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CHANGE OF USE OF STORAGE CARAVAN (STATIC) TO GYPSY PITCH, INCLUDING CONSTRUCTION OF DAYROOM, UTILITIES BLOCK AND IMPROVEMENT WORKS TO THE SITE (INCLUDING REMOVAL OF RAILWAY CARRIAGE, LOCKUP CONTAINERS AND DEPOSITED MATERIALS)

PLANNING SUPPORT STATEMENT

GRANGE FARM
(LAND SOUTH OF GRANGE ROAD, ROYSTON)

Miss M Cunningham

SEPTEMBER 2013

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1.0 INTRODUCTION

The proposal which forms the subject of this application for planning permission relates to a site known as Grange Farm, Royston. The scheme is for the change of use of the existing static caravan utilised for storage to provide gypsy accommodation and including the construction of a dayroom and utility block. The proposal also includes the improvement and tidying of the site in the manner set out in this report.

The site is in a wholly sustainable location being adjacent to the existing settlement of Royston which contains shops, schools and access to health services. There is a bus route in close proximity to the site.

Prior to the submission of this application discussions have been held between the applicant and the Council's Planning Officer, Mr J Hyde. Discussions have also been held with the Council's Policy Officer in terms of an identifiable need and the supply of gypsy pitches in the District.

This application is submitted in detail. It will be noted that the application is to meet a specified need – the applicant and her sons are from a traveller family and in the short term have recently been housed in rented accommodation – that accommodation has been placed on the market and as a consequence there is an urgent requirement for accommodation (see attached letter from the landlord).

It is understood there is a lengthy waiting list for existing pitches in Barnsley District and the reuse of this lawful static caravan provides the ideal available solution for the problem of requirement for immediate

occupation.

The following supporting documents/information is also submitted with the application:-

1. Full plans showing details of the proposed layout of the site and buildings including a site survey – Stamford Geomatics;

2. Planning Support Statement – Townsend Planning Consultants; and

3. Letter from the landlord.

It is considered that this statement, together with the accompanying documents and plans clearly demonstrate to the Council that the proposal accords with national and local planning policy. Notwithstanding the site's Green Belt location, it is considered that it can be reasonably argued that the reuse of the existing static caravan would not necessarily constitute inappropriate development, but it any event when judged against the development and all material considerations it is clear that the necessary "very special circumstances" arise in this case to justify the grant of planning permission.

These circumstances can be identified as including:-

(i) An unmet need for gypsy sites in Barnsley District.
(ii) The requirement to meet the urgent need of the applicant in the short term.
(iii) The current lack of current provision for new gypsy sites within the

current and emerging Local Development Plan Framework and other policy provisions.

(iv) The family's personal circumstances.

(v) The reuse of the existing static caravan is akin to the reuse of other rural buildings for residential use.

(vi) The proposal includes measures to improve and tidy the existing site which will be to the benefit of the visual amenity of the Green Belt.

It is considered that these issues taken together amount to the "very special circumstances" necessary to justify the granting of planning permission, a matter which will be dealt with in detail in the text of this statement. It will be noted that the Courts have held that a number of issues can combine to form 'very special circumstances'.

This statement now proceeds to provide details of the background to the proposals, including the applicant's personal circumstances. The details of the scheme are then set out. Relevant planning policy and central government advice in the form of the NPPF and advice on traveller sites are then discussed. It will be noted that discussions have been held with the Council's Policy Officer who confirms a major shortfall of pitches in the District. This highlights a demonstrable need for the development. The issues that the proposal raises are then examined in detail (in particular the "very special circumstances" that arise), and finally the conclusion reached that planning permission should be granted for the proposal to proceed. Nevertheless, the applicant remains willing to discuss all aspects of this proposal with the Council.

2.0 THE SITE AND THE PROPOSAL

2.1 The Site

The subject site, which is known as Grange Farm, Royston, incorporates a number of agricultural buildings, storage areas and extends to some 9 acres of thereabouts. The subject site also incorporates a static caravan which has been on site for a number of years for which a Certificate of Lawful Use has been granted for its retention. In recent times the matter of the caravan has been raised with the Council's Planning Officers and the Council's Legal Department confirmed the stationing of the static caravan is lawful through the passage of time.

The site has changed hands in recent years and incorporates a number of unsightly containers, buildings and materials which have been deposited on the site.

The applicant currently lives with her three sons in a rented property within Royston. The applicant is a traveller and has only recently lived in rented accommodation. That property has now been put up for sale and the applicant will shortly be homeless and this proposal seeks to utilise the static caravan as a gypsy pitch (full details are set out below in respect of personal circumstances).

It will be noted that the site is located on the edge of the settlement of Royston adjacent to an existing housing area and within walking distance of shops, schools and facilities. The site is in a sustainable location.

2.2 The Proposal

The subject proposal seeks the reuse of the existing lawful static caravan to provide 1 No gypsy pitch. To comply with standards for gypsy pitches a day room and ablutions room will be provided at the site to standards as required by government guidance. The static can be readily made available for the immediate need of the applicant.

As part of the proposal the land will be tidied and improvement works on the site (detailed on the submitted plans) will include:-

(i) Removal of the railway carriage.
(ii) Removal of the shipping container.
(iii) Removal of the livestock building.
(iv) General tidying of the land and removal of materials.

The proposed site will provide immediate occupation for the applicant and her sons. In respect of the applicant's personal circumstances, the applicant, Maria Cunningham, is a Romany gypsy who has over the years occupied a number of different traveller sites in around the Barnsley District, including sites at Darfield, Barnsley Smithies, Doncaster Road Staincliffe, Malton and Brierley Common as well as travelling generally around the area. Most of her family are now settled in the general area and her father, brother and his partner and two children; and her sister and partner and her child still live in the general vicinity.

Owing to the lack of gypsy pitches in the area, in recent times the applicant has lived in a rented property. However, that has now been sold (as

identified on the submitted letter) and she has been given notice to quit the property. Maria is the sole parent and guardian of her three sons who still live with her – Tyler (17 years old), Tom (13 years old) and Ricco (7 Years Old). Tyler has now completed his formal education but attended local schools. Currently Tom attends Netherwood School and Ricco attends Holy Trinity Catholic School at Athersley (owing to the religious background of the applicant, Ricco's place at the Catholic School is important and would be put in jeopardy if she has to move out of the general area). Please note that the children are registered with the Education Authority as of Romany origin.

The reason for the recent occupation of a rented house, even though that was not the applicant's lifestyle, was to ensure continuity of education for her sons. This application will allow for her to continue living in the area with her children continuing with ongoing education and ensuring that educational ties are maintained. Family ties will also be maintained. It is considered that the personal circumstances of the applicant are a material consideration in determining this application.

3.0 PLANNING POLICY

By virtue of Section 38 (6) of the Planning & Compulsory Purchase Act 2004, the planning authority must determine the planning application in accordance with the statutory development plan (insofar as it is material to the application), unless material considerations indicate otherwise. The NPPF also advises of a presumption in favour of development which accords with the development plan. The importance of the statutory development plan in the decision making process necessitates an examination of the relationship between the policies and proposals of the plan and government guidance.

3.1 Central Government Policy Advice

3.1.1 The National Planning Policy Framework

With regard to Green Belt development at para 87 it states:-

"As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances".

Para 88 goes on to state:-

"When considering any planning application, 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 is clearly outweighed by other considerations."

It is clearly considered that in this instance the failure to provide for an identified need for traveller sites "very special circumstances" do indeed arise.

With regard to plan making at para 159 it states:-

"Local planning authorities should have a clear understanding of housing needs in the area. They should:

- ***Prepare strategic housing market assessment to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. The strategic housing market assessment should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which….***
- ***Address the needs of all types of housing including affordable housing, the needs of different groups (such as but not limited to families with children, older people, people with disabilities, service families and people wishing to build their own homes)."***

The sub-para to this states:-

"The planning policy for traveller sites sets out how traveller's accommodation needs should be assessed."

3.1.2 CLG Publication - Planning Policy for Traveller Sites

The introduction states:-

"This document sets out that the government's planning policy for traveller site. It should be read in conjunction with the NPPF."

Para 3 goes on to state:-

"The government's overarching aim to ensure fair and equal treatment for travellers in a way that facilitates the traditional and nomadic way of the life of travellers whilst respecting the interests of the settled community."

Para 4 goes on to state:-

"To help this, the government aims in respect of traveller sites are… To promote more private traveller site provision whilst recognising their will always be those travellers who cannot provide their own sites."

Policy E relates to traveller sites in the Green Belt and the advice states that planning permission in Green Belts should not be approved except in very special circumstances. It is considered that in this instance those very special circumstances arise.

Policy H deals with determining planning applications for traveller sites.

Para 22 goes on to state that Local planning authorities should consider a number of issues including:-

(a) The existing level of local provision and need for sites; and
(b) Other personal circumstances of the applicant."

Para 24 goes on to state that when considering applications local authorities should consider a number of matters including

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

It is clear in this instance that the proposal will positively enhance the environment and improve openness.

Para 25 goes on to state:-

"Subject to the implementation arrangements at para 28, if a local planning authority cannot demonstrate an up to date five 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 permission."

It is clear as will be set out below that the Council cannot provide a five year supply of deliverable sites.

3.2 Local Planning Policy

3.2.1 Unitary Development Plan

With regard to travellers, Policy 8-10 states at Smithies Lane, Barnsley and Ings Road, Wombwell will continue to be used to provide accommodation for travellers. Proposals for new sites for travellers will be assessed against the following criteria:-

(a) The potential impact on the amenity of local residents;
(b) The impact on visual amenity and local environment;
(c) Adequacy of the access and parking of manoeuvring spaces on site;
(d) Accessibility of community facilities; and
(e) Availability of electricity, water supply, drainage and other services.

In terms of the subject site:-

(a) There will be minimal impact on local residents;
(b) There will be little visual impact and this will be enhanced by the improvements to the site;
(c) There is adequate parking and access to the site;
(d) The site is within walking distance of community facilities; and
(e) All services are available on site.

In the supporting information at para 1.85 it states:-

"Sites on the edge of built up areas may be most appropriate so that schools and other community facilities are accessible to travellers

and services such as electricity, water supply and drainage are available."

Policy GS8A deals with the reuse and adaptation of buildings in the Green Belt. Whilst it is not argued that this is a standard proposal for the conversion, nevertheless, it provides the basis of being dealt with in a similar manner as the proposal and clearly relates to reuse of an existing building.

3.2.2 Barnsley Local Development Framework Core Document (Adopted September 2011)

Barnsley Local Development Framework Core Document Chapter 9 relates to housing policies and identifies that amongst the challenges includes:-

"Meeting the shortfall of sites for gypsies, travellers and travelling show people."

And sets out that:-

"The current position is the insufficient supply of pitches for gypsies and travellers and increase in instances of unauthorised encampments and the policy solutions are identified as providing for the needs of gypsies, travellers and travelling show people".

Policy CSP18 – Site for Gypsies, Travellers and Travelling Show People states:-

"SITES WILL BE ALLOCATED TO MEET THE SHORTFALL AND PROVISION OF PERMANENT SITES. THE FOLLOWING CRITERIA WILL BE USED IN ALLOCATING SITES AND IN DETERMINING PLANNING APPLICATIONS.

IN TERMS OF THEIR BROAD LOCATION SITES WILL:-

- ***HAVE GOOD ACCESS FOR FACILITIES;***
- ***BE PRIMARILY LOCATED IN URBAN AREAS."***

IN TERMS OF THEIR SPECIFIC LOCATION THE SITES WILL:-

- ***NOT BE IN A AREA OF HIGH FLOOD RISK;***
- ***NOT BE AFFECTED BY CONTAMINATION UNLESS THE SITE CAN BE ADEQUATELY REMEDIATED.***
- ***HAVE ADEQUATE VEHICULAR AND PEDESTRIAN ACCESS FROM THE HIGHWAY;***
- ***PROVIDE A GOOD SAFE LIVING ENVIRONMENT WITH APPROPRIATE STANDARDS OF RESIDENTIAL AMENITY;***
- ***HAVE THE ABILITY TO DEVELOP IN ACCORDANCE WITH CLG GYPSY TRAVELLER SITE DESIGN GUIDANCE;***
- ***HAVE NO OTHER RESTRICTIVE DEVELOPMENT CONSTRAINTS."***

At para 9.93 it states:-

"That the current provision within the borough is 50 pitches.

Shortfalls have been calculated taking into account current and protected demand. The research identified a need for an additional 48 pitches in Barnsley between the period of 2006 to 2011."

At para 9.96 it states:-

"Appropriate standards of residential amenity refers to the need to take account of greater emphasis of outdoor living associated with gypsy and traveller homes and the implication of this with visual and acoustic privacy."

It is considered that this subject site has the benefit of:-

(a) Good access to facilities as it is located within the urban area – it is on the fringe.
(b) Not in a high flood risk zone;
(c) Not effected by contamination;
(d) Will provide a good standard of living for residential amenity of travellers; and
(e) The scheme has been designed in line with CLG Gypsy and Travellers Site Design Guide.

<u>Policy CSP34 – Protection of the Green Belt</u>

This sets out the general approach to Green Belt in the district.

4.0 THE ISSUES

4.1 The Development Plan

The Development Plan is the starting point for the consideration of this application. It is considered that this statement, together with the supporting documents and plans, fully demonstrate that the proposal wholly accords with the Development Plan. Furthermore, due to the "very special circumstances" that arise in this instance, it is also considered that the proposal conforms with the Council's Green Belt policies (which are explored further below).

It is considered, therefore, that in the context of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the presumption inherent therein should be weighed in favour of the applicant.

4.2 Other Material Considerations

4.2.1 Need - The Green Belt/"Very Special Circumstances"

It is acknowledged that this site is located within the Green Belt and that the proposal must be judged in the context of policies relating to that fact. In terms of Green Belt policy, the Council are invited to accept that the proposal which would reuse an existing static would not necessarily constitute "inappropriate" development. However, in any event it is quite clear that the necessary "very special circumstances" exist in this case which warrant the grant of planning permission. Therefore, it is considered that the proposal conforms to the development plan (as outlined above).

The "very special circumstances" which exist in respect of the proposal consist of a number of issues, which considered together amount to such special circumstances. In this respect, attention is drawn to the recent case of Basildon DC –v- SSETR where it was accepted that the "very special circumstances" necessary to clearly outweigh harm to the Green Belt can include a number of material considerations, which taken in isolation may not be sufficient but when considered together amount to "very special circumstances".

(a) Need

It is quite clear that the Council have a statutory duty to provide sufficient numbers of pitches for gypsies and travellers. It is clearly accepted by the Council that there is a shortfall of sites in the district.

Whilst the Council is in the process of seeking to allocate gypsy sites, in the meantime there is an identified shortfall and need. It is clear that there is a demonstrable need for the provision of sites for gypsy and traveller's caravans which is unmet through the Council's UDP.

It is also clear that there is a personal need for the applicant to provide accommodation suitable to her requirements.

It is understood that the above statements are common ground between the Council and the applicant and that the Council fully accepts that this is the case. It is contended that the Council's failure

to provide the sites necessary to meet the shortfall in pitches can in itself amount to "very special circumstances".

(b) The Site and the Occupants

It is considered that notwithstanding the fact that the site is located in the Green Belt, it is ideally sited for its proposed use. Due to the close proximity to the applicant's current home this will ensure that community relations, ties and traditions will be maintained. Furthermore, the applicant's sons will be able to continue and maintain ties with the education system, health system etc. The applicant's family are also in close proximity. By reference to Government policy, personal circumstances can be a material consideration with such applications.

(c) The Existing Static

The proposal will reuse a lawful existing static caravan and its use will be akin to the conversion of rural building to a dwelling.

4.2.2 Landscaping/Visual Impact

It is considered that this site is adequately screened from around and, in the circumstances, no detailed landscaping scheme has been submitted. The applicant would, however, as outlined as part of the proposal be happy to undertake a number of measures which will demonstrably improve the visual amenity and openness of the Green Belt.

4.2.3 Flood Risk / Drainage

The site is not within a flood risk area.

4.2.4 Appeal Decisions

The Agent is fully aware of the conclusion reached by Inspectors in respect of recent appeal decisions in Wakefield District where the issue of need and shortfall in supply has been key to the outcome of decisions. There is a similar shortfall in gypsy pitches in the Barnsley District which is acknowledged by the Council. Without the grant of planning permission in respect of suitable windfall sites such as the subject proposal, the shortfall will not be met.

5.0 CONCLUSION & BENEFITS OF THE SCHEME

5.1 Benefits of the Scheme

The applicant proposes to reuse the existing lawful static to meet an immediate need. Notwithstanding the fact that the site is situated in the Green Belt, it is ideally located next to the existing settlement and already incorporates the static. Because of its location, it will enable the family to continue its present links to jobs, health and education and community relations and traditions can be maintained.

It is common ground between the applicant and the Council that insufficient sites have been identified to meet the acknowledged shortfall in pitches in either the existing or emerging Development Plan. The Council's aim to allocate further pitches some time in the future. In the circumstances, the only realistic way for this shortfall to be reduced is for suitable sites to be brought forward in the manner of this application and form a 'windfall' site.

It is considered that taking into account all the circumstances relating to this case, it is clear that the "very special circumstances" necessary to warrant the grant of planning permission are present, notwithstanding the fact that the site is located in the Green Belt.

It is acknowledged by all parties that there is a shortfall in the provision of gypsy and travellers sites in the District. Whilst the Council is progressing allocating suitable sites, in the meantime windfall sites such as the subject site brought forward through the planning process must be deemed to be

of increasing importance. There are clearly no alternative sites currently available which are suitable or affordable.

The proposal will allow the family to continue to benefit from the close ties it already has with the community in Royston and the services to which it already has access. It will cause minimum disruption.

The proposal will also bring wider benefits to the Green Belt through the removal of buildings and improvements to the land.

The applicant remains willing to discuss all aspects of this matter with the Council.