

Heine Planning Consultancy

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Planning Department
Barnsley MB Council
PO BOX 604
Barnsley S70 9FE

Dear Sir/Madam

Planning application:

REMOVE/ VARY CONDITION 1 of 2007/0905 granted 2 April 2008 siting of a static residential caravan and use of stable block as an amenity building

Land at : The Stables, Pleasant View Street, Barnsley S71 1QW

Applicant: Mrs A Hanrahan

I am instructed to make the above application. The application is made on line with payment of £195.

Consent is sought to retain the use of the land as a Traveller site on a permanent basis with associated operational development, but failing that for a further temporary period of at least 3 years.

I rely on the site location plan previously submitted with application 2007/0905

The issues and site location are all well known to you.

Condition 2 restricted occupation for a limited period of 5 years . This runs out on 2 April 2013.

The site continues to be occupied by Mr and Mrs Hanrahan and their 5 children. Mr Hanrahan works as a roofer with his sons but the family still go travelling to all the horse fairs as he is also a horse dealer. The family do however now lead a more settled life. Only the youngest daughter (aged 8) is still in education. She attends Holy Trinity Primary in Carlton. Her sister is home tutored.

The Council is invited to remove this condition and grant permission on a permanent basis. The site has been occupied long enough for the Council to assess its impact and, if this is considered unacceptable, to find a suitable alternative location for this family.

However if this is not acceptable the family would reluctantly accept a further temporary permission if this can be justified by the Council.

NPPF/ PPTS has replaced C 1/2006 and seeks to bring provision of Traveller sites more in line with that for housing.

PPTS retains the option for temporary permissions. Councils are now expected to make their own assessments of need and have a 5 year supply of available land.

The NPPF/ PPPTS issued March 2012 does not alter the position on inappropriate development in the Green Belt. It did provide a one years' grace to local authorities who failed to follow advice in C 1/2006. Significant weight must now be attached to unmet need and failure to have a 5 year supply of deliverable sites

The main issues are as identified last time. The balancing exercise is however different to that in 2008 when this matter was last considered. In accordance with PPTS significant weight should now be attached to unmet need particularly when having regard to a temporary permission.

Guidance on Temporary Consents in the Conditions Circular 11/95 stresses in para 112 that a second temporary permission should not normally be granted. It states that *'Usually a second temporary permission will only be justified where highway or redevelopment proposals have been postponed, or in cases of hardship where temporary instead of personal permission has been granted for a change of use'*.

There is the added cost to families of having to renew consent. The site occupants would, not unreasonably, like the comfort and reassurance of knowing that they have permanent consent to remain on their land. They feel accepted by their local community.

The only planning issue is the effect the development on the Green Belt, including its openness and the purposes of including land in it; and the effect it has on the character and appearance of the site and its surroundings; and whether any harm; would be clearly outweighed by other considerations; and if so, whether very special circumstances exist which justify the grant of planning permission.

There is no dispute that the site lies in the Green Belt and is inappropriate development. By definition the development is harmful to the open character of the Green Belt as it impacts on the openness, but the same is true of just above every Gypsy-Traveller site in Barnsley and did not prevent the Council from granting consent to extend the nearby Smithies Lane site into the same Green Belt. In this case the harm is limited as the site is small, on previously developed land behind housing, and use is made of a site with two buildings (a small stone built out building/store and stable block) which is all laid to hard standing. If the use were to cease the only requirement would be to remove the caravan.

There are no other issues of concern to planning. As this inappropriate development the applicant relies on the following material considerations which it is claimed are capable of amounting to the very special circumstances required to clearly outweigh harm to policy.

I rely on the following material considerations:

- a. Gypsy-Traveller status of the applicant and his family and their personal need to be settled. The family are Irish Travellers

- b. Unmet need for sites in this district to which significant weight must be attached. According to the 2011 Core Strategy policy CSP 18 there was a need for 48 additional pitches in Barnsley 2006-2011. We are not told how many of these were provided.
- c. Absence of any up-to-date evidence base to support policy. A joint refreshed GTAA was carried out with other neighbouring authorities (Doncaster, Sheffield and Rotherham) but this does not appear to have been published and is not part of the LDS evidence base on the Council website. Doncaster Council has had to make serious corrections and amendments to their part of the study due to fundamental mistakes in the process followed.
- d. Core Strategy policy adopted 2011 is a criteria policy, not informed by an up-to-date need assessment and fails to allocate sites. The main aim of this policy is to meet the shortfall in provision of permanent sites. But policy fails to explain where sites should be located. Policy seeks to primarily locate new sites within urban areas but does not presume against sites in the Green Belt. An exception could be made for this site through the Development Sites and Places plan process, given how it is on land on the urban fringe. The Council made an exception for the extension of the Smithies Lane site.
- e. Consultation on a Development Sites and Places plan took place in 2012. I submitted comments on GT1 and GT2. There has been no feedback following this consultation exercise. It is unclear where families are expected to live until new sites are found and delivered. On checking the Council website for further details it is noted that funding has been promised from the Homes and Communities Agency (HCA) in January to provide a new Gypsy and Traveller site in Barnsley but detailed site investigation of a possible site at Sandygate Lane, Stairfoot, Barnsley has revealed that the ground conditions on the former colliery and chemical works site are likely to require significant remedial work to deal with contaminants in the ground. The potential cost of the work means that this site is unlikely to offer the best value for the government grant investment, so the council has decided not to pursue this option further. The Council will have to reconsider the options submitted for consultation and broaden its search. The Council should reconsider making permanent existing private sites with temporary consent.
- f. The main aims of PPTS to encourage self-provision to address need. There is no way public funding is available to meet the needs of all Travellers. This site is provided at no cost to the public purse.
- g. Failure of policy to identify land for suitable sites that are developable and deliverable. Families should not be put to the trouble and expense of renewing permissions just because of delays in the plan-making process. The family had good reason to believe this issue would have been addressed by now. They are unable to look for suitable alternative sites until the Council agrees where they can be located. It is most troubling that so little progress has been made and consents continue to be renewed. This failure is a matter capable of carrying significant weight especially when most, if not all other sites are in the same Green Belt.

It is considered that there is very good justification to renew consent either on a permanent basis or for another temporary period. Substantial weight is to be attached to definitional harm and inappropriateness/ associated harm from encroachment and loss of openness but the failure of policy to address the pressing and unmet need together with the personal needs of this family, time they have stopped on this land and primary importance of the youngest child's education are considerations capable of carrying significant weight.

If you require any more information do not hesitate to contact me.

Yours faithfully

Mrs Alison Heine

Letter of 25.9.2012 with comments on Development Sites consultation exercise