2022/0766

Applicant: Mr Andrew Smith

Description: Retrospective application for siting of caravans for residential purposes

Site Address: Land off Clayton Lane, Thurnscoe, Barnsley, S63 0RU

Site Description

The site relates to a field on the western side of Clayton Lane – opposing the Robert Ogden School. The proposed area of development is in the north eastern corner of the site, immediately adjacent the highway. An existing access is present off Clayton Lane which gives access to Warmsworth Stone to the north and a farm access which is located to the south.

This is a retrospective application, as such the development has already occurred. The photos below show the site in 2017 and again as it is now, with a large area of hard standing created and various caravans, vehicles and materials stored on it.



Site in 2017



Site 2022

Planning History

2014/0073 - Erection of agricultural building – Refused

2014/0469 - Erection of agricultural building including associated turning area (Resubmission) – Approved

2014/1121 - Variation of condition 2 of application 2014/0469 (Erection of agricultural building including associated turning area) to allow re-siting of building. – Approved

2017/0651 - Siting of agricultural workers caravan – Refused

2021/1374 - Siting of caravan for purposes used in connection with agricultural use - Withdrawn

Approval of other permanent Gypsy/Traveller sites across the Borough since 2015

2017/0392 – Proposed permanent change of use of land for the siting of a residential caravan, shed, a children's playhouse and touring caravan and use of stable block as amenity building following expiry of limited period planning permission application reference 2010/0672 – The Stables, Willow Bank, Woodstock Road, Barnsley, S71 1PS

2019/0732 - Siting of an additional static caravan, erection of an extension to the amenity building and amendments to the site layout approved under application 2017/0392. – The Stables, Willow Bank, Woodstock Road, Barnsley, S71 1PS

2019/0221 - Proposed Change of Use of Land to allow the stationing of caravans for residential occupation with associated facilities - 4A Cliff Lane, Brierley, Barnsley, S72 9HR – Approved at Appeal, allowing 3 permanent pitches and 3 touring caravans.

Proposed Development

The application is for a 4 pitch caravan site for Gypsy Travellers with 2 utility buildings. The submitted plan also shows 3 kennels albeit these are not mentioned in the planning statement nor are the referenced in the description of development.

No detailed plans have been provided of the structure but photos show that the caravans are all touring caravans. One of the utility buildings is mobile, whilst the other is a metal structure mounted on blocks. The kennels are wooden huts.

The application form states that the site area is 1.84 hectares which is consistent with the redline plan and encompasses the whole agricultural field. The planning layout shows an area to the northeast of the field, adjacent Clayton Lane, this area measures circa 63.8m by 25.3m.

Access is to the north, off an existing access to Warmsworth Stone. This sits outside of the red line.

Accompanying the application is a supporting statement provided by the applicant which states that the site is for a single pitch, albeit for 4 caravans and refers to the personal circumstances of Mr and Mrs Smith, their two children and 6 grandchildren.

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The new Local Plan was adopted at the full Council meeting held 3rd January 2019. In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision making process.

<u>Local Plan</u>

GT1 Sites for Travellers and Travelling Showpeople

GT2 Sites for Travellers

GS1 Green Space

SD1 Presumption in favour of sustainable development

GD1 General Development

LG2 The Location of Growth

H1 The number of homes to be built

H2 The distribution of new homes

H6 Housing mix and the efficient use of land

T4 New Development and Transport Safety

D1 High Quality Design and Place Making

GI1 Green Infrastructure

BIO1 Biodiversity and Geodiversity

GB1 Protection of Green Belt

GB3 Changes of use in the Green Belt

CC1 Climate Change

CC3 Flood Risk

CC4 Sustainable Drainage Systems

CL1 Contaminated and Unstable Land

Poll1 Pollution Control and Protection

NPPF

The National Planning Policy Framework (NPPF) set out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Planning Policy for Traveller Sites

This document sets out the Government's planning policy for traveller sites and should be read in conjunction with the NPPF.

Policy E: Traveller sites in Green Belt

Paragraph 16 states: Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. 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.

Paragraph 17 states: Green Belt boundaries should be altered only in exceptional circumstances. If a local planning authority wishes to make an exceptional, limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a traveller site, it should do so only through the plan-making process and not in response to a planning application. If land is removed from the Green Belt in this way, it should be specifically allocated in the development plan as a traveller site only

Policy H: Determining planning applications for traveller sites

Paragraph 22 of PPTS states that traveller sites (temporary or permanent) Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise

Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- the existing level of local 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
- that they should determine applications for sites from any travellers and not just those with local connections

However, as paragraph 16 makes clear, 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.

Paragraph 25 states: Local planning authorities 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.

Paragraph 26 sets the following which weight should be attached to when considering applications:

a) effective use of previously developed (brownfield), untidy or derelict land

b) 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

d) not enclosing a site 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

Paragraph 26 states: If a local planning authority cannot demonstrate an up–to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary

planning permission. The exception is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).

Supplementary Considerations

Barnsley Gypsy and Traveller Five Year 'Deliverable' Land Supply Report April 2022-March 2027 – Concludes that there is a surplus capacity of 9.4 pitches.

Consultations

Biodiversity - I am unable to provide any comments in relation to biodiversity as there is no ecology report supporting the application indicating ecological features present/previously present on site and an assessment of the potential impacts of the development.

Highways DC – No objections

Highways Drainage – No objections.

Pollution – No objections.

Yorkshire Water - Yorkshire Water requests that a 'holding' objection is issued until further information can be provided in regards to the site 's foul water drainage proposals

Ward Councillors – Objection from Councillor Cain. The site is opposite a school for autistic children and adults, and I feel it is highly inappropriate for the area. There will be traffic and noise issues raised. The entrance to the site is quite obstructed and I fear there will be traffic issues as a result. this is also the feelings of my other local Councillors

Representations

The application has been advertised via a site notice and 2 neighbour notification letters. 11 letters of representation, from 10 people, have been received.

Concerns have been raised that not enough residents were consulted by direct neighbour notification. However, as a site notice was erected near to the site the Council has discharged its duty appropriately.

- There are no provisions or plans to store or aid the collection of waste;
- There is nothing in the proposal regarding the removal of toilet and other liquid waste - no mention of a septic tank/s or connection to a main sewer, which would be better for the occupants of the site. There is no detail of the current arrangements for the removal of toilet waste.
- There have been two fires on the site, both in the barn and its replacement. Fire engines had to be called. This is a safety risk and dangerous for the animals kept on the site.
- Smoke coming from the area of the site (this includes the area adjacent to the proposed site) over the school, has set off the fire alarm. The system was checked on both occasions and no fault was found. Fortunately, this happened outside of school hours with interruption of the education of the pupils, though resulted in call outs for our staff and that of the fire detection systems company.

- There are issues with fly tipping on the site and near the road. This is dangerous for walkers and horse riders who use the road.
- There are enough travellers sites in Barnsley, in better locations.
- No notice or assistance from the Council has been sought by the applicant, allowing this would set a precedent.
- If permission is granted, what is to stop the site from growing, on a site where there is no prevision?
- There are already antisocial behaviour issues with Travellers in the village
- The village has enough social issues.
- The area has also expanded massively recently and there are not sufficient services, GPs etc.
- If this is allowed retrospectively what is to stop others just doing what they like?
- There has been a satellite receiver dish attached to a British Telecom post by one of the current occupants.
- Pedestrian safety - there is no pavement running from the entrance of the site on Clayton Lane until the entrance of the school. Most of which is National Speed Limit (60 mph). Nor is there any street lighting. So it is not as safe as it could be for anyone wanting to access the site on foot or wanting to walk into the village. To rectify this the local authority would need to construct a pavement to separate any pedestrian from the road.
- The site is in Green Belt and traveller sites are inappropriate development which are harmful. This is a high bar and no very special circumstances have been provided.
- The site includes multiple caravans, two utility blocks, kennels, a horse box and timber fence with barbed wire – this causes spatial and visual harm and does not comply with national planning policy for traveller sites.
- The proposed hard standing and barbed wire fencing would however give the impression that the site is isolated from the rest of the community. Contrary to the Planning Policy for Traveller Sites.
- The site's location, is outside the urban area within the Green Belt and fails to comply with Policy GT1
- The site is in a Nature Improvement Area and additional built form will not contribute to biodiversity. Ground contamination might also pose a risk for any future residents.
- Other peoples applications for development have been refused because of the land being in the green belt, why is this any different?
- This will devalue the area and nearby houses.
- There are already issues with picking up and dropping of at the school, the entrance to this site opposite will make this worse.
- Disruption from the site for school children.

Assessment

The application site is located in the Green Belt, in open countryside, outside areas allocated in the development plan. Local Plan Policy GB1 protects the Green Belt from inappropriate development in accordance with national planning policy i.e. inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In determining applications, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

The site falls within a general area assessed to be strongly fulfilling the purposes of Green Belt (General area DE3 within the Green Belt Review). Section 5.2 of the Green Belt Review, prepared to support Barnsley's Local Plan concludes that:

"DE3 does have a strong role in safeguarding the countryside from encroachment and protecting a largely essential gap between Thurnscoe and Greater Houghton. The existing boundary of the Green Belt is strong, and therefore development within this General Area would represent unrestricted encroachment into the countryside. Development within the Green Belt at this location would result in built form with a very weak functional relationship to the existing urban form of Thurnscoe…"

On this basis, it is clear the site and wider area of Green Belt in this locality is of a high value and is sensitive to encroachment.

Turning to the specific case for this development, it is clear from the National Planning Policy Framework (NPPF), Planning Policy for Travellers (PPTS) and Barnsley's Local Plan that the development constitutes inappropriate development in the Green Belt. PPTS reflects NPPF Green Belt policy and is very clear that decision-taking should protect the Green Belt from inappropriate development (para 4d), reflected specifically in policy E 'Traveller sites in the Green Belt' and policy H 'determining planning applications for traveller sites'. On this basis, it is accepted that the development in inappropriate development within the Green Belt and should only be approved where the very special circumstances (VSC) outweigh the harm to the Green Belt and any other harm.

The supporting statement supplied with the application states that the development is for Andrew and Moreen Smith, their two children and 6 grandchildren. No information is provided as to who will live in which caravan or why 4 are required. The applicant is stated to have moved to the site recently, having left their previous site due to family conflicts. Evidence has been provided that 3 of the children are registered with local schools and the wider family with the local Doctor.

The applicants VSC case centres on sites identified under GT2 being outside the geographical boundaries for the educational and medical provision of the applicant's children. It is also stated that the development has a limited visual harm to the Green Belt and that the development complies with other requirements of Local Plan Policy GT1.

It is noted that the applicant has recently moved onto the site and sought to secure school places in July with a view to the children starting in September and that the preferred places have been awarded at The Hill Primary School. It is also noted that the applicant registered with local Doctor Surgeries at the end of August. Given the recent nature of these applications it is not clear why the applicant could not have sought similar provision in another area and therefore limited weight is afforded to the need for a site in this specific location.

The proposed includes a substantial area of hard standing, circa 1,614sqm, with the red line encompassing a much larger area of 1.8ha. In addition, there are 4 caravans, two utility blocks, kennels and various vehicles parked on the site, all of which have a visual impact and serve to substantially increase activity on the site. It is, therefore, concluded that the harm to the Green Belt is significant and affording substantial weight.

Turning to the requirements of policy GT1, the site is clearly not in an urban area and also not well linked to the existing community or services. There are no pavements along this stretch of Clayton Lane, with circa 160m to walk on the road before there is any pedestrian provision. Similarly the nearest bus service is on Houghton Road, shops are over 1km away and the applicants preferred Primary School is 3km away, all requiring any pedestrian to walk along Clayton Road with no pavement provision.

With regards to other development constraints, Yorkshire Water have issued a holding objection regarding the lack of information relating to the sites foul water drainage proposals. The application provides no details with 'unknown' ticked on the application form.

Therefore the proposed cannot be said to comply with Local Plan Policy GT1.

Finally, as no supporting information has been provided relating to biodiversity on the site and the development has already occurred, it is not possible to fully assess the harm to biodiversity or identify any appropriate mitigation as required by Local Plan Policy BIO1.

Taking account of the above, it is concluded that the very special circumstances are not sufficient to outweigh the harm to the Green Belt alongside the 'other harm' afforded to the site not being sustainably located, and not complying with the requirements of GT1 and impacts on Biodiversity as required by Local Plan Policy BIO1.

The applicant has also requested that if the very special circumstances (VSC) presented are not accepted, that the Council consider granting a temporary permission. The applicant asserts that the Council is unable to demonstrate a five year supply of traveller sites, as required by PPTS and as such this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. However, PPTS is clear in policy H, in paragraph 27 that this provision does not apply when the application site is in Green Belt.

"If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.. The exception is where the proposal is on land designated as Green Belt…"

Moreover the Council is able to demonstrate an up-to-date five year supply as referenced in the Local Plan and subsequent five year supply notes published in Barnsley Gypsy and Traveller Five Year 'Deliverable' Land Supply Report April 2022-March 2027.

Conclusion

The development is inappropriate development within the Green Belt and the Very Special Circumstances do not exist which outweigh the harm to the Green Belt or any other harm as assessed, in accordance with Local Plan Policies GT1 and GB1 or National Planning Policy contained in the NPPF and PPTS.

It is the Council's position that the Local Plan proposals and recent planning approvals provide for in excess of the full five year requirement and therefore the proposed pitches are not required to meet any unmet need at this time.

Finally, the personal circumstances of the applicant are not sufficient to outweigh the policy concerns with this site in terms of its rural location, access and harm to the Green Belt.

As such the application is recommended for refusal.

Recommendation

Refuse