

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Stuart Broadley	<p>Mixed use application for the stationing of caravans for residential use and the keeping of horses, with dayrooms and existing stable ancillary to that use</p> <p>The Stables, Dale Lane, Lickey End, Bromsgrove, Worcestershire B60 1GZ</p>	29.06.2022	22/00469/FUL

The former District Councillor for the Lickey Hills Ward, Councillor Janet King, requested the application is considered by Planning Committee rather than being determined under delegated powers due to the public interest and the large number of comments from residents.

RECOMMENDATION: That planning permission be **REFUSED**

Consultations

Highways - Bromsgrove

The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be a unacceptable impact and therefore there are no justifiable grounds on which an objection could be maintained.

Bromsgrove Strategic Planning and Conservation

The 2021 Bromsgrove GTAA Update finds that over the period 2021/22 to 2039/40, there is a need for 14 traveller pitches and 3 travelling showperson plots. As at 1st April 2022, the Council currently has a 4.07 year supply of traveller pitches.

Private Sector Housing Team

Having looked at the application the site if it were to be permitted the site owners would require need to apply for a Mobile Home Site Licence. As part of the site licencing model standards are attached to the licence in order to maintain consistency and fairness across all sites throughout Bromsgrove and Redditch. The only aspect that would need to be considered at the planning stage and prior to the area being developed would be the construction of a Hardstanding beneath the mobile homes.

North Worcestershire Water Management

The site falls within flood zone 1 (low risk of fluvial flooding) and the majority of the site is not shown to be susceptible to surface water flooding. A small watercourse flows along the southern boundary of the site, however the proposals are nor likely to impact upon or be impacted by this. We hold no reports of flooding at this address.

The proposed development will increase the amount of impermeable areas on site, and therefore the amount of surface water runoff. This additional volume should be retained on site in order to ensure no increase in flood risk elsewhere. Where possible, storm water should be disposed via soakaways however the nearby stream may be utilised, subject to appropriate attenuation on site to ensure no increase in flood risk off site.

If you are minded to grant permission, I would be grateful if the following condition could be attached to your decision notice:

- Foul and surface water drainage strategy

Lickey And Blackwell Parish Council

Lickey and Blackwell Parish Council object to this application as we feel that this site is inappropriate for the proposed use for many reasons. From a sustainability perspective, it would have very poor accessibility, residents would depend on cars to access the site as it is so isolated and this would also have an impact on the Highway, which is a narrow country lane. The large areas of hard standing could contribute to the flooding issues already seen in the area. There is a lack of utility access. It is outside the village envelope and it is also in the Green Belt. We would like to encourage the District Council to locate a more suitable site for a traveller camp in the District

Publicity

4 letters sent 10.04.22 (expired 04.05.22)

Site notice displayed 29.04.22 (expired 23.05.22)

Press notice in the Bromsgrove Standard published 22.04.22 (expired 09.05.22)

A total of 93 comments have been received in relation to the application. Of those 87 are recorded as objections and 6 are recorded as support

Some of the comments received raised matters which are not material planning considerations. These matters are not reported here.

In objecting to the application, the material planning issues raised include:

- Highway/traffic issues including the narrowness of the road, volume of traffic, the impact on pedestrians, including children, using the road, additional traffic which would result from the proposal, the lack of footpaths or street lighting and the site access is dangerous
- The impact on protected species/wildlife
- The site is in the Green Belt and should be protected. There are no very special circumstances for the development
- Noise pollution
- The development would be out of character with the area
- There are no local amenities and access to amenities would be reliant on the private car
- Lack of mains sewage locally
- Impact on the landscape
- The land is not designated for residential development
- The large area of hardstanding is unnecessary
- The visual impact of the proposed development

In supporting the application, the material planning issues raised include:

- The lack of gypsy/traveller sites within the District
- The occupation of the site has not caused any excess traffic, trailers, damage to the highway or disturbance to wildlife

- An additional house in the area will not affect congestion

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP2 Settlement Hierarchy

BDP4 Green Belt

BDP11 Accommodation for Gypsies, Travellers and Showpeople

BDP16 Sustainable Transport

BDP19 High Quality Design

BDP20 Managing the Historic Environment

BDP21 Natural Environment

BDP23 Water Management

Others

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

PPTS Planning Policy for Traveller Sites

GTAA Worcestershire Gypsy and Travellers Accommodation Assessment 2014

GTAA Gypsy and travellers Accommodation Assessment Addendum 2019

Bromsgrove Gypsy and Traveller Assessment (GTAA) Update – Dec 2021

The House of Commons briefing paper entitled Gypsies and Travellers; Planning Provisions 19 December 2019

High Quality Design SPD

Relevant Planning History

None

Site Description and Proposal

The application seeks permission for the use of the site to facilitate a gypsy lifestyle.

The site is accessed off Dale Lane. The land rises gently to a high point approximately 64 metres into the site, where it then drops away to the south. There is an existing stable building sited along the northern boundary of the site close to Dale Lane.

The plans submitted with the application show that a driveway would be formed in loose bound permeable hardstanding from Dale Lane to an area of flattened land which would be similarly surfaced.

Cross section plans submitted with the application show the extent of the level area which will be formed through cutting into the existing slope and spreading the resultant material on the land to the south. The area covered by hardstanding measures approximately 1116.10 m² with the levelled area measuring approximately 2196m².

The plans indicate that two pitches are proposed with each pitch comprising a touring caravan and mobile home. Two dayrooms are proposed, sited adjacent to one another on the southern edge of the levelled area. The existing stable is shown as being retained.

The proposed area of hardstanding is shown as being bound by post and rail fencing, with the land outside of this, shown as being grassed. A bin storage area is shown close to the site access with Dale Lane.

Procedural Matter

The site is currently occupied by the applicant and certain structures are already present on the site. This application does not seek to regularise the works that have been carried out to date and hence why this application is not described as being retrospective. For the avoidance of doubt, permission is sought for a development which is different to that which has been carried out at the site.

Assessment of Proposal

Gypsy Traveller Status

The definition of gypsies and travellers is set out in Annex 1 (Glossary) to the Planning policy for traveller sites 2015 (PPTS) as:

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.”

Whilst the application seeks permission for a permanent settled base the application sets out that the proposed occupiers of the pitches continue to travel frequently throughout the year. As such it is considered that the occupiers fall within the above definition as gypsies.

Green Belt

The site lies in the Green Belt. Policy E of the PPTS states that traveller sites, whether temporary or permanent, in the Green Belt are inappropriate development. Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Openness and Purposes of the Green Belt

Paragraph 137 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open with the essential characteristics of Green Belts being their openness and permanence. There is no definition of openness within the NPPF, however the courts have found that openness has both visual and spatial aspects.

Prior to the unauthorised occupation of the site, the site was laid to grass with the stable building close to Dale Lane being the only built form on the site.

The proposal comprises a substantial engineering operation over a large portion of the site to provide a level surface for the caravans which are proposed to occupy the site.

These works will be publicly visible from the site entrance. Each pitch proposes a mobile home, touring caravan and vehicular parking as well as two dayrooms and the surfacing of the majority of the levelled area with loose bound permeable hardsurfacing. As a matter of fact the introduction of these structures will impact on the spatial openness of the Green Belt. Views of the site and the proposed development will be possible from the vehicular entrance, which the proposed plans indicate will be improved in order to facilitate the proposed development.

As such there will be a visual impact on the Green Belt and taking matters overall, it is considered that the proposed development would have a significant impact on the openness of the Green Belt.

The purposes of the Green Belt are set out in paragraph 138 of the NPPF. One of these purposes is to assist in safeguarding the countryside from encroachment. As stated above, prior to the unauthorised works taking place, the site was largely undeveloped. The proposal introduces development on to the land, substantial engineering works to form a plateau and hardstanding proposed over the whole a large extent of the site. In this regard it is considered that the proposed development will result in encroachment into the countryside and therefore be contrary to the purposes of the Green Belt.

Overall, the development would harm the Green Belt through inappropriateness, there would be spatial and visual harm to the openness of the Green Belt and harm to the purposes of including land within the Green Belt. Paragraph 148 of the NPPF goes on to state that substantial weight should be 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. Policy E of the PPTS goes on to state 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.

Need and Supply of Pitches

In 2021 the Council commissioned external consultants to update the current supply and future need position for Travellers in the District. The conclusion of this report is that over the period 2021/22 to 2039/40 there is a need for 14 traveller pitches. As at 1st April 2021 the Council currently has a supply of 4.07 years for traveller pitches.

Policy H of the PPTS states that if a local authority cannot demonstrate an up to date 5 year supply of deliverable sites, this should be a significant material consideration when considering the grant of temporary planning permission. However, one of the exceptions to this is where the site is located on land designated as Green Belt.

Policy BDP11.3 of the Bromsgrove District Plan (BDP) states that if additional sites are required land will be identified through a Local Plan Review. This review is ongoing and may identify sites for additional pitches which are outside of the Green Belt.

Character and Appearance

Policy H of the PPTS states that a number of matters should be given weight when considering applications for traveller sites. These include, at paragraph 26:

- 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*

The site lies in open countryside. To the north of Dale Lane there is a large swathe of undeveloped land running up to the M42 motorway. On the south side of Dale Lane to the west of the application site there are a number of dwellings, however to the east there are largely undeveloped fields, with an equestrian use on the land directly to the east of the application site.

The proposal seeks to introduce an engineered plateau, hardstanding, mobile homes, touring caravans, dayrooms and associated vehicular parking into a site which is currently devoid of development.

Having regard to the list of matters for consideration above, it is considered that the site has not been designed with these matters in mind and therefore is contrary to Policy H of the PPTS. This, in turn, means that the proposed development would detract from the existing character and appearance of the area contrary to policy BDP19 of the BDP.

Location of the site

Policy H of the PPTS sets out a series of issues which should be considered when considering planning applications for traveller sites. Amongst these at d) it states: 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.

Policy BDP11 of the BDP at 11.2, seeks to ensure that sites should be in sustainable locations that provide good access to essential local facilities e.g. health and education. In addition, sites should accord with the sustainable development principles set out in BDP1.

The site lies in open countryside, off Dale Lane which has no footpaths or street lighting. To the south west of the application site lies the village of Blackwell which is defined as a small settlement in Policy BDP2 of the BDP. Within Blackwell there is access to a range of services: Blackwell First School, a park and children's play area, a church, community hall and convenience store. There is also a bus service which provides a limited service from Droitwich to Rubery/Longbridge via Bromsgrove and Blackwell. The edge of Blackwell lies approximately 800 metres from the application site via Dale Lane and Dale Hill. To the west of the application site lies a garden centre, with café, and further along Little Heath Lane is Lickey End. Lickey End is not defined as a village in the BDP, however it is defined as a residential area and provides a number of services: Lickey End First School, Social Club, convenience store including post office, hairdressers and at the

edges of Lickey End a public house/restaurant and petrol filling station with small convenience store. The eastern edge of Lickey End lies approximately 900 metres from the application site via Dale Lane and Little Heath Lane. The garden centre lies slightly closer at approximately 700 metres.

Whilst mindful of the fact that accessing either Lickey End or Blackwell on foot could prove difficult for example when not daylight or during winter months when arriving at either location a reasonable range of services to support day to day living is on offer.

Furthermore, two appeals for gypsy traveller sites elsewhere in the District considered the matter of location in some detail and in both those cases the distance to services was considerably greater and the services available significantly more limited. Both appeals were allowed and objection based on the sustainable location of the development not upheld.

Best Interest of Children and Personal Circumstances

The application is supported by information regarding the occupiers of the proposed pitches and their personal circumstances. It has been requested that this information is kept confidential due to the sensitive nature of the contents.

It is clear from the information submitted that the site is proposed to be occupied by an extended family, with the intention that both pitches will have occupants that include children.

Article 8 of the European Convention on Human Rights states that everyone has the right to respect for their private and family life, home and correspondence. Where the article 8 rights are those of children, they must be seen in the context of article 3 of the United Nations Convention on the Rights of the Child (UNCRC), which requires a child's best interest to be a primary consideration. It is however important to note that a child's best interest is not determinative of the planning issue and may be outweighed by the cumulative effect of other considerations provided that the adverse impact on the child of any decision is proportionate.

The supporting information submitted with the application sets out the occupiers needs for the proposed pitches. The proposed occupiers of pitch one and two previously lived in a house before being evicted two years ago. The proposed occupiers no longer feel comfortable living in housing with their desire to live in a caravan or mobile home. If they were made to vacate the site, they would be forced to travel continuously on the roadside or double up on friends or relatives pitches where this is not permitted.

There is one child which it is proposed would occupy pitch one who is currently not in education. The child works alongside two of the occupiers of pitch one in the family business. Two of the five occupiers of this pitch have medical conditions but are not registered disabled. The occupiers of pitch one rely on the occupiers of pitch two for financial and social support and vice versa. With respect to the proposed occupiers of pitch two there is one child proposed to occupy this pitch who is not currently in education. The second occupier is usually employed but is currently not working due to health issues and is due to receive a blue badge. It is noted that a settled base would be advantageous due to the health issues of the second occupier in particular.

In view of the above, whilst there is a child occupying pitch one, they are in employment such that a settled base for education purposes does not appear to be absolutely necessary. With respect to plot two whilst there is also a child occupying this pitch, the need to provide a settled base for educational, or any other purposes, has not been advanced. Alternatively, the medical needs of one of the occupiers of plot two and two of the occupiers of plot one, means that it is important for their health that they have a settled base with good access to health and care facilities.

Highway Safety

The highway authority has been consulted on the application. Initially an objection was raised to the proposal, however the applicant provided a speed survey and amended plans such that the highway authority no longer raise an objection to the proposal. The Highway Authority are content that subject to conditions, adequate visibility splays in accordance with the speed survey can be achieved at the site. No concerns are raised with respect to the location of the proposed development.

Ecology

The application is supported by a preliminary ecological appraisal (PEA) undertaken by an experienced and qualified ecologist. It is noted that a number of the comments received on the application raise the presence of various forms of wildlife within or in close proximity to the application site. The PEA found that the site has an ecological value at the district level, particularly in respect of: presence of a small area of marshy semi-improved grassland habitat; native species hedgerows providing good connectivity to the wider ecological network; likely value for foraging and commuting bats; and, a favourable surrounding ecological context.

Whilst the proposal would result in the loss of some grassland habitat through the spreading of spoil and the excavation works the PEA considers that the losses could be reasonably mitigated and that net enhancement to biodiversity can be delivered on site. Any mitigation and enhancement could be reasonably controlled through the imposition of planning conditions and as such it is considered that in ecological terms the site could accommodate the development as proposed.

Planning Balance

Policy E of the PPTS sets out 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. Unlikely should not be read to mean that these considerations will never clearly outweigh the harm, and any decision must take account of the weight afforded both the harm and the other considerations.

The proposal represents inappropriate development in the Green Belt by definition, it would harm the openness of the Green Belt and conflict with the purposes of including land within it. Paragraph 148 of the NPPF states that substantial weight should be given to any harm to the Green Belt. In addition, the proposal would harm the character and appearance of the area. This harm is afforded significant weight.

The best interests of the children are a primary consideration in this case, and it is clear that no other consideration must be given greater weight than the interests of the child. The information submitted with the application does not advance that the children proposed to occupy the site require a settled base for education or any other purposes. The personal circumstances of three of the occupiers means that it is important for their health that they have a settled base and good access to health and care facilities. These factors in combination are afforded moderate weight.

By refusing this application the family lives and the best interests of the children involved would be affected, as the refusal of this application could lead to the applicants resorting to roadside camping and travelling. This could undoubtedly represent an interference with their human rights under Article 8. However, this interference and harm must be weighed against the wider planning considerations and public interest, as these factors are not determinative on their own.

It is acknowledged that there is an identified unmet need for Traveller pitches in the District. However Policy BDP11 states that provision for new pitches should be made through the Plan review with could identify appropriate site outside of the Green Belt.

In this case, it is considered that the harm that the proposal would cause to the Green Belt, and any other harm including harm to openness, purposes of Green Belt, character and appearance of area would not be clearly outweighed by the unmet need, lack of supply of sites or the circumstances put forward in this case in terms of the best interests of the children and the personal circumstances of the family.

On balance therefore it is considered that very special circumstances have not been demonstrated in this case, to outweigh the harm to the Green Belt and any other harm to grant planning permission.

RECOMMENDATION: That planning permission be **REFUSED**

1. The proposed development would be inappropriate development in the Green Belt which would be harmful by definition. In addition, harm would arise through the impact on the openness of the Green Belt and conflict with purposes of including land within the Green Belt. Further harm is caused to the character and appearance of the area. Circumstances have been advanced including the best interests of children and the personal circumstances of the proposed occupiers, however these are not considered to amount to the very special circumstances required to clearly outweigh the harm to the Green Belt. The proposal is therefore contrary to Policy BDP4 of the Bromsgrove District Plan, Planning Policy for Traveller Sites 2015 and the National Planning Policy Framework.
2. The proposed development would harm the character and appearance of the area through the introduction of a large area of hardstanding and significant engineering operation required to provide a level surface for the proposed pitches, combined with the dayrooms and caravans proposed. The development would not, therefore, enhance the character and appearance of the local area contrary to Policy BDP19 of the Bromsgrove District Plan and the Planning Policy for Traveller Sites 2015.

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Plan reference

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