

The application seeks planning permission for the change of use of the land to a mixed use comprising the stabling/keeping of horses and as a residential caravan site for 4 gypsy pitches involving the erection of a stable building and 4 amenity buildings, and laying of hardstanding.

The change of use of the site to a residential caravan site has already taken place, the hardstanding has been laid out and the amenity buildings have been erected.

The site in question measures approximately 0.5 hectares. It was previously in use as a nursery.

The application site is located off Newcastle Road (A53) and is accessed via an existing field gate. The site is located in an area of Open Countryside and an Area of Landscape Enhancement as defined within the Local Development Framework Proposals Map.

The statutory 8 week determination period for this application expires on 17th July 2020.

RECOMMENDATIONS

(A) REFUSE for the following reasons;

- 1. The proposed development is in an unsuitable location within the open countryside away from services and facilities and without safe and convenient access to public transport and results in harm to the intrinsic character and beauty of the countryside due to the enclosure of the site affecting the character and openness of the landscape. Whilst the Local Planning Authority recognises that there is an unmet need for further gypsy and traveller pitches the benefits arising from the proposed development do not outweigh the identified harm. The proposed development would therefore be contrary to Policy CSP7 of the Core Strategy and national policy within the Planning Policy for Traveller Sites: policy DC2 of the Chapel and Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Development Plan; saved policy N20 of the Local Plan and the guidance of the National Planning Policy Framework.**
- 2. The applicant has failed to demonstrate that the existing access is suitable for the proposed development and that the visibility splays achievable from the site are appropriate for the speed of traffic and that the development will not, therefore, result in an adverse impact on highway safety. As such the proposal is contrary to Policy CSP7 of the Core Strategy and to the guidance of the National Planning Policy Framework.**
- 3. The site is located within Source Protection Zone 2 and very close to Source Protection Zone 1 of public water supply (PWS) boreholes, a critical ground water source supplying the region, and in the absence of a risk assessment that considers the impact of the development on the PWS and sets out mitigation measures as required, the applicant has failed to demonstrate that the proposed development will not have an adverse impact on the PWS. The development is therefore contrary to policy NE1 of the Chapel and Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Development Plan and the National Planning Policy Framework.**

B) The Head of Legal and Governance be authorised to issue enforcement and all other notices and to take and institute on behalf of the Council all such action and prosecution proceedings as are authorised by and under the Town and Country Planning Act 1990 for the removal of all caravans/mobile homes, structures/buildings, the domestic paraphernalia and hardcore deposited on the land in association with its use as a residential caravan site and restoration to a grassed paddock within 12 months.

Reason for recommendation

The application site is not located in a sustainable location and results in visual harm to this open countryside location. The applicant has failed to demonstrate the proposed access would have suitable visibility splays, and that the proposed development will not have an adverse impact on a groundwater source. The provision of gypsy and traveller pitches is a clear benefit of the proposal. However, whilst the need for pitches and the current lack of alternatives weigh in favour of the proposal, they are not considered to outweigh the identified harm even when the personal need of the applicants' is taken into consideration.

Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with this application

Although the Council has sought to work with the applicants to address the reasons for the refusal of the previous scheme with the applicant, this has been in the context of the work being undertaken immediately following submission of the application and before any consideration of the scheme could take place. Accordingly, opportunities to make changes or suggest improvements to the scheme have been limited by the applicants own presumptive actions.

Despite this, the Council had undertaken work to try and address the outstanding issues but it is considered that the proposals are unsustainable and do not conform to the core planning principles of the National Planning Policy Framework or the Planning policy for traveller sites and it is considered that the applicant is unable to overcome the principal concerns in respect of the location of this development.

KEY ISSUES

1.1 The application is for full planning permission for the change of use of the site, which measures approximately 0.5 hectares and has been used to support a small scale nursery business, for a mixed use for the stabling/keeping of horses and as a residential caravan site for four gypsy families. Additionally the application seeks planning permission for associated development including hardstanding, package sewage treatment plant and four amenity buildings (measuring 4m by 6m, with a maximum height of 4.1m). A stable building is also proposed (measuring 11.65m by 4.1m with a maximum height of 4.5m).

1.2 The use of the site as a residential caravan site has commenced, and a hardstanding area has been created. Four wooden sheds have been placed on the site of smaller dimensions than the amenity buildings proposed. In addition there are currently four portable toilets on site connected to a septic tank, not proposed within the application.

1.3 The application site is located in the open countryside, and an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map.

1.4 This application follows the refusal of an application, reference 19/00332/FUL, for the change of use of the land for the siting of caravans for residential purposes for four gypsy pitches with facilitating development (hard standing, package treatment plant, utility blocks). That application was refused for reasons relating to the following matters:

1. The site is in an unsustainable location within the open countryside away from services and facilities and without safe and convenient access to public transport.
2. Failure to demonstrate the suitability/safety of the site access in terms of visibility splays relative to the speed of traffic on the adjoining road and associated adverse impacts on highway safety.
3. Failure to demonstrate that residents would not be adversely impacted by noise emanating from the adjoining A53 and nearby pumping station.
4. Failure to demonstrate that the Site would not have an adverse impact on ground water supplies abstracted via the Wellings

1.5 In refusing application 19/00332/FUL for these reasons it was concluded that the impact of the proposal on protected species evident on the site could be appropriately mitigated through measures that can be secured by condition.

1.6 In consideration of the development proposed in application 19/00332/FUL it was noted that the clearance of the dilapidated building and glasshouse would offer some visual improvement to the site; however the introduction of mobile homes and touring caravans on four pitches as proposed, with the associated development including hardstanding for pitches and the access track would result in some visual harm to this relatively open rural area over and above that which presently exists on site. It was concluded that the proposal was in conflict with policies CSP7, saved NLP policy N20 and national policy in the PPTS and NPPF, particularly paragraph 170 of the Framework given that it damages the intrinsic character and beauty of the countryside. This harm was weighed in the planning balance but on balance did not result in a reason for refusal specifically about the unacceptable visual impact of the development.

1.7 Notably, since the determination of the previous application, the Chapel and Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Development Plan henceforth known as the Neighbourhood Development Plan has been Made since the previous decision. As a Made plan, this is considered to be a significant material planning consideration which was not in place at the time of the assessment of the last application. Policy DC2 of this plan indicates that a development proposal will be supported provided that it, amongst other things;

- Complements local landscape or townscape character in terms of urban and built form, spacing, enclosure and definition of streets and spaces;
- Maintains and enhances the character and appearance of the landscape or existing townscape.

1.8 Although the application is broadly similar to that previously addressed in 19/00332/FUL as noted above, there are a number of changes from the scheme refused last year. Notably, that proposal sought to use an open post and rail fence for the boundary detail whereas, the development as applied for and as built incorporates an acoustic fence around the site. Whilst it is proposed that the fence is landscaped, it is considered that this new feature has the effect of giving the impression that the site and its occupants are deliberately isolated from the rest of the community and also diminishes the openness of the area compared to the more open arrangement previously proposed.

1.9 Acknowledging that the impact on the landscape character was not a reason for refusal previously and there was a recognition that the development proposed in 2019 would be of a more open character than the one currently under consideration and would replace some former buildings on the site which mitigated some of the harm. By enclosing the site now, it is considered that the balance in terms of impact on the character of the area now weighs against the proposal and it can now be reasonably concluded that the proposal should be refused on the grounds of unacceptable visual impact

1.10 The proposed introduction of a stable building and the use of the remainder of the applicants' land as paddock is appropriate in this open countryside location and will not be visually harmful.

1.11 This report will now address whether the current application overcomes the reasons for refusal of application reference 19/00332/FUL.

2 Reason 1 - Suitability of the site for the proposed development

2.1 National planning policy regarding traveller site is set out in Planning Policy for Traveller Sites (PPTS) which should be read in conjunction with the National Planning Policy Framework.

2.2 The NPPF, at paragraph 78, advises that housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.

2.3 At paragraph 170 the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by, amongst other things;

- Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils.
- Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.

- Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

2.4 In the PPTS, policy B, at paragraph 13, also states LPAs should ensure that traveller sites are sustainable economically, socially and environmentally, and that their planning policies should:

- Promote peaceful and integrated co-existence between the site and the local community;
- Promote, in collaboration with commissioners of health services, access to appropriate health services;
- Ensure that children can attend school on a regular basis;
- Provide a settled base that reduces the need for long distance travelling and possible environmental damage caused by unauthorised encampment
- Provide proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development;
- Avoid placing undue pressure on local infrastructure and services;
- Do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans;
- Reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.

2.5 Policy C (Sites in rural areas and the countryside) states that when assessing the suitability of sites in rural or semi-rural settings, LPAs should ensure that the scale of such sites does not dominate the nearest settled community.

2.6 Policy H (Determining planning applications for traveller sites), at paragraph 24, says that local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- the existing level of provision and need for sites;
- the availability (or lack) of alternative accommodation for the applicants;
- other personal circumstances of the applicant;
- that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites; and
- that they should determine applications for sites from any travellers and not just those with local connections.

2.7 Paragraph 25 (part of policy H) says that LPAs should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. LPAs should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

2.8 Paragraph 26 (part of policy H) requires LPAs to attach weight to the following matters:

- Effective use of previously developed (brownfield), untidy or derelict land;
- Sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;

- c) Promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children; and
- d) Not enclosing with so much hard landscaping, high walls or fences that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

2.9 Policy CSP7 of the Core Strategy states that pitches will be provided on sites that provide good access to shops, education, healthcare facilities and other essential services. Safe and convenient access should also be provided to public transport and the highway network.

2.10 Since the previous application was determined the emerging Chapel and Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Development Plan (NDP) has been Made, as indicated above. The NDP does not make provision for the needs of gypsy/traveller households and as such does not contain any specific gypsy/traveller policy. Policy HG1, New Housing, indicates that new housing will be supported in sustainable locations within the village envelope of Baldwin's Gate; as part of conversions of non-designated heritage assets; and as replacement dwellings; limited infill housing or within a built frontage of existing dwellings. It indicates that to be in a sustainable location, development must:

- Be supported by adequate infrastructure, or provide any necessary infrastructure improvements as part of the development;
- Not encroach into the open countryside;
- Not involve the loss of best and most versatile agricultural land;
- Avoid encroaching onto or impacting on sensitive landscapes and habitats;
- Not involve the loss of any important community facility

2.11 The PPTS makes it clear that sustainability is important and should not only be considered in terms of transport mode and distance from services, amongst other things by reference to the need to strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan.

2.12 Other factors such as economic and social factors are also important material considerations. Authorised sites assist in the promotion of peaceful and integrated co-existence between the site and the local community. A settled base, which is the applicants' intention for this site, ensures easier access to a GP and other health services and that any children are able to attend school on a regular basis. In addition, a settled base can result in a reduction in the need for long distance travelling and the possible environmental damage caused by unauthorised encampments. Furthermore, the application site is not located in an area at high risk of flooding.

2.13 The site is small in scale and does not dominate a settled community as required by paragraph 25 of the PPTS albeit it can be readily seen from the A53 heading north and some other locations as a notable feature within the landscape.

2.14 The application site is located in Blackbrook on Newcastle Road which is 3.7km from Baldwins Gate, the nearest established village with services and facilities service centre.

2.15 The nearest bus stop is on the A51 by the junction with the A53. To reach these, occupants of the site need to walk along the A53 and cross near its junction with the A51. There are no footpaths from the site to the bus stops on either side of the A53. Whilst this is not uncommon in a rural location, the grass banks to the side of the road are very narrow and on the north eastern side of the A53 i.e. the same side as the application site, the grass bank reduces from an average width of some 500 to 600 mm depending on the size of the adjacent hedge to nothing as the boundary of the cottage at the junction with the A51 immediately abuts the kerbing of the main road.

2.16 Were this to be the only section of limited width pathway, the occupiers could seek to cross the A53 before proceeding on to the A51 and the bus stops. This option though does not exist as there is no path on that side either with the hedge overhanging the verge leaving no space between it and the surface of the carriage way.

2.17 In the absence of footpaths on either side of the road, it is therefore a necessity that any pedestrians, including parents with children in buggies, will have to walk on the road surface if they do not travel by car. If this were a quiet B road with infrequent vehicles passing and the distance between safe refuges was sufficient to allow people to step off the road if a vehicle could be seen approaching, this may be acceptable but such opportunities are limited on this A road. As the junction is between two main A roads, there is a high level of traffic in the area day and night. There are some street lights at the junction but these do not extend far down the A53. Accordingly, access to the site in the winter months becomes even more challenging due to the combination of frequent vehicles including HGV's, poor, or no street lighting and narrow to no footpaths or refuges in which pedestrians can take shelter if needed.

2.18 Passing the site, the A53 is a national speed limit road and although the speed limit is 50mph near the junction the junction is difficult to cross for pedestrians in the absence of any crossing facilities. Accordingly, it cannot be said that access to public transport would be safe or convenient. As such it is considered fair to assume that all movements to and from the site would be by private vehicle. Whilst gypsies by definition have a travelling way of life, and this must be taken into consideration, this site provides no safe opportunities to travel on foot or by public transport which is a significant challenge especially to children who could be living on site who could not easily access public transport to get to school and would in all probability be reliant twice a day on the car to access education opportunities. This should be given weight in the determination of the application.

2.19 Given this assessment, it is considered that the proposal would be in conflict with Policy CSP7 of the Core Strategy the site doesn't provide good access to shops, education, healthcare facilities and other essential services and does not provide safe and convenient access to public transport.

3 Reason 2 - Highways

3.1 During the application process additional plans have been submitted showing visibility splays, in the northern direction towards the junction with the A51 and in the southern direction. The Highway Authority (HA) have considered such plans and have visited the site but maintain that a topographical survey is required detailing the access and the extent of the visibility splays to demonstrate that the visibility splays can be achieved within land in the applicants' control and the public highway.

3.2 In, addition the HA request details of the dimensions of the proposed access and provision of a swept path analysis for a vehicle and touring caravan entering and leaving the access. In the absence of such information it has not been demonstrated that the existing access is suitable and as such the second reason for refusal has not been addressed.

4 Reason 3 - Residential Amenity

4.1 The application is supported by a noise assessment and the Environmental Health Division, in consideration of this assessment, has concluded that noise can be dealt with appropriately. As such this reason for refusal has now been suitably addressed.

4.2 Concern has been raised within representations about external lighting and the harm that this has to the rural landscape and residential amenity. Whilst it is acknowledged that there is the potential for lighting to have an adverse impact on visual and residential amenity as recognised by the Environmental Health Division, it could be controlled through suitably worded conditions and as such does not constitute a reason for refusal.

5 Reason 4 - Impact of the proposal on groundwater supplies

5.1 Severn Trent Water (STW) again highlights the potential that development on this site has to compromise their ability to provide sustainable sources of groundwater given the proximity of the site to defined Source Protection Zone (SPZ) 1 of the public water supply (PWS) the Wellings, and its location within SPZ 2. They advise that any development of the site should therefore be subject to a high standard of groundwater protection given the criticality of this groundwater source that provides a strategic water supply to the regional area.

5.2 A risk assessment has not been provided in support of the current application in response to this reason for refusal and therefore the applicant has again not demonstrated what risks the development poses to this groundwater source and what mitigation is necessary to minimise the impact of the development to an acceptable level. STW's position is that the environmental risk assessment, which should consider Groundwater Directive standards and Drinking Water standards, is required prior to development taking place and that conditions should be imposed on any permission requiring adequate mitigation and control measures identified in the assessment to be adhered to.

5.3 As indicated above development of this site has already taken place and as such it is no longer possible for a risk assessment and mitigation to be undertaken in advance of development commencing. However, given STW indicate that they are confident such measures would support the sustainable protection of groundwater, it is apparent that conditions could be imposed if planning permission was to be granted requiring mitigation to be agreed and implemented. Notwithstanding this, if permission was to be refused for other reasons it is still considered that it would be appropriate to retain this reason for refusal in recognition of the importance of this groundwater source as a PWS and to protect the LPA's ability to justify the imposition of such conditions should planning permission be granted following appeal.

6 Other Considerations

Need for and supply of gypsy sites and alternative sites

6.1 Policy B of the PPTS (Planning Policy for Traveller Sites), at paragraph 10(a), says that local planning authorities (LPAs), in producing their Local Plan, should identify and update annually, a supply of deliverable sites sufficient to provide five years' worth of sites for gypsies, travellers and travelling showpeople against their locally set targets, and identify a supply of specific, developable sites or broad locations for growth for years six to ten and, where possible, for years 11-15.

6.2 The Borough Council and Stoke-on-Trent City Council, together with Stafford Borough Council and Staffordshire Moorlands District Council, commissioned a Joint Gypsy and Traveller and Travelling Showperson Accommodation Assessment in 2015 (GTTSSA). The Assessment provides updated evidence to identify the future accommodation needs of gypsies and travellers and travelling showpersons across the four local authority areas. For Newcastle-under-Lyme, the study identifies a shortfall of one pitch between 2014 and 2019. A further six pitches are required between 2019 and 2034, bringing the total requirement to seven permanent pitches. In addition to the provision of permanent pitches, the study identifies the requirement for five transit pitches across Newcastle-under-Lyme between 2015/16 and 2018/19.

6.3 It should be noted that a review of the GTTSSA is being undertaken to ensure that the evidence base for the Joint Local Plan is sound and robust. Whilst draft documents have been received for the study, these are still under consideration and are considered to carry negligible weight in the decision making process. It is possible that the unmet need for Newcastle may change from that set out in the 2016 document. A Housing Need Assessment prepared as evidence for the NDP (made earlier this year) identifies housing need for the neighbourhood plan area but does not identify need for gypsy/traveller pitches however. If the GTTSSA does become adopted in the future, that will become a material consideration for any future applications in the plan area and may be relevant to this site or any other that may be brought forward in the intervening period.

6.4 As no sites have, as yet, been identified or allocated to meet the identified need across the Borough it remains that the Council does not have a five year supply however as there no need was identified in the neighbourhood plan area it is considered that this only adds limited weight in favour of the development. No alternative sites have been identified and this adds weight in favour of the development.

The accommodation needs of the applicants and personal circumstances

6.5 As set out above the PPTS aims to enable the provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure. Local Planning Authorities should consider the consequences of refusing or granting planning permission, or taking enforcement action, on the rights of the individuals concerned.

6.6 The submission indicates that there are 11 children within the applicants' families one of which is physically disabled, and another being treated for leukaemia. The submission further indicates that the provision of a settled site in this area would clearly be of immense benefit to the extended family in helping to reunite the family, provide a stable home environment, access to adequate health care and, regular schooling for the children.

6.7 It is accepted that having a settled base at the site would result in benefits to the applicants' and their families. The information provided does not, however, suggest, that the best interests of the children could only be met on this site and as such it is considered that these factors only add a modest amount of weight in favour of the proposal.

7. Conclusions

7.1 Having regard to the rural location of the site within the open countryside, the distance from facilities, and the absence of safe and convenient access to public transport, the site is not considered to be in a sustainable or suitable location for the development. This would have some adverse implications in terms of use of natural resources and movement towards a low carbon economy.

7.2 Insufficient information has been submitted relating to the visibility of the existing access to the site. There will also be an adverse impact upon the character and appearance of this rural area arising from the visual impact of the proposal.

7.3 The provision of gypsy and traveller pitches is a clear benefit of the proposal. However, whilst the requirement for sites and the current lack of alternatives weigh in favour of the proposal, they are not considered to outweigh the identified harm even when the personal need of the applicants for a residential site is taken into consideration.

7.4 Weighing the harm against the matters in favour of the proposal and the potential imposition of conditions it is concluded that the development would not be acceptable even for a temporary period because of the ongoing risk to protected ground water supplies and the poor access to public transport on the A51. The proposal is therefore considered to be contrary to Policy CSP7 of the Core Strategy, Policy H of the Planning Policy for Traveller Sites, and the NPPF particularly paragraphs 78 and 170.

7.5 In reaching these conclusions regard has been had to Article 8 of the Human Rights Act 1998 however the applicants' individual rights for respect for his private and family life (along with the best interests of the children), must be weighed against other factors including wider public interest. Consideration.

8. Expediency of taking enforcement action

8.1 The development has been partially completed and given the conclusions of this report, it is necessary to consider the expediency of taking enforcement action against the breach of planning control.

8.2 An injunction has already been served on the site that prevents any intensification of the development on the site.

8.3 As indicated above the application site is not located in a sustainable location and results in visual harm to this open countryside location. In addition it has not been demonstrated that a safe access can be provided and that risk to the public water source can be suitably mitigated. Whilst the provision of gypsy and traveller pitches is a clear benefit of the proposal and the need for pitches and the current lack of alternatives weigh in favour of the proposal, they are not considered to outweigh the identified harm even when the personal need of the applicants' is taken into consideration. Such matters justify the taking of enforcement action.

8.4 In terms of the action required it is considered that all caravans/mobile homes, structures/buildings, the domestic paraphernalia and hardcore deposited on the land in association

with its use as a residential caravan site shall be removed and the land restored to a grassed paddock.

8.5 As four families are currently living on the site who will have to find an alternative site sufficient to accommodate them it is considered that 12 months is a reasonable period for compliance with the notice

APPENDIX

Policies and Proposals in the approved Development Plan relevant to this decision:-

[Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy \(CSS\) 2006-2026](#)

Policy ASP6: Rural Area Spatial Strategy
Policy CSP1: Design Quality
Policy CSP7: Gypsy and Travellers

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy H1: Residential development: sustainable location and protection of the countryside
Policy N2: Development and nature conservation - site surveys
Policy N3: Development and nature conservation – protection and enhancement measures.
Policy N20: Areas of Landscape Enhancement

[Chapel and Hill Chorlton, Maer and Aston and Whitmore Neighbourhood Development Plan \(NDP\) October 2019](#)

Policy NE1: Natural Environment
Policy NE2: Sustainable Drainage
Policy DC2: Sustainable Design
Policy DC5: Impact of Lighting
Policy HG1: New Housing

Other material considerations include:

[National Planning Policy Framework \(NPPF\) \(2019\)](#)

[Planning Practice Guidance \(PPG\) \(2018\)](#)

[Planning Policy for Traveller Sites \(August 2015\)](#)

[Newcastle-under-Lyme, Stoke-on-Trent, Staffordshire Moorlands and Stafford Gypsy and Traveller and Travelling Showperson Accommodation Assessment 2015](#)

Human Rights Act 1998

Relevant Planning History

N20697 - The erection of a wholesale nursery including the erection of polythene tunnel and implement shed, plus improving access to A53 and construction of hardstanding. PERMITTED 1991

18/00491/FUL - Change of use of the land for the siting of caravans for residential purposes for 4 no. gypsy pitches. WITHDRAWN

19/00332/FUL - Change of use of the land for the siting of a caravans for residential purposes for 4 no. gypsy pitches with facilitating development (Hard standing, package treatment plant, utility blocks). REFUSED

Views of Consultees

Maer and Aston Parish Council recommend that the application should be refused on the following grounds:

- The development would be inappropriate development in the open countryside by virtue of the change of use from agricultural to traveller site. The proposed change of use is not compatible with uses considered appropriate in the area of landscape restoration;

- The development proposal is contrary to policies DC2, DC5, HG1, NE1 and NE2 in the NDP for the reasons that are set out in detail;
- The development has been undertaken unlawfully;

They request that following refusal enforcement action should be taken to address the unlawful development and the harm caused to the natural environment. In addition they state that at the present time HS2 is still in the planning stage and has not been fully approved, however once construction starts there will be a large increase in the volume of traffic over the next few years most of which will be HGVs (approximately an additional 1000 HGV vehicles per day), exacerbating an already difficult situation and encourage increase speed at the access point.

The applicant's family statement also mentions 'doubling up' as a standard practice however this suggests that there would be many more people on the site. Councillors would also like to point out there is already a caravan site just a couple of miles from the proposed site at Stableford.

Finally the request that the Planning Committee visit the site.

Whitmore Parish Council object to the application in the strongest possible terms, for the following reasons:

- As with the previous applications this is an unsuitable location, unsustainable and contrary to the guidance in the NPPF and policies of the NDP.
- The site has already been occupied in breach of planning control.
- No mention is made of the NDP in the submission.
- The development proposal is contrary to policies HG1, NE1, NE2, DC2, and DC5, in the NDP for the reasons that are set out in detail;
- They have approached the application as it would for any proposed development in the NDP area

Loggerheads Parish Council objects to the application for the following reasons:

- The site is not in a sustainable location and does not comply with CSS policy CSP7.
- The access onto the A53 is at a dangerous point.
- PPTS paragraph 28b allows for visiting caravans on gypsy or traveller sites, but no space is identified for such purposes. If planning permission is permitted a condition should be imposed specifying the maximum permitted number of visiting caravans at any one time.
- The form indicates vehicle parking is proposed for four light goods vehicles/public carrier vehicles which raises the question of possible non-residential uses/activities on the site resulting in nuisance. A condition should be imposed restricting the use of the site for residential purposes only.

The **Highway Authority**, having reviewed additional information received during the application process, recommend refusal as the submission does not demonstrate that the visibility splays can be achieved within land in the applicants' control and the public highway or that a vehicle and touring caravan can enter and egress the site.

The **Environmental Health Division** note that the application is supported by a noise assessment which considers the effects of noise on residential and touring caravans. Acoustic treatment of part of the site boundary has been identified and a specification for fencing has been given. It is understood that the fencing is now in place and meets with the recommendation of the acoustic report. Subject to the acoustic treatment remaining in place noise can be dealt with appropriately. There are no objections subject to conditions relating to the following matters:

- Implementation of the recommendations of the acoustic assessment.
- Prior approval of external lighting.
- Prior approval of the means of storing and disposing of stable waste.
- No commercial use of the stables.

Additional comments are as follows:

- No particular concerns from potential land contamination.
- A Caravan Site License will still need to be applied for in order to operate and run the site if planning permission is given.

The Waste Water section of **Severn Trent Water (STW)** has no objections. In respect of the potential impact upon providing sustainable sources of groundwater they highlight the potential of this development to compromise this. They advise that the proposed development falls within the Environment Agency defined Source Protection Zone (SPZ) 1 and very close to the SPZ 1 boundary of the public water source (PWS) boreholes. Any development of land within an SPZ 1 and certain activities within an SPZ 2 should be subject to a high standard of groundwater protection. In documents attached to the application the PWS boreholes are not mentioned. It is necessary to emphasise the criticality of this groundwater source that provides a strategic water supply to the regional area; therefore it should be treated with due and rightful care.

The potential impacts on groundwater quality both throughout and following completion of the development works require immediate consideration. It is not understood whether the initial designs of these developments have incorporated mitigation measures or if best management practices are to be followed.

Any form of contamination generated on the surface has a high potential to leach into the aquifer and be drawn towards the abstraction source reasonably quickly. This is exacerbated by the fact that the ground water levels are very shallow in this area and therefore any buffering effect of contaminants is significantly diminished due to the lack of an unsaturated zone.

Furthermore four observation boreholes have been installed for monitoring purposes which fully penetrate the aquifer and therefore act as direct conduits to the groundwater system and must be taken into account in the risk assessment.

The concerns that were expressed regarding the previous applications remain relevant:

- There is no risk assessment that takes into account the Severn Trent public supply. Protection of groundwater quality should be taken into account for the design to ensure no impact;
- Lack of detail relating to the functionality of the package treatment plant, intended for the disposal of foul sewage;
- Lack of detail relating to wastewater management plans of the development site;
- Lack of detail relating to the surface water management plan and the intended disposal of surface water to the nearby existing watercourse; and

Given the strategically important and highly vulnerable nature of the PWS site, Severn Trent expects the completion of an environmental risk assessment that fully considers the potential impacts to the groundwater source and appropriately addresses the concerns outlined in this document.

Furthermore, STW considers it necessary to request that conditions are attached to the planning consent to ensure adequate mitigation and control measures are adhered to with regards to all developments referred to in this document. STW is confident such measures will support the sustainable protection of groundwater, however, without these conditions Severn Trent wishes to raise its concerns regarding the soundness of the proposed planning application.

Cadent states that there is apparatus in the vicinity which may be affected so developers are required to contact their Plant protection Team for approval before carrying out any works on site.

Environment Agency has no objection subject to a condition requiring a scheme for the disposal of foul drainage to be submitted to, approved and implemented before the development commences.

Landscape Development Section indicates that the tree report does not relate to the current proposals and an updated Arboricultural Impact Assessment is therefore requested which should

address remedial works necessary to mitigate damage trees, effects of the proposals on existing trees and tree protection measures. Of particular concern is the oak tree on the site. In addition insufficient detail has been submitted with regard to proposed planting and permission should be subject to the submission of a detailed landscaping scheme. This should incorporate existing planting and include tree, shrub and hedge planting to provide screening to the development and to integrate the proposals with the surrounding countryside.

The Lead Local Flood Authority, a non-statutory consultee, state that according to their information, the Environment Agency's Updated Flood Map for Surface Water 1 in 100 Surface Water Flood Zone indicates that there may be potential for some minor surface water ponding within the site. They request that the development should be guided by the attached standing advice.

The views of **Housing Strategy** and **Planning Policy** have been sought but have not responded by the due date and as such it is assumed that they have no comments.

Representations

233 representations, objecting to the application have been received (those received up to and including 16 July) including from Cllr Hutton and from the Steering Group for the Chapel and Hill Chorlton, Maer and Aston, and Whitmore Neighbourhood Plan. The concerns raised are summarised below

- The application largely remains the same as that refused in 2019.
- The proposal should be considered on the basis of it being for residential development. This is an inappropriate and unsustainable site for residential development in the open countryside, outside the urban area and village envelopes, with no safe walking route to the nearest bus stop and the nearest facilities being in Baldwins Gate or Loggerheads, over 2 and 3 miles distance. The proposal is therefore contrary to NLP policy H1 and NDP policy HG1, and the NPPF.
- The Gypsy and Traveller Accommodation Assessment does not identify a need for such provision in the locality. Whilst it recognises that there is an identified and unmet need for gypsy and traveller pitches the benefits of the development do not outweigh the identified harm contrary to CSS policy CSP7.
- The Housing Need Assessment supporting the NDP does not identify any requirement for pitches within the area
- Unacceptable visual harm to the character of the landscape contrary to NLP policy N17 and N20, and NDP policy NE1 and DC2.
- Highway safety issues including the particularly hazardous A51 and A53 junction resulting in standing traffic on one side and fast moving traffic on the other. Turning right towards Loggerheads would be dangerous.
- Since permission was granted in 1991 to widen the entrance to allow goods vehicle access there has been an increase in traffic, including lorries, going to and from the Mueller Dairies.
- The submission suggests that there will be a significantly larger number of residents than in the previously rejected application and emphasis is placed on the fact that travellers often 'double up' in the winter time suggesting an increase in caravans and occupants.
- It would appear that the applicants wish to undertake a significant amount of business activity within the site.
- The submitted noise assessment is invalid because the background noise levels are considerably reduced due to the coronavirus pandemic impacting on traffic levels.
- The children on site are exposed to toxic fumes daily.
- The recycled crushed demolition waste brought to site for hardcore has the potential to contaminate the land.
- External lighting would be intrusive in the open countryside contrary to NDP policy DC5.
- The proposal is contrary to CSS policy CSP7 as there is no safe and convenient access to public transport and the highway network. The Council could better comply

with its obligation and comply with CSP7 by providing a facility on the edge of the main built-up area.

- The development is contrary to DCLGs Designing Gypsy and Traveller Sites Good Practice Guide as consideration has not been given to the relationship of the site with the surrounding community; the development is visually not in keeping
- There are no mains sewage facilities contrary to NDP policy NE2 and no details is provided as to how foul sewerage will be dealt with that demonstrates that any environmental risks are addressed.
- The site is prone to flooding.
- The site is over the area's principle aquifer and near to a borehole which could be adversely affected contrary to NDP policy NE1 and NE2.
- The site is no big enough to sustain horses.
- Contamination from the site from surface water could seriously damage the delicate ecosystem around the River Tern.
- The supporting ecology report recommends that a fingertip search is carried out by ecologists on the morning prior to any work commencing on site. This recommendation does not appear to have been implemented.
- The adjacent field is frequently flooded due to the high water table and it is likely that the septic tank drainage would not soak away, flood and create a high pollution.
- The previous objections should be taken into account.
- The applicants have already moved onto the site and this should be addressed. Granting retrospective permission would set a precedent for other unauthorised development.
-

Five representations have been received in support of the application raising the following points:

- One of the families on site is well respected in the travelling community and in the settled community in the area.
- The families just want to live peacefully within our society, no different to other families.
- The best interests of the child must be top priority in all decisions and actions that affect children.
- There are currently no traveller's pitches available resulting in marginalisation of gypsies who are already subject to discrimination, prejudice and neglect.
- If removed from the site they will move to an unauthorised site.
- The development will have no greater impact on the A51 and A53 junction than the existing housing does.
- The location is convenient for the number 64 bus route and presumably school bus routes.
- The caravans and static units are behind a fence and not very visible from the road. The horses grazing are entirely appropriate for a rural location.
- This is a safer environment on public health grounds given Covid-19.

Applicant/agent's submission

The application is supported by:

- Speed survey data
- Design and Access
- Preliminary Ecological Appraisal
- Noise Assessment
- Arboricultural survey, impact assessment and method statement.

All of the application documents can be viewed using the following link.

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/20/00368/FUL>

Background Papers

Planning File
Development Plan

Date report prepared

22nd July 2020