
2024/0441

Applicant: Mr & Mrs Smith

Proposal: Variation of conditions 1 (personal use and temporary time period), 2 (restoration of site after expiry of time) and 3 (approved plans) of planning permission 2020/0044 (material change in use of land to provide single pitch gypsy site for stationing of caravans for residential occupation with associated development (new access, hard standing, utility building, entrance wall and gates) part retrospective.

Address: Worsbrough Equestrian, Worsbrough Road, Worsbrough, Barnsley, S70 5LN.

Site Location & Description

The application relates to an area of subdivided woodland located to the North of Worsbrough Road and to the North East of Worsbrough Village. The site is irregular in shape and has a frontage onto Worsbrough Road.

There is a vehicular access into the site from Worsbrough road via metal gates, flanked by stone walls with metal railing infills. Within the site is an area of hardstanding with a static caravan and stone built utility building to the left of the access and a touring caravan and parking area to the right of the access. To the rear of the site is an access to a further area of land owned by the applicant which accommodates a stable block and paddock. There is also a further area of hardstanding which the applicant has used to store horse trailers for an unauthorised business.

To the North and East of the site is woodland and further sub-divided plots. To the South of the site, opposite Worsbrough Road, is further woodland with fields beyond. To the West of the site is Hall Close which contains the Grade II listed Worsbrough Hall And Worsbrough Hall Flats.

The site is within the Green Belt and Worsbrough Village Conservation Area.

Planning History

An Enforcement Notice and Stop notice were issued on 22nd December 2017 regarding the subdivision and creation of access points relating to an area of woodland to the North of Worsbrough Road, which included the current application site. The notice was issued for the following reason *'Without planning permission, unauthorised engineering operations, namely the partial formation and layout of means of access onto a classified road and creation of parking areas without planning permission. The Unauthorised works consist of earth movements and alterations to land levels by undertaking excavations on an area of land which includes Trees covered by a Tree Preservation Order to create new vehicular access points onto Worsborough Road.'*

The requirements of the notice are:

- (i) Cease any vehicular use of the means of access created;*
- (ii) Remove the unauthorised vehicular access points which have been created in their entirety including any hard surfacing, walls, gates and fencing which has been undertaken as part of the unauthorised works;*
- (iii) Reinstate the land at the points where the unauthorised vehicular access has been created to its previous condition before the unauthorised development took place to prevent vehicular access from taking place; and*
- (iv) Reseed the areas with agricultural grass seed to assimilate them back to a natural environment.*

The owner of the site at the time appealed the enforcement notice but the appeal was dismissed.

2020/0044 - Change of use of land to gypsy site for the stationing of caravans for residential occupation and associated development (new access, hard standing, utility building, entrance wall and gates)-Part retrospective – Refused

The applicant submitted a part retrospective application as the site had already been occupied by the applicant with some work carried out. This led to further Enforcement Notices and stop notices.

The application was refused on 15/04/2020 for the following reasons;

In the opinion of the Local Planning Authority, the proposed development constitutes inappropriate development that is harmful to the openness and visual amenities of the Green Belt and conflicts with the purposes of including land within in it. The proposal is therefore contrary to Local Plan Policies GB1 and GB3, the NPPF and Planning Policy for Travellers Sites.

In the opinion of the Local Planning Authority, the proposed development would be materially harmful to the character and appearance of the Conservation Area and neighbouring Grade II listed Worsbrough Hall and Worsbrough Hall flats. The proposal is therefore contrary to Local Plan Policies HE1, HE3 and HE4 and paragraphs 195 and 196 of the NPPF.

In the opinion of the Local Planning Authority, the development would result in harm to the trees subject to a Tree Preservation Order within the woodland. This would result in the decline or loss of the trees affected and thus would harms the character and appearance of the area. Furthermore, the development would fail to conserve and enhance the biodiversity features of the site and its surroundings. The development is therefore contrary to local Plan Policy BIO1 'Biodiversity and Geodiversity' and SPD's 'Trees & Hedgerows' and 'Biodiversity and Geodiversity'.

The proposed development would give rise to conditions prejudicial to highway safety due to the restricted visibility at the proposed point of access onto Worsbrough Road, contrary to Local Plan Policy T4 'New Development and Transport Safety'.

Following the refusal the applicants appealed the decision (Ref: APP/R4408/W/20/3251211). The appeal was subject to a hearing. The hearing was dismissed, however, the inspector concluded;

- The proposal would amount to inappropriate development in the Green Belt
- The development would conflict with policies HE1 and HE3 as a convincing case had not been made that there would be public benefits from the scheme to sufficiently outweigh the harm to the designated heritage assets.
- The development would be in conflict with policy BIO1 as the proposed replacement tree planting would not mitigate the harm/loss of the TPO'd trees. Furthermore, it conflicts with policy GT1 insofar as it seeks that sites for travellers should avoid locations with restrictive development constraints.
- Having regard to the PPTS and even when considering the best interests of the children, the harm to the Green Belt is not outweighed.
- Very special circumstances necessary to justify the development have not been demonstrated, contrary to GB1 and GB3.
- The grant of a permanent permission is not appropriate.

However, despite the above, the inspector concluded that a personal, temporary permission was appropriate in this case given the applicants personal circumstances and immediate unmet need. As such, a temporary permission was given for 3 years subject to conditions.

Given application 2020/0044 was part retrospective it was also subject to an Enforcement Notice and Stop Notice also. The Enforcement Notice related to '*The material change of use of land for the siting of a caravan for human habitation, storage of horseboxes, vehicles, plant, equipment, machinery, the laying of hardstanding and erection of walls, fencing and boundary gates to facilitate the unauthorised use over a number of unauthorised vehicular crossings on woodland which is covered by Tree Preservation Orders.*

The notice required;

- (i) *Cease the residential occupation of the caravan for human habitation purposes and remove the caravan from the land;*
- (ii) *Remove the horseboxes stored on the land, all vehicles, plant, equipment, machinery stored on the land*

- (iii) *Demolish and remove the boundary walls, fencing and boundary gates erected at the land and Reinstate the land to its previous condition before the unauthorised development took place including removing unauthorised hardstanding which has been laid.*
- (iv) *Cultivate the earth and Re-seed the areas where hardstanding has been laid with agricultural grass seed to assimilate them back to a natural environment.*

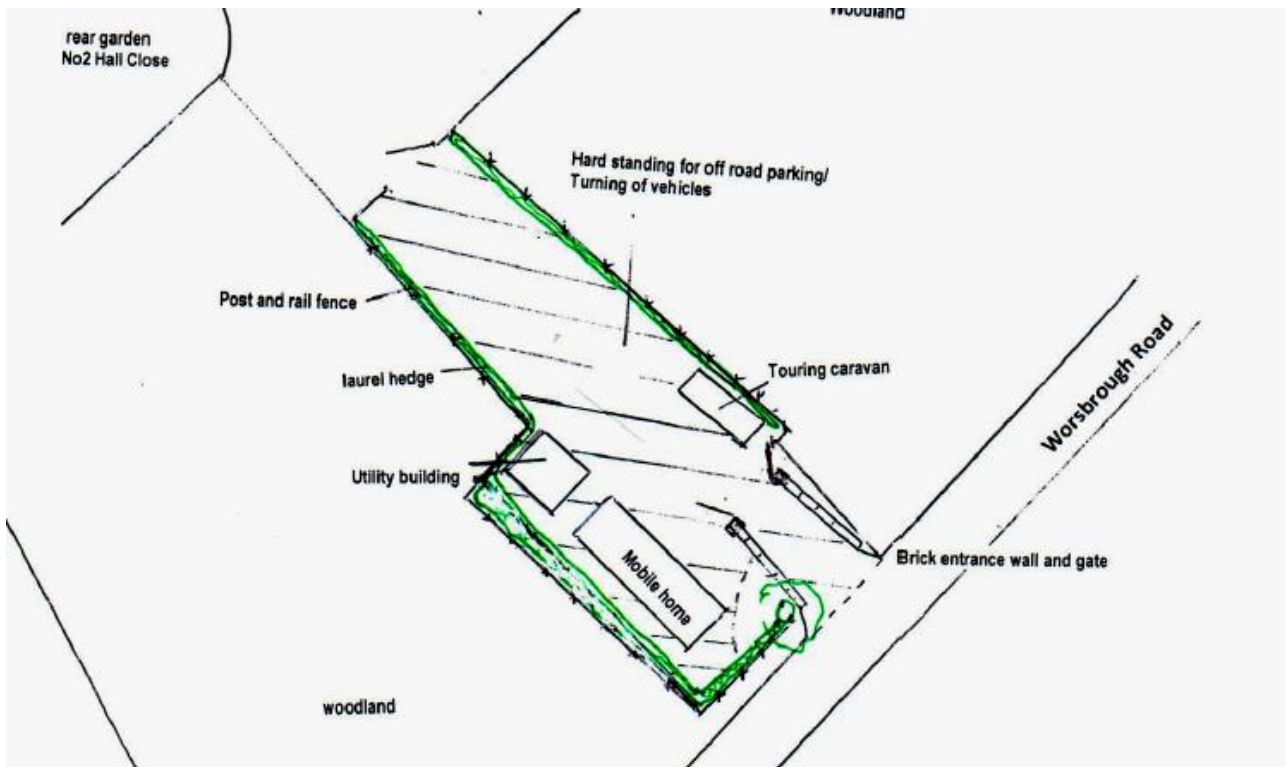
The enforcement notice was also subject to appeal and was considered alongside the planning appeal. The inspector, given that temporary planning permission was granted, found that the requirement for the cessation of the use on the site would cease to have effect, however, the remainder of the notice was upheld subject to corrections.

There has also been a further enforcement notice for breach of conditions of application 2020/0044 which were subject to an appeal (hearing) (Ref: APP/R4408/C/22/3295176) which was dismissed.

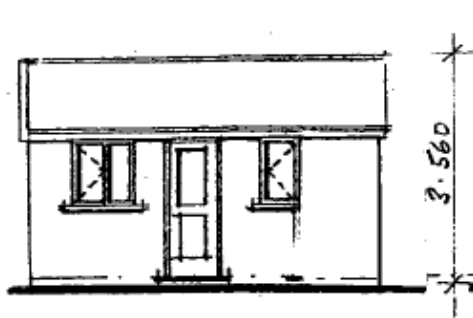
Proposed Development

Following the temporary permission granted at appeal, given the 3 years granted have now passed, the applicants are applying to make the permission either permanent or for a further period of 3 years. Furthermore, the development has not been carried out in accordance with the plans approved at appeal, therefore, the applicants are also applying to vary condition 3 (approved plans) to regularise the development.

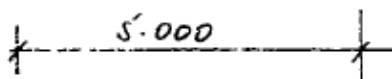
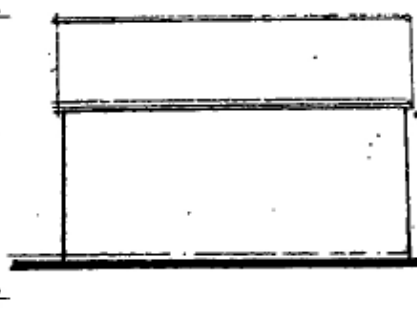
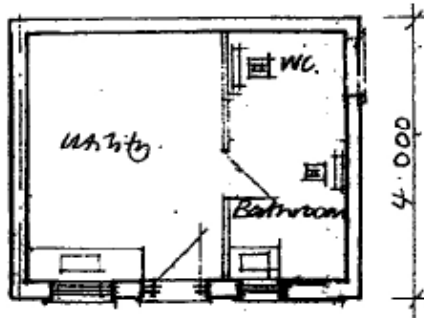
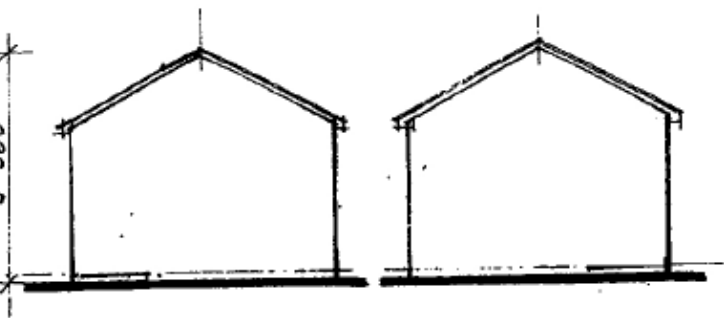
The site consists of a touring caravan pitch, static caravan pitch, a stone built utility building and boundary treatments including stone walls/metal railings at the front entrance.



FRONT ELEVATION



SIDE ELEVATIONS



PROPOSED REAR ELEVATION

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 Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment and mixed-use sites). 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.

The Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances, require it.

The site is allocated as Green Belt and a Conservation Area within the Local Plan and therefore the following policies are relevant:

Policy GT1 'Sites for Travellers and Travelling Show people'

Policy D1 'High Quality Design and Place Making'

Policy GD1 'General Development'

Policy T4 'New development and Transport Safety'

Policy Poll1 'Pollution Control and Protection'

Policy BIO1 'Biodiversity and Geodiversity'

Policy GB1 'Protection of Green Belt'

Policy GB3 'Changes of use in the Green Belt'

Policy HE1 'The Historic Environment'

Policy HE3 'Developments Affecting Historic Building'

Policy HE4 'Development Affecting Historic Areas or Landscapes'

NPPF

The NPPF sets 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.

Paragraphs of particular relevance to this application include:

Para 7 - The purpose of the planning system is to contribute to the achievement of sustainable development.

Para 11 – Plans and decisions should apply a presumption in favour of sustainable development.

Para 96 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places

Para 115 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 131 - The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Para 152. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Para 153. 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 resulting from the proposal, is clearly outweighed by other considerations.

Para 154. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt.

Para 207. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent,

unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss

Para 208. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

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 the Green Belt

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.

Policy H: Determining planning applications for traveller sites

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

Consultations

Biodiversity – Harm has already occurred with original allowed appeal

Conservation - A convincing case has not been made that there would be public benefits from the scheme sufficient to outweigh the harm identified.

Drainage – No objections

Historic England – no need to notify

PROW – identified a PROW adjacent to the site and provided advice

Reg Services – No objections

Ward Councillors – 1 no. Cllr strongly objects due to the loss of protected woodland and conditions being breached.

Representations

The application has been advertised by way of a site notice, a press notice and letters sent to 58 neighbouring properties. As a result of the above, at the time of writing, 18 letters of objection have been received. The main points of concern are;

- Previous 3 year permission has expired and the site has not been vacated

- Unauthorised commercial activity is still taking place at the site
- Loss of natural habitat and protected woodland
- Negative impact on wildlife
- Negative impact on heritage assets
- The consultation on the application was not taken wide enough
- Road not suitable to accommodate the development
- Reduced highway safety for all users
- Negative impact on visual amenity
- Site needs to be restored to its original state
- Applicants have not followed the required planning processes

Non material planning objections;

- Negative impact on house prices
- Negative impact on mortgage applications

Assessment

Principle

The NPPF states that Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

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 resulting from the proposal, is clearly outweighed by other considerations.

The construction of new buildings is inappropriate in the Green Belt. Gypsy and Travellers sites and their associated buildings and structures are not listed as one of the exceptions in paragraphs 152 and 153 of the NPPF, as such, the proposal is an inappropriate development within the Green Belt, unless very special circumstances can be demonstrated.

Policy E in Planning Policy for Travellers sites echoes the NPPF and 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*'.

The application is accompanied by a Planning Statement, however, this does not set out a compelling argument which constitutes special circumstances. It briefly sets out the personal circumstances of the family and outlines the unmet need within the borough, however, Policy E in Planning Policy for Travellers states '*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*'.

Furthermore, Local Plan Policy GB3 'Changes of Use in the Green Belt' states that the development would 'have an adverse effect on the amenity of local residents, the visual amenity of the area, or highway safety; and Preserve the openness of the Green Belt'. Obviously by retaining structures and areas of hardstanding on an area or previously undeveloped Green Belt this would have a detrimental impact on the openness of the Green Belt.

The Planning Inspector for appeal APP/R4408/C/20/3249575 also stated '*As to the question of openness, I am in no doubt that the various caravans, building and operational development as proposed, despite their limited scale, would be seen to be taking up space that would previously have been free from development. I conclude that the proposal would amount to inappropriate development and moderate harm to the openness of the Green Belt*'.

They went onto state '*The PPTS states that 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. I have balanced the harm to the Green*

Belt and the other harm identified against the other considerations referred to above. However for the reasons given, having regard to the PPTS and even when considering the best interests of the children, I find that they do not clearly outweigh the harm identified. The very special circumstances necessary to justify the development have not therefore been demonstrated. Consequently the proposal conflicts with the Green Belt protection aims of the Framework and with Policies GB1 and GB3 of the LP, which seek to resist inappropriate development and changes of use which fail to preserve the openness of the Green Belt.

The site is also within a Conservation Area and adjacent to Grade II Listed Buildings. Application 2020/0044 was partially refused for the following reason;

In the opinion of the Local Planning Authority, the proposed development would be materially harmful to the character and appearance of the Conservation Area and neighbouring Grade II listed Worsbrough Hall and Worsbrough Hall flats. The proposal is therefore contrary to Local Plan Policies HE1, HE3 and HE4 and paragraphs 195 and 196 of the NPPF.

On this point, the Inspector stated; *'The appeal site and listed buildings are sufficiently close to one another that the site and one or other of the buildings would each be visible from certain points along Worsbrough Road and Hall Close. I conclude that the development would result in less than substantial harm to the setting of the listed buildings'*.

They went on to state; *'where less than substantial harm is identified to the significance of a designated heritage asset, the Framework requires that this harm is weighed against the public benefits of the proposal. The appellant argues that the site could be developed at no cost to the Council. However the site is not unique in this regard, the same being true of any private site that may come forward. A convincing case has not been made that there would be public benefits from the scheme sufficient to outweigh the harm I have identified. The development would therefore be in conflict with Policies HE1 and HE3 of the Barnsley Local Plan 2019 (LP) and with the Framework insofar as they seek to protect the significance and setting of historic heritage assets, and with Policy D1 of the LP insofar as it seeks development to promote high quality design that reinforces distinctive local character'*.

Application 2020/0044 was also refused for the following reason;

In the opinion of the Local Planning Authority, the development would result in harm to the trees subject to a Tree Preservation Order within the woodland. This would result in the decline or loss of the trees affected and thus would harm the character and appearance of the area. Furthermore, the development would fail to conserve and enhance the biodiversity features of the site and its surroundings. The development is therefore contrary to local Plan Policy BIO1 'Biodiversity and Geodiversity' and SPD's 'Trees & Hedgerows' and 'Biodiversity and Geodiversity'.

The Planning Inspector agreed and stated; *'It is undisputed that over time the repeated passage of vehicles entering and exiting the site would cause progressive compaction of the soil, harming the ability of roots to take up nutrients. From the tree survey information provided, showing the position of trees and their respective roots, I have no reason to take a contrary view and conclude that the development results in harm to visually important trees and the potential erosion of the woodland'*.

He concluded: *'I have taken into account the possibility of mitigation through new tree and hedge planting. These replacement features would nevertheless take time to become established and it seems to me that development results in moderate harm. I conclude that the development would be in conflict with Policy BIO1 of the LP which seeks to safeguard biodiversity, and also with Policy GT1 insofar as it seeks that sites for travellers should avoid locations with restrictive development constraints'*.

As outlined above the Inspector agreed with the previous reasons for refusal regarding inappropriate development within the Green Belt, harmful impact to the openness of the Green Belt, public benefits not outweighing the harm to heritage assets and harm to visually important,

protected trees. However, despite the comments above, the Inspector deemed it appropriate to grant a personal temporary permission for a period of 3 years in this instance. That 3 years has now expired and the request for a permanent permission/further 3 years will be assessed under the following headings;

Visual Amenity

The site is part of a larger area of woodland. Some damage and removal of trees has taken place to accommodate the development, following the expiration of the 3 year permission the site should have been cleared and restored. The loss of the trees has had a negative impact on the visual amenity of the area and this has further been compounded by the positioning of the caravans, hardstanding, boundary treatments and structures on the land. Especially, as the site sits outside of the village envelope, partially separated from the neighbouring buildings within an area of limited development. As such, the development of this site is clearly out of character with its immediate surroundings, contrary to Local Plan Policy D1.

The entrance walls and gates are relatively imposing given their size and materials, especially when viewed against the modest timber post and rail fencing immediately adjacent, as such, their appearance is visually jarring and out of context with this location.

As part of the allowed appeal, condition 9 required details of the materials to be submitted and approved. It is acknowledged that a discharge of conditions application was submitted including details of the materials, however, this was not determined given ongoing enforcement notices and associated appeals which related to the development on the site. Furthermore, the discharge of conditions application was retrospective, in breach of the conditions.

The utility building was not built in accordance with the approved plans, in breach of condition 3. Hence the requirement for this application to amend the wording of condition 3 to incorporate amended plans. The boundary treatments and utility building are also constructed from stone, which as outlined above, does not sit comfortably within the context of the site or its immediate woodland surroundings. The stone finish would not have been supported and the utility building, given its temporary 3 year nature, should have been of timber structure with timber external finish.

The applicants were aware that the site needed to be restored to its predevelopment condition following the expiry of the 3 year temporary permission i.e. woodland, therefore, any development on the site should have been 'light touch' and easily reversible to meet the requirements of the conditions.

It should also be noted that the applicant has been running a horse trailer sales business from the site, on the land immediately to the rear of residential area. The horse trailers were removed from the site for the planning Inspectors site visit and a condition was put on the allowed appeal stating that no commercial or industrial activities, including storage of vehicles, equipment and materials, shall take place on the land. According to numerous local residents reports and photographs, as well as dated google earth images, this condition has been breached on numerous occasions to the detriment of visual amenity.

Impact on Heritage Assets

The site is within the Worsbrough Village Conservation Area and sits to the East of Hall Close which contains the Grade II listed Worsbrough Hall and Worsbrough Hall flats. Historic maps also show that the site sits within the curtilage of the listed buildings and, as such, is associated with, and ancillary to, the neighbouring listed buildings.

As outlined in the principle section above, application 2020/0044 was partially refused given the development is materially harmful to the character and appearance of the Conservation Area and neighbouring Grade II listed Worsbrough Hall and Worsbrough Hall flats, contrary to Local Plan Policies HE1, HE3 and HE4 and paragraphs 207 and 208 of the NPPF. Furthermore, the Planning Inspector concurred.

The development itself is incongruous, in form materials and appearance. It is a mixture of a modern caravans, hardcore surfacing, a day room and entrance walls in re-constituted stone. There is also an area used for the owner's business for the storage of horse boxes (unauthorised).

A new partially metalled access has been created into the bottom paddock where various items that appear to be associated with the owners' business are stored. There is also an extensive post and panel fence that runs around the area further into the site that attempts to screen the development from view.

Protected trees also have been felled in the process of developing the land and there is a sizeable pile of hardcore (or the like) within the TPO'd. As such, the setting of Worsbrough Hall is impacted negatively by an awareness and visibility of the development, and other works which appear to have taken place in the conservation and TPO's area. The development is easily viewed when approaching and entering the conservation area from the north. Visibility of the development and the other works in the woodland harm the legibility and appreciation of the conservation area and setting of The Hall by the erosion of the contribution made by it. Overall, there appears clear harm to the setting and to the conservation area has been caused, as such, a permanent or temporary permission would further continue this harm.

Trees

The woodland in which this development is located is protected by a Tree Preservation Order. Much unauthorised work has already taken place along with damage and illegal works to the trees.

From an arboricultural perspective the works which have so far been undertaken are entirely inappropriate and damaging to the trees. The planning Inspector agreed, stating; *'It is undisputed that over time the repeated passage of vehicles entering and exiting the site would cause progressive compaction of the soil, harming the ability of roots to take up nutrients. From the tree survey information provided, showing the position of trees and their respective rps, I have no reason to take a contrary view and conclude that the development results in harm to visually important trees and the potential erosion of the woodland'*.

Therefore, the continued use of this site would result in further damage to the trees and protected woodland which are visually important to the area. As such, the permission should not be renewed and the site should be restored in accordance with condition 2 of the allowed appeal.

Biodiversity

A phase one habitat survey and Ecological appraisal was submitted alongside application 2020/0044, however, those surveys were undertaken post the unauthorised works taking place. As such, trees and undergrowth had already been removed, areas of hardstanding laid and the walls and fences erected. No updated reports have been received as part of this application.

The development fails to respect the character of the historic woodland and conflicts with its preservation. The works are contrary to the aims and objectives of Policy BIO1 Biodiversity and Geodiversity which states that Development will be expected to conserve and enhance the biodiversity and geological features.

Highways

Application 2020/0044 was partially refused on highway safety grounds;

The proposed development would give rise to conditions prejudicial to highway safety due to the restricted visibility at the proposed point of access onto Worsbrough Road, contrary to Local Plan Policy T4 'New Development and Transport Safety'.

However, the Planning Inspector stated; *'I conclude that subject to a condition requiring alterations to the visibility splay, in a south-westerly direction, the development does not result in harm to highway safety. Accordingly the arrangements would conform with Policy T4 and GT1 of the LP insofar as they require that development permits safe and secure access'*.

With reference to the previously dismissed appeal at the site, partially on Highway safety grounds, the Inspector stated; *'The Council has referred to a previous deemed planning application for the formation of several means of access to the road, including that which is the subject of the present application, and which was dismissed by an Inspector following an appeal 1. The Inspector in that case referred to a lack of substantiated evidence regarding visibility splays, which to my mind differentiates that case from the current appeal. It does not therefore automatically follow that the current appeal should fail on highway safety grounds'*.

As a result of the above comments, the highways reason for refusal has not been brought forward to this application.

Personal circumstances

It is noted that the applicants have 2 young children who attend the local school, one in year 2 and one in reception. The Planning Inspector placed significant weight in terms of providing a settled base for the family and in particular the children. Although, that base was only established as the family moved onto the site without planning permission and undertook unauthorised works to establish a residential use. They established themselves on the site further during the planning application period and the appeal process which took several months prior to a decision being issued.

Naturally the family have further established themselves within the area over the three year temporary permission period, however, conversely the family were aware of the date the temporary period expired and when the site needed to be vacated and restored. The supporting statement outlines that BMBC has not offered any suitable alternative sites for the family, but it does not provide measures or evidence in terms of the lengths the family have gone to in order to actively find alternative accommodation.

5 year Deliverable Land Supply

The Inspector cited the lack of immediately available pitches as one of the aspects which tilted the balance of the appeal decision and lead to the temporary permission. Since that appeal decision the Council has published an updated report entitled 'Barnsley Gypsy and Traveller Five Year 'Deliverable' Land Supply Report April 2024 – March 2029.

Paragraph 10 of PPTS states that local planning authorities (LPAs) should identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of sites against their locally set targets. PPTS defines a traveller for planning purposes (PPTS, Annex 1: Glossary).

The report concludes that, taking into account total need and supply figures starting at 2015 when the Gypsy and Traveller Needs Assessment was carried out, there is a surplus capacity of eight pitches. This is from a total requirement of 81 pitches and a total supply of 89 pitches (58 pitches supplied up to 2015, 12 pitches developed between 2015-2024 and 19 pitch capacity on Local Plan allocations).

Green Belt Balance

National planning policy attaches great importance to Green Belts. Therefore when considering any planning application substantial weight should be given to any harm to the Green Belt. The application site is inappropriate development in the Green Belt. In addition, the residential use and associated structures cause a loss of openness and harm to the purposes of including land in the Green Belt.

The PPTS states that 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.

As with application 2020/0044, the very special circumstances necessary to justify the development have not been demonstrated by the applicant. It remains the case that the appellant's personal circumstances are not sufficiently compelling to offset the various harms that would be caused. The applicants have also not supplied evidence in terms of the active search for alternative sites over the past three years. Consequently the proposal conflicts with the Green Belt protection aims of the Framework and with Policies GB1 and GB3 of the LP, which seek to resist inappropriate development and changes of use which fail to preserve the openness of the Green Belt. The grant of a further temporary permission or permanent planning permission would not therefore be appropriate.

Conclusions

The proposed permanent or temporary permission would remain inappropriate development within the Green Belt and, as with application 2020/0044, no compelling special circumstances have been put forward. As such, the proposal is contrary to Local Plan Policies GB1 and GB3, the NPPF and Planning Policy for Travellers Sites.

The proposal is also within a Conservation Area and adjacent to grade II listed buildings, the proposed retention of the development would continue to not preserve or enhance these heritage assets, contrary to Local Plan Policies HE1 and HE3 and paragraphs 195 and 196 of the NPPF.

The proposal is also within an area of historic woodland and is subject to TPO's, significant unauthorised damage has already taken place on the site and the retention of the development would further compound that damage and remove habitats, contrary to local Plan Policy BIO which seeks to conserve and enhance biodiversity.

Following on from the previous refused planning application and concerns raised by the Planning Inspector, there have been no significant changes to now warrant approving an extension to the temporary permission or granting a permanent permission. Furthermore, by the site being occupied for the past three years and developments taking place, contrary to the approved plans and conditions, there has been further harm caused.

The Inspector granted a personal temporary permission to give the family time to seek an alternative, more suitable, site with less constraints and restrictions. However, no evidence has been provided which demonstrates why suitable accommodation has not been found in that period.

As a result of the comments above, the proposed temporary/permanent retention of the residential use and associated structures is recommended for refusal. In accordance with condition 2 of application 2020/0044 the use shall cease and all caravans, buildings, structures, materials and equipment brought onto, or erected on the land, or works undertaken to it in connection with the use, shall be removed and the land restored to its condition before the development took place.

Recommendation

Refuse

In the opinion of the Local Planning Authority, the proposed development would constitute inappropriate development within the Green Belt as the applicant has failed to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. Furthermore, the proposal would fail to preserve the openness of the Green Belt, as such, the proposal is contrary to Local Plan Policies GB1 and GB3, the NPPF and Planning Policy for

Travellers Sites.

In the opinion of the Local Planning Authority, the proposed development, in terms of its form, materials and appearance, is materially harmful to the character and appearance of the Conservation Area and neighbouring Grade II listed Worsbrough Hall and Worsbrough Hall flats. The proposal is therefore contrary to Local Plan Policies D1, HE1, HE3 and HE4 and paragraphs 207 and 208 of the NPPF.

In the opinion of the Local Planning Authority, the development would result in the continued harm to the trees subject to a Tree Preservation Order within the woodland. This would result in the decline or loss of the trees affected and thus would harm the character and appearance of the area. Furthermore, the development fails to conserve and enhance the biodiversity features of the site and its surroundings. The development is therefore contrary to local Plan Policy BIO1 'Biodiversity and Geodiversity' and SPD's 'Trees & Hedgerows' and 'Biodiversity and Geodiversity'.