Lee

BREWOOD
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Land To The Rear Of Hordern Lodge Ball Lane Coven Heath. WV10 7HD.

Change of use of land to use as a residential gypsy caravan site accommodating two pitches, including laying of hardstanding and erection of two ancillary amenity buildings.

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

1.1.1 The 0.18 ha. application site is located 0.2 km west of the A449 just north of its junction with the M54 motorway. It is approximately 1.8 km south of the village of Coven, and 1km north of community facilities and shops at Fordhouses, Wolverhampton.

1.1.2 The site is within the West Midlands Green Belt and is a former Caravan and Camping Club site, adjoining the Hordern Lodge Mobile Home Park. Whereas the Caravan and Camping Club site is accessed via Meadow Lane, the proposed development would be accessed directly off Ball Lane, via the existing access driveway through the Mobile Home Park. This matter has been agreed with the applicant and can be controlled by planning Condition.

1.13 Established screening hedges bound the site on all sides.

1.2 Planning History

2004, use of building as dwelling, Refused (04/01027/LUE).

2005, use of building as dwelling, Refused (05/00500/LUE).

2012, retention of access road, Refused (12/00173/FUL).

2018, One additional gypsy and traveller pitch, approved (18/00618/FUL).

2019, Application for a variation of condition to allow 6 additional caravans, withdrawn (19/00706/VAR).

1.3 Pre-Application Discussions

1.3.1 Written correspondence with agent.

2. APPLICATION DETAILS

2.1 Proposal

2.1.2 The application proposes a **total** of 2 permanent Gypsy and Traveller pitches, comprising a maximum number of 2 mobile homes under the definition of The Caravan Sites

Act 1968 (one being a twin unit max. size 20m x 6.8m x 3.05m internal height); 2 touring caravan spaces; 2 car parking spaces within each pitch; a detached brick and tile built amenity/day room for each pitch (One 8m x 4m x 4.2m (as approved under 18/00618/FUL) high at the ridge of a pitched roof, the other 3.6m x 4.4m x 4m high at the ridge of a pitched roof. These represent conventional Gypsy and Traveller pitches. A grassed outdoor amenity area is also proposed.

2.1.3 The previously approved pitch is included in this application because the proposed layout includes the relocation of the previously approved pitch, as well as a new pitch, though the amount of development remains the same and within the same screened site. The proposed development would result in a net increase of one pitch.

2.2 AGENTS SUBMISSION:

2.2.1 Permanent planning permission was granted in April 2019 under application 18/00618/FUL for one additional pitch comprising 2 caravans of which no more than one could be a mobile home, together with hard standing and the erection of a dayroom.

2.2.2 A further planning application was made in September 2019 under application 19/00706/VAR proposing to increase the number of caravans on the site by 6, creating three additional gypsy and traveller pitches. This application has been formally withdrawn and the current submission made for an increase of one pitch. The current application is for the material change of use of the application site for use as a residential caravan site for two gypsy and traveller families on two pitches, each with two caravans comprising one static and one touring caravan. Vehicle hard standing and two ancillary amenity buildings are also proposed.

2.2.3 One of the two pitches proposed already has full planning permission under application 18/00618/FUL. The current proposal would involve the stationing of two caravans including a twin unit mobile home on an area of existing hard standing and an additional small amenity building containing a toilet, shower and laundry facilities.

2.2.4 Access would be from Ball Lane via the main entrance to Hordern Park. No access would be permitted via Meadow Lane.

The proposed caravan would be almost completely enclosed by tall conifer hedging and the development would have no impact on the character or appearance of the surrounding area.

2.2.5 The Agents submission states that in their view there is an acknowledged unmet requirement 40 additional pitches in the period 2016 to 2026 under the adopted Site Allocations Document.

2.2.6 Unmet need, a shortage of alternative available sites, the personal need for accommodation on this site by members of the applicant's extended family and cited personal circumstances clearly outweigh any harm to the Green Belt in this case. Very special circumstances exist to justify the granting of planning permission.

3. POLICY CONTEXT

Within the Green Belt

Adopted Core Strategy

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 6 - Housing Delivery

Core Policy 11 - Sustainable Transport

Development Policies:

GB1 - Development in the Green Belt

EQ1- Protecting, Enhancing and Expanding Natural Assets

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

EQ11 -Wider Design Conditions

EQ12 -Landscaping

H6 - Gypsies, Travellers and Travelling Showpeople

EV11 - Sustainable Travel

EV12 - Parking Provision

Adopted Site Allocations Document – SAD 4 Gypsy and Traveller Pitch Provision.

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 needs/issues of the Gypsy and Traveller community will be consulted on at Preferred Options stage, now scheduled for Summer 2021 as a result of unavoidable practicable consultation slippage resulting from Covid 19 restrictions. The Preferred Options stage will include the consideration of new sites for gypsy and traveller pitches. The revised Local Development Scheme programme (June 2022), anticipates Publication of the Preferred Plan for consultation in Summer 2022, Submission to the SoS in Winter 2022, Examination in Spring 2023, and Adoption in Winter 2023.

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

Gypsy and Traveller Accommodation Assessments (GTAA's)

4. CONSULTATION RESPONSES

Councillor comments: No Comments received (expired 10.09.2020).

Parish Council - (Comments received 11.08.2020):

Objection. No special reasons for development in the Green Belt. If approved, any condition of use should require removal of specific family not using the pitch.

On additional plans (Comments received 11.9.2020): Objection. Over-development of site and disagree with access route.

Local Plans (Comments received 30.10.2020).

Introduction

The proposal seeks permission for a change of use of land to allow for two pitches, laying of hardstanding and two ancillary buildings. This proposal includes an additional pitch in addition to that already permitted. The additional pitch incorporates 2 caravans (including one mobile home) and an additional small amenity building which will include a toilet, shower and laundry. This proposal seeks to accommodate two family members of the applicant.

The 18/00618/FUL application for this site granted change of use of land to residential for the stationing of one pitch including two caravans. Application 19/00706/VAR for this site, to increase the number of caravans from 2 to 8, creating 3 additional pitches, was subsequently formally withdrawn and replaced with this application (20/00601/COU).

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 traveller sites and pitch requirements up to 2028. The Site Allocations Document (SAD) which was found sound in 2018, delivers the residual pitch requirements from Policy H6, with the

allocations to meet these requirements set out in Policy SAD4. This site was put forward and assessed for allocation and was subsequently allocated for one pitch in the Policy SAD 4.

The SAD allocated pitches to ensure that the pitch requirements identified in the Core Strategy were met. New provision for gypsies and travellers has therefore come through the plan led system, namely the SAD. Additional provision will come through the Local Plan Review to enable sites to be located in the most suitable locations where the need is the greatest. Fundamentally, it is Local Plans view that all new provision for Gypsy and Traveller pitches should come through this plan-making process.

A new GTAA was carried out in 2017 with neighbouring authorities – the Black Country and South Staffordshire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment - to update the needs evidence. This GTTSA 2017, undertaken as part of the 2017 SHMA with the Black Country authorities, identifies a need for 87 additional pitches over the 2016-2036 period; and a need of 48 over the 2016-2021 period. This assessment was prepared on the basis of a completely different methodology compared to the 2014 and 2008 GTAAs; and represents an increase in needs compared to the adopted Core Strategy. The updated needs requirement will be considered in the review of the Local Plan and will be included in the Duty to Co-operate discussions with neighbouring authorities as to how the identified needs can be collectively met. The SAD assists in meeting needs in the short term and the new Local Plan/Duty to Cooperate agreements will focus on meeting needs in the medium to long term.

Principle of the development

The site is in the Green Belt. Planning Policy for Traveller Sites (2015), the NPPF and Core Strategy policy GB1 all note that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. The Planning Policy for Traveller Sites clearly states that traveller sites in the Green Belt are inappropriate development.

Following consideration of the proposal against Planning Policy for Travellers Sites (2015), Core Strategy Policy GB1 and the NPPF it is considered that the proposal constitutes inappropriate development in the Green Belt, and therefore 'Very Special Circumstances' are required in order for the application to be acceptable.

Very Special Circumstances

The applicants have submitted a supporting statement setting out the grounds for a positive consideration of this proposal. This includes detail of personal need to have an additional pitch on this site to establish a settled base, the unmet need of the GTAA, shortage of alternative sites and other personal circumstances. There is unmet need for Gypsy and Travellers pitches within South Staffordshire, demonstrated by a lack of 5-year supply and availability of permanent alternative sites.

The agent has set out the families personal circumstances in their supporting statement, including relating to access to healthcare and education in their planning statement. Decision making should take into consideration the best interests of the child and the personal circumstances of the family. As noted in paragraph 16 of the Planning Policy for Traveller Sites (PPTS).

'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'.

Core Strategy Policy H6 considerations

The case officer will need to consider the proposal against each of the criteria in Policy H6 and be satisfied that each of these have been met, in order for the proposal to be considered in conformity with the policy. As set out above, the proposal will be harmful to the Green Belt and therefore very special circumstances will need to be demonstrated in order to confirm to both Core Strategy Policy GB1 and Policy H6 (criteria 8(a)).

Conclusion

The present application for 2 pitches exceeds the allocation identified in Policy SAD4 for one pitch, of which planning permission has been consented for (18/00618/FUL). The site is in the Green Belt, therefore the additional development is inappropriate, however an argument for very special circumstances which references the best interests of the child has been presented. It will be for the case officer to weigh these different factors in the planning balance in determining whether the very special circumstances to justify a permanent permission exist.

Severn Trent Water (Comments received 13.08.2020): **On additional plans** (Comments received 16.09.202): *No objections to the proposals subject to the inclusion of a condition and informative*

County Highways **On additional plans** (Comments received 07.09.202)

There are no objections on Highway grounds to conditions

Arboricultural Office **On additional plans** (Comments received on 10.09.2020):

No objections.

1 **resident** letter (received on 10.09.2020) has been written in support of the application.

5. APPRAISAL

5.1 The application is to be determined by Planning Committee as its contrary to policy GB1.

5.2 Key Issues

- The Principal of Development
- Access

5.3 The Principal of Development

5.3.1 The proposed site is allocated in the adopted SAD for one pitch. Planning permission for one of the proposed pitches here was granted in 2018 under application 18/00618/FUL. This site has comfortable screened capacity to accommodate 1 additional pitch that would assist in meeting the acknowledged shortfall in provision against identified needs for additional pitches, without causing additional harm or encroachment into the Green Belt.

5.3.2 The proposal satisfies the site selection criteria set out in adopted Core Strategy Policy H6. The applicant has gypsy and traveller status; satisfactory services and adequate access are available; the site is well screened by established landscape features and sustainably located; the proposed density and layout safeguards neighbour amenities; the established hedgerow boundaries and location of the site between existing development and having the

status as a Caravan and Camping Club site ensure that there is minimal Green Belt impact; there are no cohesion issues; and the site is not subject to flood risk.

5.3.3 The pitches would provide a settled base for the applicant's extended family with convenient access to schools, health services and a range of services and amenities. It would also provide convenient access to the strategic highways network for work travel convenience. Very special circumstances have been put forward that demonstrate health needs and are supported by NHS documentation.

5.3.4 The utility buildings include a shower room, w.c. and laundry. The proposed designs are a simple/rectangular plan forms with red facing brick to external walls and a grey tiled roofs. The design and scale is acceptable.

5.3.5 It is acknowledged that there is a current shortfall in the supply of pitches in the District and that a 5-year supply cannot currently be demonstrated. The proposed development will assist by reducing shortfall by the provision of 2 permanent pitches in a location with low Green Belt impact and good sustainability, accessibility and social cohesion credentials.

5.4 Access

5.4.1 The applicants have agreed in writing through their agent that the pitches would have vehicular access from an extension spur off the Hordern Lodge estate road, avoiding access off the unmade and unevenly surfaced Meadow Lane. This matter can be controlled by Planning Condition and can be readily assimilated in the site layout.

6. CONCLUSION

6.1 The proposal is in accordance with Core Strategy Policy H6 and is allocated for 1 pitch within the adopted Site Allocations Document (Site GT20). This development with one further additional pitch within the screened physical confines of the site will have minimal Green Belt impact and Very Special Circumstances exist to warrant approval, namely demonstrable family need for a settled base for education and health needs, combined with a lack of alternative site availability, and a lack of a demonstrable current 5-year supply.

6.2 The proposal will assist in meeting the delivery aims of the Development Plan and is in accordance with NPPF and PPTS policy and guidance for Gypsy and Traveller development.

7. RECOMMENDATION - APPROVE subject to the following conditions:

1. The development shall be carried out in accordance with the approved amended drawings: Proposed Site Layout and Utility/Amenity building Floor Plans and Elevations received on 29th June 2020.
2. Prior to the commencement of development details of external materials relating to the utility/amenity buildings and for the surfacing of driveways and parking spaces, shall be submitted to and approved in writing by the LPA.
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. No more than one commercial vehicle shall be kept on the site for use by the occupiers of the caravans hereby permitted.

5. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.
6. No commercial activities shall take place on the land, including the external storage of vehicles/materials.
7. No more than 4 caravans, of which no more than 2 may be a static caravan/mobile home, shall be stationed on the site at any time.
8. Prior to the commencement of development details of vehicular access via an extension to the existing estate driveway serving Hordern Lodge Mobile Home Park, shall be submitted to and approved in writing by the LPA. The approved scheme shall be implemented in full for use in connection with the approved development prior to the first occupation or use of the development hereby permitted. No vehicular access to the development shall be permitted via Meadow Lane.
9. The development hereby permitted shall not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reasons:

1. In order to define the permission and to avoid doubt.
2. To safeguard the visual amenity of the area and the existing building in particular in accordance with policy EQ11 of the adopted Core Strategy.
3. The proposal represents inappropriate development in the Green Belt and the development has been justified on the basis that its occupation by gypsies and travellers represents very special circumstances to outweigh the automatic harm to the Green Belt in accordance with Policy GB1 of the Core Strategy and the Planning Policy for Traveller Sites.
4. To restrict the impact of the development on the openness of the Green Belt in accordance with Policy GB1 of the Core Strategy.
5. In the interests of highway safety, in accordance with Policy EV11 of the Core Strategy
6. In the interests of highway safety, in accordance with Policy EV11 of the Core Strategy
7. To restrict the impact of the development on the openness of the Green Belt in accordance with Policy GB1 of the Core Strategy.
8. In interests of highways safety and convenience of use in accordance with Policy EV11 of the Core Strategy.
9. To ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

Proactive Statement

In dealing with the application, the Local Planning Authority has worked in a positive and proactive manner based on seeking solutions to problems in relation to dealing with the

planning application, in accordance with paragraph 38 of the National Planning Policy Framework, 2019.

Severn Trent Informative

Severn Trent Water advise that there is a public 375mm foul sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. Advise to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

When submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

There is no guarantee that it will be possible to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that it will be possible to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that contact is made at the earliest opportunity to discuss the implications of our assets crossing the site. Failure to do so could significantly affect the costs and timescales of the project if it transpires diversionary works need to be carried out by Severn Trent.



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