

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Loveridge	Part-retrospective change of use of land for the creation of 2no. Gypsy/Traveller pitches, comprising the siting of 1 mobile home, 1 touring caravan and 1 dayroom per pitch, alongside the formation of an access road and associated landscaping  Land At Junction of Blackwell Road/Alcester Road, Burcot, Bromsgrove	23.05.2024	24/00342/FUL

**RECOMMENDATION:** That planning permission be **Refused**.

### Consultations

#### **Worcestershire Highways - Bromsgrove**

The Highway Authority recommends refusing the application due to the significant negative impact on pedestrian safety and non-compliance with design standards.

- **Pedestrian Safety Concerns:**
  - Bus stops are within walking distance (200m) but on the opposite side of a busy B-road (Alcester Road).
  - No safe pedestrian crossings exist (dropped kerbs) to access these bus stops.
  - The developer's proposed pedestrian access lacks proper dropped kerbs and has poor visibility, making it unsafe for pedestrians.
- **Non-Compliance with Design Guides:**
  - The location of the vehicular access might cause conflicts with oncoming traffic on Blackwell Road.
  - Analysis of vehicles towing caravans suggests they might encroach into the opposite lane when entering the site.
  - The developer failed to provide a properly dimensioned site plan with details like:
    - Vehicular access radius dimensions
    - Setback distance of proposed gates
    - Width of internal roads
    - Parking space dimensions
    - Turning head dimensions
    - Location of proposed lighting, drainage, and fencing
  - The developer also failed to provide evidence that large vehicles with trailers can safely navigate the turning area within the site.

### Policies Breached:

- The development prioritizes car use over pedestrian and public transport access, violating the National Planning Policy Framework (NPPF) paragraphs 114 and 116.

- It doesn't effectively consider access to nearby public transport (bus stops), contradicting NPPF 114.
- The design might create conflicts between vehicles and pedestrians, going against NPPF 116.

#### Additional Notes:

- While the applicant highlights a nearby development with pedestrian access approved, the current application's pedestrian safety issues were not present in the previous case.
- The recent accident record doesn't consider the potential impact of the proposed development's traffic generation.
- The applicant's claim that the lack of dropped kerbs is typical in rural communities is not accepted by the Highway Authority due to safety concerns.

### **Bromsgrove Strategic Planning and Conservation**

The Council's 2021 Gypsy and Traveller Accommodation Assessment (GTAA) provides the most up to date picture of need for traveller pitches in the district. It finds that in the 5 year period 2021/22-2025/26, there was a need for 17 pitches, and for the subsequent 5 year period 2026/27-2030-31, there was a need for a further 4 pitches. These are the two relevant 5 year demand periods in the GTAA for the purposes of calculating the up to date 5 year supply at 1<sup>st</sup> April 2024.

As of 1<sup>st</sup> April 2024, the Council can demonstrate a 2.59 year's supply of Traveller pitches. The Bromsgrove Local Plan is being developed and sites will be proposed for allocation to meet the identified shortfall in in traveller pitches in due course as the plan progresses. The Council held a Call for Sites exercise in 2019-2023, seeking suggestions of sites for all forms of development, including traveller sites. The application site was part of a much larger 5ha site proposed for residential development, with no reference made to the potential for traveller accommodation.

This application constitutes inappropriate development in the Green Belt. Para 15 of the NPPF states that the planning system should be genuinely plan-led and para 145 makes clear that "changes [to the Green Belt] should be made only through the plan-making process". The Government's Planning Policy for traveller sites (PPTS), reiterates this at para 17, stating that should there be a wish to alter Green Belt boundaries to meet the need for traveller sites this should only be done through the plan-making process. The Bromsgrove Local Plan will include a full and comprehensive Green Belt Review to direct allocations to avoid areas where harm to the Green Belt would be highest.

### **Private Sector Housing Team**

In the event that the site is permitted through planning, it will be necessary for the site owner to apply for a Mobile Home Site Licence with regular inspections in order to ensure compliance with the model standards and safety of the residents.

### **Arboricultural Officer**

The proposal highlights an intention to install 2 x Day Rooms both of which fall within the BS5837:2012 Root Protection Area (RPA) of Oak trees within the hedge on the boundary of Blackwell Road. These facilities will need to be provided with utility services. Both the construction of the Day Rooms and installation of the utility services may require

groundwork which would have a high likelihood to cause root damage to the trees in the hedge row. Therefore, I request that the proposed development is redesigned to remove the conflict with the Oak trees in the hedge line on the boundary of Blackwell Road.

### **North Worcestershire Water Management**

No objection subject to condition.

The site falls within flood zone 1 (low risk of fluvial flooding) and is not shown to be susceptible to surface water flooding, although the adjacent highway may be at times. The proposals will increase the amount of hard-standing on site, and therefore the volume and rate of surface water runoff will increase. In order to ensure no increase in flood risk, all hardstanding areas will need to be properly drained.

### **Severn Trent Water Ltd**

No Comment

### **Worcestershire Archive and Archaeological Service**

An archaeological investigation is recommended because the site has moderate potential to contain buried remains of a medieval settlement despite no findings on the opposite side of the crossroads.

### **Lickey And Blackwell Parish Council**

Lickey and Blackwell Parish Council object to this application on the following grounds;

- This development is contrary to BDP4.4 from the Bromsgrove District Plan regarding the development of new buildings in green belt.
- This development is outside of the settlements of Blackwell and Burcot and cannot be considered to be within the village envelope.
- There are no exceptional circumstances that would permit a development.
- It is out of character with the nearby settlement of Burcot.
- Highways. The visibility splay is poor and an accident is likely.
- The Lickey and Blackwell and Cofton Hackett Neighbourhood Plan does not support development of this type.
- Local objection to scheme

### **Publicity**

160 letters sent 5 April 2024 (expired 29 April 2024)

Site notice displayed 4 April 2024 (expired 28 April 2024).

136 letters of objection have been as a result of this consultation. The comments received have been summarised as follows;

- Concerns raised about the impact of proposed development on Green Belt area in Burcot.
- Potential negative effects on wildlife and countryside.
- Safety concerns regarding increased traffic congestion and road hazards.
- Lack of amenities and services in the area to support further residential development.
- Environmental impact and unsuitability for the area.
- Previous withdrawn application and concerns about potential future developments.
- Issues with sewage, drainage, and road infrastructure capacity.

- Mention of existing traveller sites in Worcestershire and nearby housing developments.
- Mr. Loveridge's current residence in Redditch and other local/national sites raises questions about the need for an additional site in Burcot
- Concerns about flooding risks due to increased runoff from hard standing areas.
- Safety hazards from new access points and traffic congestion.
- Concerns about the visual impact and isolation of the proposed site from the community.
- Impact on green spaces, flora, and fauna in the area
- Concerns about the precedent set by granting planning permission for the proposed development.

One letter of support has been received. The comments received have been summarised as follows:

- We are a plot holder on the site where this planning application is being considered
- We have observed that the proposed occupant, John, and his young family have consistently shown respect towards other plot holders and the general area.

### **Cllr Bakul Kumar**

Objection as summarised;

- **Road Safety:** The new access on Blackwell Road is dangerous due to poor visibility.
- **Green Belt:** The development is inappropriate for the Green Belt because it:
  - Is not one of the few allowed uses (agriculture, recreation etc.
  - Harms the Green Belt's openness and rural character.
  - Doesn't consider using already developed land.
- **Visual Impact:** The caravans and vehicles will be unsightly for years until landscaping matures.
- **Traffic:** The access point will increase traffic congestion at a busy junction.
- **Sustainability:** Residents will rely on cars, increasing traffic and harming the environment.

### **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  
Lickey and Blackwell and Cofton Hackett Neighbourhood Plan  
Lickey and Blackwell Village Design Statement

### **Relevant Planning History**

23/00582/CPL	Use of land for grazing	Approval	24.08.2023
22/01264/FUL	Change of use of land for the creation of 2no. Gypsy/Traveller pitches, comprising the siting of 1 mobile home, 1 touring caravan and 1 dayroom per pitch, alongside the formation of an access road and associated landscaping	Withdrawn	16.06.2023

### **Site Description and Proposal**

The application seeks permission for the use of the site to facilitate a gypsy lifestyle. The application seeks a part-retrospective change of use of land for the creation of 2no. Gypsy/Traveller pitches, comprising the siting of 1 mobile home, 1 touring caravan and 1 dayroom per pitch, alongside the formation of an access road and associated landscaping.

The application site is a greenfield site situated on the outskirts of the Burcot area. Situated at the junction of Alcester Road and Blackwell Road, the site is currently accessed via an existing field entrance from Alcester Road however a new access is proposed along Blackwell Road. The land itself is currently undeveloped grassland and falls within the designated Green Belt, positioned outside of any defined settlement boundary.

### **Procedural matter**

Some Members may be aware that certain works have been undertaken at the site without the benefit of planning permission. This application seeks to regularise that work, hence why the application is described as part-retrospective. The exact layout onsite currently may differ from the proposal however for the avoidance of doubt permission is sought for the development as shown on the proposed drawings.

### **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 or permanently, 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 Travellers.

Those occupying the site will be as follows.

- John Loveridge (d.o.b. 24/11/1991)
- Ashley-Jade Sheridan (d.o.b. 23/03/2001)
- Harper-Rose Loveridge (d.o.b. 08/03/2021)

It is noted that one family has been listed as occupiers of the site and this proposal is for the creation of 2no. Gypsy/Traveller pitches. No information has been provided on the residents of the second pitch.

## **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 152 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 the Purposes of the Green Belt**

Paragraph 142 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 works taking place the site was largely laid to grass with hedgerow to the two roadside site boundaries and an agricultural style access gate to the site frontage along Alcester Road. The site benefits from a Certificate of Lawfulness approval reference 23/00582/CPL which demonstrates the use onsite is for grazing. The overall topography is relatively flat, although the site sits at a slightly higher elevation compared to the adjacent road.

The proposal entails the introduction of two dayrooms, two touring caravans, and two mobile homes onto the site. This would necessitate the creation of a vehicular access point from Blackwell Road. Additionally, the development would require the installation of hardstanding to provide a designated driving and turning area, along with two parking spaces for each designated pitch. As a matter of fact the introduction of these structures will impact on the spatial openness of the Green Belt. The site itself holds a high degree of prominence for those traveling along both directions of Alcester Road. Furthermore, it would be readily visible from approaches along Blackwell Road and Pikes Pool Lane. Consequently, the proposal would result in a visual intrusion upon the Green Belt.

Considering these factors, particularly the prominent location and public visibility of the site, the proposed development would have a significant negative impact on the openness of the Green Belt.

The National Planning Policy Framework (NPPF) outlines the purposes of Green Belts in paragraph 143, one of which is to safeguard the countryside from encroachment. As previously mentioned, the site was primarily an undeveloped field before the unauthorised works. Furthermore, it lies outside the established village envelope. While development beyond the formal envelope doesn't automatically exclude a site from being considered part of the village, in this case, the application site exhibits a clear separation from the village due to the major road dividing them and the abrupt cessation of built structures. Considering these factors, the proposed development can be viewed as an encroachment on the surrounding countryside, thereby contradicting the fundamental purpose 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 153 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**

The Council's previously published 5-year land supply position dated 1st April 2022 was considered at the Mintola Corral appeal hearing in November 2023 and was agreed to have been calculated incorrectly. Therefore, for the avoidance of doubt, this 5 year supply position for traveller pitches replaces that previously published by the Council.

The Council's 2021 Gypsy and Traveller Accommodation Assessment (GTAA) provides the most up to date picture of need for traveller pitches in the District. It finds that in the 5 year period 2021/22-2025/26, there was a need for 17 pitches, and for the subsequent 5 year period 2026/27-2030-31, there was a need for a further 4 pitches. These are the two relevant 5-year demand periods in the GTAA for the purposes of calculating the up to date 5 year supply at 1st April 2024.

As of 1st April 2024, the Council can demonstrate a 2.59 year's supply of Traveller pitches. The Bromsgrove Local Plan is being developed and sites will be proposed for allocation to meet the identified shortfall in traveller pitches in due course as the plan progresses. The Council held a Call for Sites exercise in 2019-2023, seeking suggestions of sites for all forms of development, including traveller sites. The application site was part of a much larger 5ha site proposed for residential development, with no reference made to the potential for traveller accommodation.

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.

### **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 proposed development site is a large, open field at the edge of Burcot, a primarily residential village. Across the road (Alcester Road), traditional red-brick houses with gardens and driveways define the existing built environment. Currently undeveloped, this field acts as a clear boundary between the village and the open countryside beyond.

The proposal to introduce two dayrooms, two touring caravans, and two mobile homes, along with hardstanding areas, would sprawl development into the countryside. The proposal has created a significant breach in the existing hedgerow to allow for vehicle access. This clashes with the established character of Burcot on this corner. Policy BD2 in the Lickey and Blackwell and Cofton Hackett Neighbourhood Plan (LBCHNP) sets out that suitable access should be provided and measures should take account of existing roadside trees, hedges and green verges. While the applicant suggests planting along Alcester Road, Blackwell Road, and the south side of the field to screen the development, such measures wouldn't guarantee the long-term preservation of these visual barriers. Effective development should prioritise integrating seamlessly with the surrounding environment and community, rather than relying solely on planting to mitigate its negative impact.

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 and BD2 and NE1 of the LBCHNP.

### **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. Furthermore, policy BDP2 sets out a settlement hierarchy which sets out that new residential development should accord with the listed hierarchy in order to meet Bromsgrove needs. Burcot is listed as a small settlement in this hierarchy.

Whilst BDP2 is a restraint on new housing development in itself it is not “up-to-date” with the NPPF, the sub-text to Policy BDP2 in the District Plan (paragraph 8.6) sets out the policy on the future role of the District’s settlements and villages to enable allocation of appropriate levels and types of development to different settlements. The site is close to the village boundary of Burcot which benefits from a variety of local amenities, including Blackwell First School and Blackwell convenience store.

While the proposed development is within a reasonable walking distance (approximately 200 meters) of bus stops, the lack of safe pedestrian crossings across the busy B-classified Alcester Road poses a significant pedestrian safety concerns. No dropped kerbs or designated crossings exist, compromising pedestrian access to public transport and essential services.

This raises serious sustainability issues. The infrequent bus service (running only every two hours and not on Sundays) makes car ownership practically essential for future residents. Given the limited access to public transport and the lack of safe pedestrian routes, the development would likely result in a high dependency on private vehicles for even basic errands. This contradicts policies BDP11, and Policy H of the PPTS.

Furthermore, despite Burcot's designation within the settlement hierarchy, the physical separation from the village by Alcester Road significantly weakens the site's connection to the existing community. This isolation further undermines the development's sustainability credentials contrary to policy BDP2.

## **Ecology**

Ordinarily a proposal of this nature would be accompanied by a Preliminary Ecological Appraisal and any subsequent survey effort that was identified as being necessary. In this case, unauthorised works have already taken place at the site which have removed much of the parts of the site which may have formed a habitat for any protected species, therefore a survey has not been requested. If planning permission was forthcoming for the proposed development would be reasonable to attach a condition seeking details of biodiversity enhancement for the site

## **Drainage**

There are concerns that more hard surfaces will increase rainwater runoff. Soakaways are proposed, but ground conditions need to be checked to see if they'll work. Another drainage plan must be submitted if soakaways aren't suitable. The recommendation is to use gravel or similar materials for driveways and parking to reduce runoff. The application's suggestion of a cesspit is rejected, and a connection to the public sewer is required. If planning permission is granted, a condition requiring a proper drainage system to be built before the site is used should be included.

## Highways

The vehicular access located off Blackwell Road does not have planning permission. The plans show the proposed access however in a different position. The proposal shows this vehicular access to be relocated further away from the junction. The vehicular access, as proposed, would be located 20m from the existing junction and is deemed to be in accordance with WCC Streetscape Design Guide.

The applicant has provided trip generation data confirming that over the course of a day, it is predicted that there will be 5 arrival trips to the site and 5 departure trips to the site and these trips would not have a severe impact on the highway. It is agreed the trips generated by the proposed development will not have a severe impact on the highway.

The Swept Path Analysis for a Private Car Towing a Caravan shown on plan 2301066-TK03 shows the vehicles encroaching into the opposite lane when entering the site, this is deemed to be unacceptable since there would be an increase in the potential for road user conflicts.

The applicant has provided a speed survey via an Automatic Traffic Counter (ATC) between Saturday 20<sup>th</sup> January – Saturday 27<sup>th</sup> January 2024 to assess observed vehicle speeds. This data identified speeds in both directions at the access on Blackwell Road during this time period.

The 85<sup>th</sup> percentile speeds for each direction have been provided.

- Westbound: 26.6mph
- Eastbound 27.7mph.

The applicant has provided 36.3 metre visibility splay to the east, to account for westbound travel, and a 38.3 metre visibility splay to the west, to account for eastbound travel. However, it should be noted if the speed survey speeds are below the posted speeds, then WCC require the visibility splays to be provided for the posted speed in this instance being 30mph, therefore a visibility splay of 2.4m x 43m should be provided in this instance. It is noted for the construction of the visibility splays a considerable amount of vegetation along the boundary of Blackwell Road will need to be removed to ensure the visibility splays are clear of obstruction. This would not be supported given the character issues outlined earlier within the report.

The applicant has provided a separate pedestrian access to the west of the site on to a lit grass verged area adjacent to the junction between Blackwell Road and Alcester Road. No dropped crossings are available at this location for future residents of the site to safely cross Alcester Road onto the footway provision that exists to the west of Alcester Road.

The applicant has stated within the Tec Note “whilst it is accepted that this doesn’t include a formal footway with dropped kerbs” and goes on to conclude “it is a practice typically undertaken within rural communities where footway provisions are limited”. This justification is not accepted by highways since pedestrian safety is compromised at this location.

Pedestrians crossing at this location would not be acceptable for the following reasons:

1. The visibility available at this location is poor.
2. Crossing point would be located on the radius of both arms of the junction.
3. There are too many movements and directions for the pedestrians to check before crossing the road.
4. Low traffic signs obscuring visibility.
5. Dropped kerbs would not be accepted at this location since some of the radiuses would need to be squared off to accommodate the dropped kerbs properly and the large vehicles with trailers would not be able to negotiate this turn with any changes.

Worcestershire County Highways have raised objection to the visibility splays provided and pedestrian safety. Notwithstanding this it is also highlighted that the applicant has also failed to provide a dimensioned site plan for highways to review. The site plan omitted: vehicular access radius dimensions, set back distance of proposed gates, width of the internal road, parking space dimensions, turning head dimensions and also location of any proposed lighting, drainage details, proposed finish of the track and boundary treatment / fencing etc. The applicant has failed to provide Swept Path Analysis evidence demonstrating a Private Car Towing a Caravan has the ability to enter and leave the site in a forward gear using the turning head provided within the site.

## **Trees**

The proposal highlights an intention to install 2 x Day Rooms both of which fall within the BS5837:2012 Root Protection Area (RPA) of Oak trees within the hedge on the boundary of Blackwell Road. These facilities will need to be provided with utility services. Both the construction of the Day Rooms and installation of the utility services may require groundwork which would have a high likelihood to cause root damage to the trees in the hedge row. The Tree Officer has raised concern on the layout of the development as proposed on these grounds.

## **Public comments**

It is acknowledged that a large number of objections have been received from the local community, the Ward member and Lickey and Blackwell Parish Council. This report has already comprehensively addressed matters related to the Green Belt, highways, sustainability, drainage, character, and visual impact. Other issues raised include the lack of amenities and services in the area to support further residential development. Since Burcot is considered a small settlement in the settlement hierarchy, the principle of residential development within the village is considered acceptable. Concerns have been raised regarding the applicant's need to live on-site due to other residences he may possess both within the District and elsewhere. No evidence has been submitted to substantiate this claim. While a planning application in Stratford was referenced, inspection of the approval notice revealed that the permission related to individuals with the same surname, but not the applicant's direct family as listed as occupiers of this site. Concerns about setting a precedent are noted, however each application is considered on its own merits.

It is further noted that the plans do not fully accord with the development that has taken place onsite in respect of the access and position of caravans. This is a part-retrospective application and subject to Members decision on this application consideration will be had separately to any unauthorised development onsite.

## **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 153 of the NPPF states that substantial weight should be given to any harm to the Green Belt.

The proposal raises significant concerns beyond the established harm to the Green Belt. These include;

- Damage to the character and appearance of the area. This encompasses the loss of a large section of hedge and open field on a prominent site at the edge of the village, including potential harm inflicted upon the local oak trees. This carries significant weight in the decision-making process.
- Serious highway safety issues, especially regarding pedestrian safety when crossing Alcester Road to access local services in Burcot. This concern also holds substantial weight.
- Insufficient visibility splays and potential lane encroachment by vehicles entering the site, as identified by the Swept Path Analysis for a car towing a caravan. These highway issues are significant and deserve careful consideration.

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. As such, it is considered that the best interests of the children should be afforded substantial weight. This matter has been recently re-addressed in Case Law Ward v SSLUHC & Anor 2024 which outlined that the decision maker should identify the child's best interests, which are likely consistent with those of the parent or carer involved in the planning process. The decision maker can assume that the carer will represent the child's best interests unless circumstances indicate otherwise. In Ward v SSLUHC & Anor 2024 the Claimant sought to challenge the decision by questioning whether the Inspector properly considered the impacts on the children and whether a personal or temporary permission was proportionate. Additionally, there were concerns raised about the Inspector's reasoning process, particularly in weight afforded to Green Belt harm and needs of a child and whether the decision was within the range of reasonable decisions open to the decision-maker. This is particularly relevant to this case and as such the decision has been included as an Appendix to this report.

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 which could identify appropriate sites outside of the Green Belt. Paragraph 15 of the NPPF states that the planning system should be genuinely plan-led and para 145 makes clear that “changes [to the Green Belt] should be made only through the plan-making process”. The Government’s Planning Policy for traveller sites (PPTS), reiterates this at paragraph 17, stating that should there be a wish to alter Green Belt boundaries to meet the need for traveller sites this should only be done through the plan-making process. The Bromsgrove Local Plan will include a full and comprehensive Green Belt Review to direct allocations to avoid areas where harm to the Green Belt would be highest.

The scheme’s benefit in helping to reduce the unmet need for pitches attracts significant weight. The PPTS states that unmet need is unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. It is acknowledged through previous Appeal decision APP/P1805/W/23/3325331 at Mintola Corral the Inspector afforded further weight in favour of the scheme by reason of the time the Council has taken to provide allocated sites and lack of provision for sites for Gypsy and Traveller’s. The Council held a Call for Sites exercise in 2019-2023, seeking suggestions of sites for all forms of development, including traveller sites. The application site was part of a much larger 5ha site proposed for residential development, with no reference made to the potential for traveller accommodation. This work is still ongoing and therefore significant weight is afforded in favour of the proposal.

The applicant has further advanced, in the event that the material considerations put forward within the application as a whole are not considered to outweigh any identified harm or conflict with the Development Plan, then it is requested that a temporary permission of at least 5 years be granted, such that the best interests of any Children are taken into account and that the applicant and his family do not need to resort to a roadside existence whilst they seek an alternative site that is suitable for their needs and accords with the Local Development Plan. Particular regard should be given to the emerging Development Plan, and as such the length of time should reflect the likely timeframe for an emerging Plan’s adoption, particularly when there is a lack of a 5-year supply. In this regard, it is requested by the applicant’s agent that a 5-year temporary permission be granted. In considering this request, although this may allow time for the Development Plan to come through with allocated sites, in such time the families would be settled in the village of Burcot attending local schools and services and therefore if no sites are allocated in the local area it would cause issues for the family potentially having to resettle in the long term. Furthermore, given the harm identified in respect of pedestrian safety, a temporary consent would not resolve such matters. It does not therefore seem appropriate to allow a trial run in this location.

In this case, having regards to all the information available before me, 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,

pedestrian safety, highways matters and potential harm to the Oak Trees 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, it is considered that the harm by reason of inappropriateness in the Green Belt, and the harm caused to the openness of the Green Belt, is not clearly outweighed by other considerations so as to amount to the very special circumstances needed to justify the development. The scheme is therefore recommended for refusal.

**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. Other harm has been identified to the character of the area, highways safety and trees. Circumstances have been advanced including the best interests of children, unmet need for gypsy traveller sites and offer of a 5 year temporary permission, 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 currently undeveloped field serves as a clear distinction between the village and the open countryside. However, the proposed development, which includes two dayrooms, two touring caravans, two mobile homes, and hardstanding areas, would sprawl development into the countryside. The site is prominent in public views and although screening planting is proposed the vehicular access results in a significant breach of the existing hedgerow. This detrimental impact on the character and appearance of the area contravenes Policy BDP19 of the Bromsgrove District Plan and BD2 and NE1 of the Lickey and Blackwell and Cofton Hackett Neighbourhood Plan.
3. The proposed development does not provide adequate and safe pedestrian to access the site from Burcot. Bus stops are located approx. 200m from the proposed development and are located within acceptable walking distance. However, the route to reach these bus stops would require crossing Alcester Road a 'B' classification road, no dropped crossings are located to aid pedestrians across this road therefore pedestrian safety would be compromised. The application fails to accord with the adopted policy and the consequences of this will result in an unacceptable impact on the highway network, which is contrary to paragraph 114, 115 and 116 of the 2023 NPPF.
4. The applicant has failed to provide a dimensioned site plan for highways to review. The site plan omitted: vehicular access radius dimensions, set back distance of proposed gates, width of the internal road, parking space dimensions, turning head dimensions and also location of any proposed lighting, drainage details, proposed finish of the track and boundary treatment / fencing. The Swept Path Analysis on plan 2301066-TK03 for a private car towing a caravan does not demonstrate the

ability of such a vehicle to enter and exit the site in forward gear using the provided turning head. It is therefore considered that insufficient information has been provided to take a view on whether the proposal will result in an unacceptable impact on the highway network, which is contrary to paragraph 114, 115 and 116 of the 2023 NPPF.

5. Insufficient visibility splays have been provided onsite having regards to the speed surveys submitted. Furthermore, the Swept Path Analysis for a Private Car Towing a Caravan shown on plan 2301066-TK03 shows the vehicles encroaching into the opposite lane when entering the site, this is deemed to be unacceptable since there would be an increase in the potential for road user conflicts. The application therefore fails to accord with the adopted policy and the consequences of this will result in an unacceptable impact on the highway network, which is contrary to paragraph 114, 115 and 116 of the 2023 NPPF.
6. The proposal highlights an intention to install 2 x Day Rooms both of which fall within the BS5837:2012 Root Protection Area (RPA) of Oak trees within the hedge on the boundary of Blackwell Road. These facilities will need to be provided with utility services. Both the construction of the Day Rooms and installation of the utility services may require groundwork which would have a high likelihood to cause root damage to the trees in the hedge row. Insufficient information has been submitted to determine the impact of any utility services on these trees contrary to policy BDP19 and BDP21 of the Bromsgrove District Plan.

**Case Officer:** Emily Darby Tel: 01527 881657  
Email: [emily.darby@bromsgroveandredditch.gov.uk](mailto:emily.darby@bromsgroveandredditch.gov.uk)