DESIGN AND ACCESS STATEMENT IN RELATION TO AN APPLICATION FOR THE USE OF LAND AS A GYPSY AND TRAVELLER CARAVAN SITE CONSISTING OF 11 NO. PITCHES AND ASSOCIATED DEVELOPMENT

LAND TO THE SOUTH OF MIDDLECLIFF, LITTLE HOUGHTON, BARNSLEY

INTRODUCTION

This statement provides details of Design and Access issues for the above full planning application. In short it is argued that the proposed use of the site complies with the Development Plan policies so far as they are relevant and up-to-date as very special circumstances exist.

1. PERSONAL CIRCUMSTANCES

The proposed sites residents are all related by blood and marriage, the vast majority of whom currently reside on the Ings Lane Caravan Site, Low Valley, Womwell that has been subjected to repeated flooding incidents that have ruined people's homes and possessions and has left people feeling vulnerable and insecure as it highly likely that the site will flood again. The remaining proposed occupants are doubling up on other Travellers pitches on an unauthorized basis.

The proposed occupants are:

Plot 1: Bridget O'Driscoll, Johnny Quinn and their son Hughie Quinn (25/03/2015)

Plot 2: Edward and Olivia O'Connor

Plot 3: Katherine Boswell and Michael Colin with their 3 children William (10/01/2011) Elizabeth (19/03/2009) and Katie (06/12/2014)

Plot 4: Marie Keena and her three children Mary (07/08/1999) Kathleen (22/05/2001) and Felix (07/07/2004)

Plot 5: Archer and Tracey Smith with their 3 children Sonny (03/06/2006) Deano (03/05/2011) and Sinead (28/07/2008)

Plot 6: Robert Atkinson and his son, Robert (05/05/1992)

Plot 7: Katherine Connors and her 3 children Eleanor (09/12/2000) Thomas (28/12/2005) and Katherine (30/01/2013)

Plot 8: Thelma Gray (3/101937), Kizzie and Alfie Butley

Plot 9: Rimmell and Chantel Taylor and their 8 children Italia (3/4/2003) Rimmel junior (8/1/2005) Rosaya (18/5/2006) Wisdom (4/08/2008) Santino (25/07/2009) Kito (12/01/2012) Ethan (4/7/2012) and Chantel (8/11/2013)

Plot 10: Vito and Charlotte Smith and their son Vito junior (6/11/2014) ; Samson Smith (nephew)

Plot 1: William and Margaret Smith (Wardens)

All of the proposed site occupants are Travellers by birth, culture and descent, having been born and brought up in the traditional Gypsy way of life. The applicants and their families satisfy the definition of a Gypsy and Traveller for the purposes of Annex 1 Planning Policy for Travellers Sites 2015 [PPTS] in that they have travelled nomadically to make a living all their lives. As is the custom with traditional Gypsies, the family lives in an extended family group comprising two generations. This would be compatible with PPTS which states that

> *The Government's overarching aim is to ensure fair and equal treatment for travellers,* ***in a way that facilitates the traditional and nomadic way of life of travellers*** *while respecting the interests of the settled community.*

THE TESTS TO APPLY

By Section 70 (2) of the Town & Country Planning Act 1990 when dealing with an application for planning permission regard has to be made to the provisions of the Development Plan, so far as material to the application and to any other material considerations. By Section 38(6) of the Planning Compulsory Purchase Act 2004 Planning Applications should be made in accordance with that Development Plan unless material considerations indicate otherwise. It is accepted that the proposal constitutes inappropriate development for the purposes of the Framework.

The proposal complies with the adopted Gypsy sites policy in the Core Strategy CSP18 so far as it is consistent with the NPPF and PPTS. CSP18 states:

CSP 18 Sites for Gypsies, Travellers and Travelling Showpeople

Sites will be allocated to meet the shortfall in 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 to facilities

be primarily located within urban areas

In terms of their specific location the sites will:

not be in an 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 be developed in accordance with the CLG Gypsy and Traveller Site Design Guide (May 2008)

have no other restrictive development constraints

PPTS requires there to be a 5 year supply of sites annually updated. Not only does Barnsley Council not have such a supply but there is a substantial level of unmet need, both of which attract significant weight in favour of approving this application.

Both the NPPF and PPTS accept that Gypsy sites can be located in the Green Belt provided that very special circumstances exist, a matter that is addressed below.

2. Very special circumstances

As inappropriate development, it is accepted that it is necessary to demonstrate that *"very special circumstances"* exist which clearly outweigh the harm by reason of inappropriateness, together with any other harm pursuant to paragraph 88> of the Framework. It is accepted that the harm by way of inappropriateness together with the other harms should be given substantial weight.

The following material considerations combine to clearly outweigh the harm caused by inappropriateness, together with the other harm identified, thereby constituting those very special circumstances:

i) the need for further sites for Gypsies and Travellers a) nationally b) regionally c) locally and d) personally for these families;

ii) the unavailability of suitable alternative sites;

iii) the families' personal circumstances (including their status as Gypsies and Travellers) in particular their health and educational needs;

iv) deficiencies with Development Plan policy provision for Gypsy and Traveller caravan sites in Barnsley ;

v) the consequence of the Application being dismissed for the families;

vi) the best interests of the children

vii) currently the proposed site residents are residing on a site that suffers from acute flooding and therefore approving this application will reduce the risk to life and property that presently exits;

and Human Rights consideration.

A further material consideration is that the land is to be considered as previously developed land [PDL] for the purposes of the Framework:

> ***"Previously developed land:*** *Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings…"*

The site is on former water board land which has existing hardstandings. The PPTS 2015 advises the re-use of PDL for Traveller sites. This adds further weight to the application.

It is submitted that the harms identified in this case are clearly outweighed by other considerations such as to amount to very special circumstances sufficient to justify inappropriate development in the Green Belt. I attach to this DAS 4 Appeal Decision Letters involving Gypsy sites in the Green Belt in which Murdoch Planning Limited were instructed that have allowed since July 2015.

As the application complies with the Development Plan then full planning permission limited to Gypsies and Travellers should be granted for the use of this site.

3. DESIGN PRINCIPLES AND CONCEPTS

3.1 Amount

The application concerns 11 caravan pitches.

3.2 Layout

Layout of the proposed change of use is open to negotiation with the Local Authority but will be designed to minimise visual impact by the sensitive siting of the mobile homes on the site. There is already an adequate level of screening afforded to the site and further landscaping measures can be illustrated to the Local Planning Authorities satisfaction.

3.3 Scale

This application is to meet the accommodation needs of 11 Gypsy families on 11 pitches.

3.4 Landscaping

The applicants are agreeable to any reasonable landscaping conditions being imposed on any permission.

3.5 Appearance

The applicant intends that structures which comply with the definition of caravan in terms of the Caravan Sites Control and Development Act 1960, the Caravan Sites Act 1968 and the "Social Land Laws (permissible additional purposes) England (Order 2006) Definition of Caravan (amendment) England (Order 2006) will be installed on the site.

3.6 Access

There is easy access onto the transport networks and the access to the sites itself with some existing entrance of long standing onto the highway network with adequate visibility.

4. Car parking

There is space for car parking provision for up to 2 vehicles on each pitch on the site.

CONCLUSION

As the application complies with the Development Plan, the Framework and PPTS then planning permission subject to reasonable conditions should be granted on the facts of this case.

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Murdoch Planning
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