

**22/00082/COU**

**Mr Nino Lee**

**Councillor W Sutton  
Councillor J Bolton  
Councillor D Holmes  
BREWOOD & COVEN**

**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 4 pitches, including laying of hardstanding**

**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 whole application site is allocated within the adopted Site Allocations Document (2018) for one Gypsy and Traveller pitch, adjoining the Hordern Lodge Mobile Home Park. 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.

1.1.3 Established screening hedges bound the site on all sides and there is a small amenity block on site.

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2019, Application for a variation of condition to allow 6 additional caravans, withdrawn (19/00706/VAR).

2020, 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, approved (20/00601/COU).

**1.3 Pre-Application Discussions**

1.3.1 Written correspondence with agent.

**2. APPLICATION DETAILS**

**2.1 Proposal**

2.1.2 The application proposes 4 permanent Gypsy and Traveller pitches comprising a maximum number of 6 caravans in total across the 4 pitches. This would comprise a twin unit mobile home and a touring caravan space on each of the 2 larger pitches with existing planning permission, and two single units on the 2 additional smaller pitches. Each pitch

would have two car parking spaces. It is proposed that the existing timber outbuilding (details approved under application 20/00601/COU for 2 pitches) on the site would be retained for the use of the 2 smaller pitches as a shared amenity/utility building for the extended family use of the site. The larger twin units would have all necessary amenities within the mobile homes so that no additional separate amenity building would be needed for these pitches.

2.1.2 The larger mobile homes come under the definition of The Caravan Sites Act 1968 of max. size 20m x 6.8m x 3.05m internal height. There is some amenity land surrounding the mobile homes to allow for play and other domestic uses.

2.1.3 The site is screened on all sides by 1.8m high fencing and conifer hedges.

## 2.2 Agents Submission

### 2.2.1 Supporting statement

Planning permission has been granted for two gypsy and traveller pitches on the current application site under application reference 20/00601/COU. This permission has been implemented and one of the pitches is occupied. The current application is to provide two further pitches within the already approved area for two now adult grandchildren of the applicant to cater for the extended family needs.

The approved twin unit mobile homes will accommodate the necessary amenities for their occupants. The existing amenity building on site will serve the needs of the proposed two smaller single unit mobile homes.

Access is proposed from Ball Lane, through the existing Hordern Park estate drive, and no access will be permitted via Meadow Lane.

The proposed site is almost completely enclosed by screening conifer hedging and, although there is no requirement that gypsy and traveller sites should be hidden visually, this site would be well screened even during the winter and would not impact on the character or appearance on the area.

### Agent Planning Considerations.

The adopted South Staffordshire Site Allocations Document (SAD 2018) allocates the application site for the provision of one pitch. However, the SAD only identifies sufficient land to satisfy gypsy and traveller accommodation need identified in relation to an outdated Gypsy and Traveller Accommodation Assessment, 20 pitches in the period 2018 to 2028. The latest GTAA is dated August 2021 and identifies the need for 121 additional residential pitches for travellers that meet the planning definition. The GTAA 2021 identifies a 5-year requirement of 72 pitches for those meeting the planning definition.

The Local Authority's preferred strategy is to meet gypsy and traveller accommodation needs by intensification or extension of existing gypsy sites. The current proposal follows this strategy by making better use of an existing gypsy site.

The application site is within the Green Belt where, despite the fact that the site is allocated for one gypsy pitch, the additional gypsy pitches proposed must be regarded as inappropriate development. Planning permission should only be granted if the harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by

material considerations which weigh in favour of the proposal such as to constitute the very special circumstances necessary to justify approval.

In this case the Local Authority, in allocating the site for the provision of a gypsy pitch and proposing to rely on intensifying the use of existing gypsy sites to meet future need, must regard the unmet need and lack of alternative sites as comprising the exceptional circumstances necessary to outweigh harm to the Green Belt and, justify allocating Green Belt land for the provision of gypsy pitches.

Planning permission reference 20/00601/COU was made subject to a condition limiting occupation of the second pitch to occupation by Nicole Jones and her daughter. Nicole is the applicant's granddaughter and reservation of a pitch for one granddaughter out of many has caused friction within the extended family. Nino and Elaine have six children all with families of their own. They have numerous grandchildren and great grandchildren, some of whom already need pitches as they form households of their own. In these circumstances, the applicant is reluctant to nominate particular grandchildren for special treatment. The extra pitches would no doubt be limited to occupation by gypsy and travellers under the legal planning definition and, the available pitches would then be allocated on a first come, first served basis to avoid any dispute as to who should occupy the new pitches.

On balance, the considerable unmet need for gypsy and traveller sites evidenced by the latest GTAA, the acknowledged shortage of alternative sites, the absence of a five-year supply of deliverable land, and the personal needs for accommodation of the extended Lee family, clearly outweigh the harm to the Green Belt by reason of inappropriateness and very limited loss of openness. Very special circumstances therefore exist to justify granting of planning permission.

### **3. POLICY CONTEXT**

#### **3.1 Within the Green Belt**

#### **3.2 Adopted Core Strategy**

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 Policy 1 - The Spatial Strategy for South Staffordshire

Core Policy 6 - Housing Delivery

Core Policy 11 - Sustainable Transport

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.

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

Issues & Options consultations were undertaken between 8th October 2018 and 30th November 2018. The Preferred Options consultation stage, commenced on the 1st November 2021 for a period of 6 weeks ending on 13 December 2021 (adjusted to account for Covid administrative impacts and consideration of the July 2021 revised NPPF), under the provisions of the revised 2020 Local Development Scheme programme.

Progress is continuing with the Local Plan Review with responses to the Preferred Options consultation that began in November 2021 currently being reviewed. The next public consultation will be the Publication Plan which is due to be consulted on in Autumn 2022. Submission of the plan is then expected early 2023 and adoption estimated to be by the end of 2023.

The Local Plan Review will include allocations for gypsy and traveller pitches and a new criteria-based policy that planning applications for new pitches will be considered against. The evidence base underpinning proposed allocations is the Council's Gypsy and Traveller Accommodation Assessment (GTAA) 2021 and Pitch Deliverability Study (PDS) 2021. The GTAA identified a need for 121 new pitches for households that met the planning definition over the period 2021-2038, and a five year need of 72 pitches.

The Preferred Options identified 42 deliverable pitches towards this 5- year requirement informed by the PDS 2021. The Council is continuing to review options to increase supply through its plan-making including through the Duty to Cooperate, assessment of publicly owned land and through discussions with proposed housing allocations in advance of the Publication Plan consultation.

### **3.4 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)

### **3.4 National Planning Policy Guidance**

3.4.1 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

3.4.2 The law makes a clear distinction between the question of whether something is a material consideration and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case and is ultimately a decision for the courts. Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each

case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight.

#### **4. CONSULTATION RESPONSES**

**Cllr. Wendy Sutton** (Comments received 07.03.2022) *If approval is being considered, I reserve the right to call in this application before the South Staffordshire Planning Committee.*

**Parish Council** - (No comments received, expired 03.03.2022):

**Local Plans** (Comments received 06.04.2022).

##### Introduction

*The proposal seeks permission for the change of use of land to a residential caravan site accommodating four pitches on an area of hardstanding with access proposed via Ball Lane. The site currently consists of 2 authorised pitches, so this proposal seeks an additional 2 pitches above that currently consented.*

*The site was originally allocated for 1 pitch in the Site Allocations Document (2018) with a subsequent application approved to meet this allocation (18/00618/FUL). Following this, an application for an additional pitch was approved in 2020 (20/00601/COU).*

*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.*

##### *National Policy*

*While the NPPF is based upon 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 7). Likewise, the PPTS Paragraph 16 under Policy E further enhances this stance by stating;*

*"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 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 requirements from Policy H6, with the allocations to meet these requirements set out in Policy SAD4. The application site in question was allocated within the SAD for 1 pitch. The SAD allocated pitches to ensure that the pitch requirements identified in the Core Strategy were met. New provision for gypsies and traveller 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 sustainable locations where the need is the greatest.*

*The latest published evidence of need for gypsies and travellers in the District is the Council's 2021 Gypsy and Traveller Accommodation Assessment where a 5-year unmet need of 72 pitches was identified. Whilst it is acknowledged that the 2021 GTAA is yet to be tested through Local Plan examination, this forms part of the evidence base for the Council's emerging Local Plan and clearly indicates a substantial unmet need.*

#### 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 PPTS clearly states that traveller sites in the Green Belt are inappropriate development.*

*Following consideration of the proposal against the PPTS (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 personal need of the applicant's family, the unmet need of the GTAA, that the proposal is in line with the Council's strategy of meeting unmet needs through existing site intensification, and the site-specific characteristics and how these result in very limited impact on the openness of the Green Belt.*

*Paragraph 16 of the PPTS states:*

*'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 consideration

*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 conform to both Core Strategy Policy GB1 and Policy H6 (criteria 8(a)).*

#### Conclusion

*The proposal is for a change of use that would see 4 pitches permitted on an existing gypsy and traveller site (currently authorised for two pitches). The applicant states that the additional pitches are to meet the needs of their grandchildren and make the case that the site is almost totally enclosed by hedges which limits its impact on the character of the wider area. They also argue that the proposal would result in site intensification of an authorised site which is in line with the Council's strategy for new pitch provision progressed through the*

*Local Plan Review. The case officer will need to weigh up all these factors against the harm to the Green Belt in determining whether the very special circumstances to justify the proposal exist.*

**Environmental Health** (Comments received 07.03.2022) *No objections to the proposed development. If planning permission is granted, the applicant would need to apply to the Local Authority for a caravan site license and therefore comply with the conditions of the site license including the positioning of the units and separation distances.*

**County Highways** - (Comments received 02.03.2022) *There are no objections on Highway grounds to the proposed development subject to conditions being included on any approval. The proposed development is located in an existing Caravan site situated in a semi-rural location. The site is accessed off an unclassified road subject to a speed limit of 30 mph. There are no recorded vehicular accidents at this location in the last 5 years.*

**Ramblers Association** (Comments received 02.03.2022) *No Objections. The Change of Use of the land will have no adverse effect on Public Right of Way No. 39 of Coven Parish. It is a footpath which passes close by the development site. However, the Applicant should note that the public footpath should not be obstructed in any way.*

**County Countryside & Rights of Way Officer** (Comments received 14.02.2022) *The application documents do not acknowledge the existence of Public Footpath No. 39 Brewood and Coven Parish which runs adjacent to the proposed development site, just outside the eastern boundary of the site. It does not appear from the submitted documentation that the footpath will be directly impacted by the proposals.*

*The attention of the developer should be drawn to the existence of the path and to the requirement that any planning permission given does not construe the right to divert, extinguish or obstruct any part of the public path. If the path does need diverting as part of these proposals the developer would need to apply to the LA under section 257 of the Town and Country Planning Act 1990 to divert the footpath to allow the development to commence. The County Council will need to be formally consulted on any proposal to divert this footpath. The applicants should be reminded that the granting of planning permission does not constitute authority for interference with the right of way or its closure or diversion. For further information the applicant should be advised to consult section 7 of DEFRA's Rights of Way Circular (1/09).*

*It is important that users of the path are still able to exercise their public rights safely and that the path is reinstated if any damage to the surface occurs as a result of the proposed development. The surface of the footpath must be kept in a state of repair such that the public right to use it can be exercised safely and at all times. Heavy vehicular use can cause the way to become unsuitable for use and in some instances dangerous. Some attention needs to be drawn to this and that surface works may be required.*

*The County Council has not received any application under Section 53 of the Wildlife and Countryside Act 1981 to add or modify the Definitive Map of Public Rights of Way, which affects the land in question. It should be noted, however, that this does not preclude the possibility of the existence of a right of way at common law, or by virtue of a presumed dedication under Section 31 of the Highways Act 1980. It may, therefore, be necessary to make further local enquiries and seek legal advice in respect of any physically evident route affecting the land, or the apparent exercise of a right of way by members of the public.*

***The Ramblers Association*** (Comments received 02.03.2022):

*No objections. The Change of Use of the land will have no adverse effect on Public Right of Way N. 39 of Coven Parish. It is a footpath which passes close by the development site. However, the Applicant should note that the public footpath should not be obstructed in any way.*

**Severn Trent Water** (Comments received 01.03.2022) *As the proposal has minimal impact on the public sewerage system, I can advise we have no objections to the proposals and do not require a drainage condition to be applied.*

*Catchment Team Comments: Within SPZ3 of multiple sources - STW requests that EA guidelines and general binding rules on septic tank are followed (e.g., whether a discharge permit is required). STW also recommends a routine maintenance programme for the septic tank.*

**1 neighbour** (received on 14.02.2022). *Has no objections in principle but expresses the following concerns:*

*Extra traffic generated will have to come through Hordern Park. This is badly potholed, and the extra traffic would make this worse. The other concern is that the evergreen conifers surrounding need to be maintained at a height that does not block out natural light to my property.*

**3 neighbours** object (received 25.02.2022 & 03.03.2022) *on the following grounds:*

- The applicants have repeatedly requested this development and have been denied for the same reasons, that the access is through Hordern Park and will create unacceptable traffic and pollution to residential park homes all occupied by retired people and any increase in pollution would be detrimental to health.*
- Poor condition of the tarmac and potholes on the approach Hordern Park estate road. Remedial action is needed.*
- The applicants already cause disturbance with lorries and trailers, and this would increase if the application were approved.*
- Disputes on the site are on-going.*
- The proposed site will impact negatively on my amenity (tarmac lorries, dogs, possible fires etc).*
- The applicants live in better mobile homes than ours and this is just a way to extend their park as they have done previously.*

## **5. APPRAISAL**

5.1 The application is to be determined by Planning Committee if the scheme is contrary to national and local Green Belt policy.

### **5.2 Key Issues**

- Principle of development
- Impact on openness
- Very special circumstances
- Impact on landscape
- Impact on highways
- Impact on neighbours
- Appraisal Summary



### **5.3 Principle of development**

5.3.1 The proposed site is allocated in the 2018 adopted Site Allocations Document for one pitch. Planning permission for one additional pitch was granted in 2020 under application reference 20/00601/COU within the existing screened confines of the allocation site. Only approximately 50% of the allocated site is occupied by the two approved pitches. The site is within the West Midlands Green Belt.

5.3.2 This site has physical capacity to accommodate the two additional mobile homes proposed without encroaching beyond the defined boundaries of the 2018 Site Allocation. These boundaries are defined by existing screen fencing and established conifer hedges. Therefore, the proposed development will not encroach into open Green Belt land.

5.3.3 The proposal is for an extended family site comprising a total number of four mobile homes (two already permitted double units plus two additional proposed single units), two touring caravan spaces and use of the existing timber building as the amenity building for the additional two mobile homes. There is no conflict with either relevant NPPF Policy or the criteria of Policy H6 of the adopted Core Strategy.

5.3.4 The development would assist in meeting the acknowledged shortfall in provision against identified needs for additional pitches, without causing additional significant harm by loss of openness or encroachment into the Green Belt.

5.3.5 In line with Central Government advice, the application must be considered on its merits as a 'windfall' site, as with any housing proposal, in the context of relevant Development Plan and National Planning Policy. Core Strategy Policy H6 is the relevant adopted Local Plan Policy that sets out a series of 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 Show people 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 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 the Green Belt proposals should not be demonstrably harmful to openness;
9. Should not be located in areas at high risk of flooding.

5.3.6 The proposal satisfies the site selection criteria set out in adopted Core Strategy Policy H6. The applicants have gypsy and traveller status; satisfactory services and adequate access are available (safe and satisfactory access is provided from the public highway and the Highways Officer raises no objections subject to standard conditions. The maintenance of the private driveway approach is a civil matter); the site is well screened by established

landscape features and sustainably located; the proposed density and layout would not compromise neighbour amenities; the established hedgerow boundaries and location of the site in proximity to existing development ensure that there is minimal Green Belt impact; and the site is not subject to flood risk.

5.3.7 The site is located within the Green Belt where there is a presumption against inappropriate development. Paragraph 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.

5.3.8 The stationing of a residential caravan is considered to be a material change of use of land, which should preserve openness of the Green Belt and have no conflict with the purposes of including land within it. Paragraph 144 in the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

#### **5.4 Impact on openness of the Green Belt**

5.4.1 The proposal is assessed as to whether the development has an impact on the openness of the Green Belt, the overall volume and permanence of the proposal.

5.4.2 The NPPG has also been updated (July 2019) with guidance on factors taken into account when considering the potential impact of development on the openness of the Green Belt. These include, but are not limited to:

- "openness is capable of having both spatial and visual aspects - in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability - taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation."

5.4.3 In assessing the visual impacts of the proposal, it is not considered that there would be any detrimental impact on visual amenity by way of siting amongst the existing caravan and the site is bounded by a mature hedge.

5.4.4 It is acknowledged that the caravan are of a temporary nature however the permission would be for permanent pitches.

5.4.5 With regards to traffic generation, there would be limited vehicular movements as a result of the development in context with the surrounding uses.

5.4.6 Overall it is considered that the impact on the openness of the Green Belt is minimal because of the existing use of the site, the mature screening on the site boundaries together with the overall permanence of the infrastructure and the traffic generation of the development. However, there would be some impact on openness and as such the stationing of the mobile homes would be considered as inappropriate development. Any such development cannot be approved unless there are very special circumstances that would clearly outweigh the potential harm to the Green Belt, albeit the harm would be considered as limited.

#### **5.5 Very Special Circumstances**

5.5.1 Paragraph 148 of the NPPF states that 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. Given the view has been taken with regard to the proposal being inappropriate development there would need to be 'Very Special Circumstances' put forward in support of the application to justify approval.

5.5.2 The recognised gypsy and traveller status of the applicants, their personal needs for a settled base for health and education, the Best Interests of Children, acknowledged shortfall in current 5-year supply in pitch provision and lack of suitable available alternative sites are all factors that way significantly in favour of the proposal. Furthermore, as considered above, the proposal has limited harm to the openness of the Green Belt. As such, in regard to the planning balance it is therefore considered that there are Very Special Circumstances that clearly outweigh the harm caused to the Green Belt by way of inappropriateness.

## **5.6 Impact on landscape**

5.6.1 Policy EQ4 seeks for development to respect the intrinsic rural character and local distinctiveness of the South Staffordshire landscape which should be maintained and where possible enhanced. Policy EQ11 'Wider Design Considerations' of the South Staffordshire Local Plan states 'in terms of volume, scale, massing and materials, development should contribute positively to the street scene and surrounding buildings, whilst respecting the scale of spaces and buildings in the local area'.

5.6.2 The proposed additional caravans would be within the visually contained limits of the SAD allocated site, contained by existing hedgerows, and will not encroach into the open rural landscape.

## **5.7 Impact on Highways.**

5.7.1 Policy EV12 and Appendix 5 of the Core Strategy require that highway safety and parking provision are considered as part of development proposals.

5.7.2 The site has safe and convenient access and there is suitable provision of parking. Subject to the imposition of conditions as recommended by the County Highways Officer, there are no sustainable highways objections.

## **5.8 Impact on Neighbours**

5.8.1 In accordance with Local Plan Policy EQ9, all development proposals should take into account the amenity of any nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight

5.8.2 Whilst I have given full consideration to the comments submitted by the neighbours, the maintenance of the private driveway approach is a civil matter.

5.8.2 The site is well screened by established landscape features which provide privacy screening. A maximum height could be controlled through the provisions of High Hedges legislation as with any residential property, if necessary. The proposed density and layout would not compromise neighbour amenities. All other points raised have been covered in the relevant sections of this report.

## **5.9 Appraisal Summary**

5.9.1 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.

5.9.2 There is an acknowledged shortfall in the 5-year provision of Gypsy & Traveller pitches in South Staffordshire. The most recent independent assessment, the 2021 GTAA published in August 2021, demonstrates a need for an additional 121 pitches for households meeting the definition of gypsies and travellers for the period 2021-2038. 72 of these pitches need to be delivered in the first 5-year period 2021-2025. The proposed Preferred Options make provision for the allocation of 42 pitches. This is a shortfall that must be given weight in the planning balance of the determination of applications and appeals. Each application should be considered on its merits under the provisions of adopted criteria-based policy. In this case that is Policy H6 of the adopted Core Strategy.

5.9.3 This application performs well against each criterion test of Policy H6, particularly in that the site is well contained in the Green Belt Landscape, its area is already included in the adopted SAD as a Gypsy and Traveller Site, and the amount of additional development proposed, and its location would not be materially harmful to the openness of the Green Belt to a degree that would warrant justifiable objection.

5.9.4 There are no alternative, suitably located sites available that could meet the needs of the applicants extended family.

5.9.5 The proposed development will assist by reducing the shortfall by the provision of two additional permanent pitches in a location with low Green Belt and landscape impacts and with good sustainability and accessibility credentials.

## **6.0 CONCLUSION**

6.1 The proposal is in accordance with Core Strategy Policy H6 and is allocated as a Gypsy and Traveller site within the adopted Site Allocations Document (Site GT20). The proposed development with two additional pitches within the screened physical confines of the site will have minimal Green Belt impact and Very Special Circumstances exist to warrant approval, namely Gypsy and traveller status, family need for a settled base for education and health, 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. I therefore recommend the application for approval.

## **7. RECOMMENDATION - Recommendation APPROVE**

Subject to the following condition(s):

1. The development shall be carried out strictly in accordance with the approved plan named 'Proposed Site Layout' received on 26th January 2022.

2. Within one month of works commencing on site details of external materials for the surfacing of driveways and parking spaces, shall be submitted to and approved in writing by the LPA. The development shall be carried out and maintained in accordance with the approved details.
3. The site shall not be occupied by any persons other than Members of the Lee extended family (as detailed in the supporting Design and Access statement) who are gypsies and travellers as defined in the National Planning Policy for Traveller Sites.
4. 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.
5. No commercial activities shall take place on the site including storage of materials.
6. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
7. No more than 6 caravans, of which no more than 4 may be a static caravan/mobile homes, shall be stationed on the site at any time.
8. No vehicular access to the development shall be permitted via Meadow Lane.

#### Reasons

1. In order to define the permission and to avoid doubt.
2. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
3. The site is within the Green Belt within which, in accordance with the planning policies in the adopted Core Strategy, there is a presumption against inappropriate development
4. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
5. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
6. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
7. The site is within the Green Belt within which, in accordance with the planning policies in the adopted Core Strategy, there is a presumption against inappropriate development
8. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.

Proactive Statement - In dealing with the planning application the Local Planning Authority has worked in a positive and proactive manner by agreeing amendments

to the application and in accordance with paragraph 38 of the National Planning Policy Framework 2021.

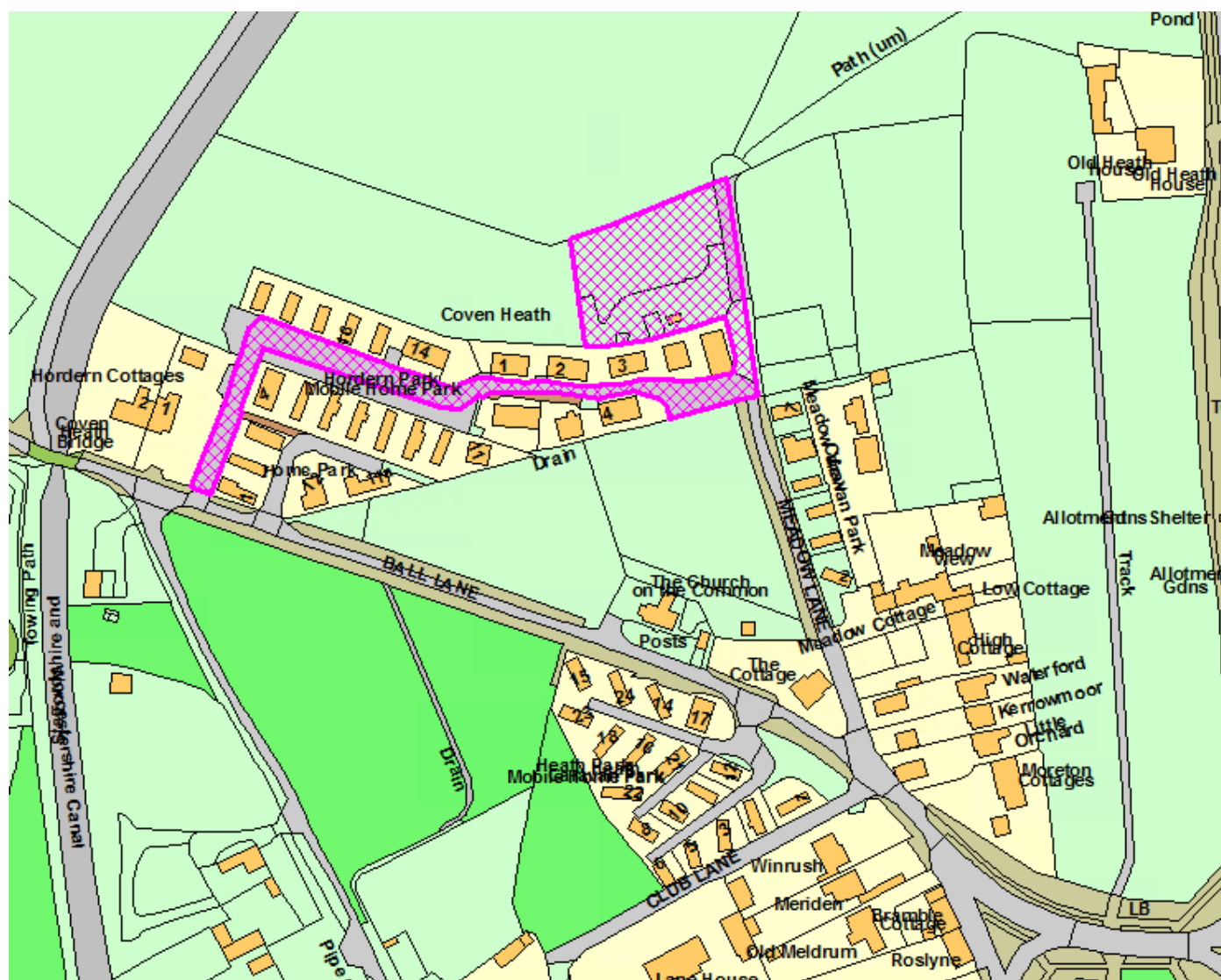
#### INFORMATIVES

##### PUBLIC RIGHT OF WAY

A public right of way is adjacent to the site of this permission. The permission does not authorise the stopping up or diversion of the right of way. The right of way may only be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990, provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.

##### ECOLOGY

Please note that the application site is within a Green Impact Risk Zone for Great Crested Newts. Whilst the proposal is considered to be low risk, there is the possibility that those species may be encountered once work has commenced. The gaining of planning approval does not permit a developer to act in a manner which would otherwise result in a criminal offence to be caused. Where such species are encountered it is recommended the developer cease work and seek further advice (either from Natural England or NatureSpace) as to how to proceed.



**Land To The Rear Of Hordern Lodge Ball Lane Coven Heath Staffordshire WV10 7HD**