

**APPEAL BY MR JOHN PRICE AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR CHANGE OF USE OF LAND TO USE AS A RESIDENTIAL CARAVAN SITE AT STORE GARAGES 1 AND 2 STATION ROAD, NEWCHAPEL**

<b><u>Application Number</u></b>	<b>19/01012/FUL</b>
<b><u>LPA's Decision</u></b>	<b>Refused on 14<sup>th</sup> February 2020 under delegated authority</b>
<b><u>Appeal Decision</u></b>	<b>Dismissed</b>
<b><u>Date of Decision</u></b>	<b>5<sup>th</sup> November 2021</b>

**Appeal Decision**

The Inspector identified the main issues as the effect of the proposed development on the openness of the Green Belt; the purposes of including the land within it; the character and appearance of the area; and would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

The Inspector considered that the proposal would cause a limited loss of openness of the green belt over a considerable period of time if permanent planning permission were granted but that there would not be a conflict with any of the purposes of including the land in the Green Belt.

The Inspector found that the proposal would accord with CS Policy CSP7, but concluded that this is outweighed by the conflict that would be caused by the use of the land with CS Policy CSP1 and saved Local Plan Policies N17 and N21. He noted that together they seek, among other things, well designed development that: respects the character, identity and context of the unique townscape and landscape, helps restore the character and improve the quality of the landscape, and does not further erode the character or quality of the landscape.

Moderate weight was attached by the Inspector to such harm in the planning balance.

The Inspector gave significant weight to the following factors individually and considerable weight in combination:

- benefits relating to an unmet need
- lack of a 5 year supply of specific deliverable sites for provision of traveller pitches
- lack of alternative accommodation
- uncertainty of the availability of future supply
- the needs of the children
- the family being together as a cohesive unit.

The Inspector also noted the uncertainty about where the future sites may be allocated and considered the human rights of the appellant and his family.

The Planning Policy for Traveller Sites is clear that subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh the harm to Green Belt and any other harm. The Inspector considered that it was not certain that unmet need would be addressed in the immediate future. He also considered that there is uncertainty about whether the emerging plan will be progressed in the timeline predicted and whether it would provide the necessary allocation of pitches. However, this combination of factors was not considered by the Inspector to be sufficient to clearly outweigh the identified harm from the proposal and indicates that a permanent permission should not be granted at this time.

The Inspector did, however, consider that for a number of reasons a temporary permission up to the end of 2025 would be a proportionate approach to the legitimate aim of protecting the environment and the Green Belt. It would also strike an appropriate balance between the rights of the individuals and the protection of matters of acknowledged public interest.

For these reasons the appeal was allowed and a temporary permission was granted.

The planning decision setting out the reasons for refusal and the appeal decision in full can be viewed via the following link;

<http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/19/01012/FUL>

**Recommendation**

That the appeal decision be noted.