

PLANNING STATEMENT – OCTOBER 2024

APPLICATION SITE: LAND AT EAVES LANE, STOKE ON TRENT. ST2 8LY

PROPOSED DEVELOPMENT: CHANGE OF USE OF LAND TO A 2 PITCH FAMILY GYPSY & TRAVELLER SITE -
RETROSPECTIVE

APPLICANT: MR P QUINN

PLANNING AGENT: MR MIKE CARR MSc MRTPI – MAT DESIGN LIMITED

1. INTRODUCTION

This Planning Statement has been prepared to accompany the planning application for a 2-pitch gypsy and traveller family site, day room and boundary treatment and semi-permeable surface (retrospective), within the jurisdiction of Staffordshire Moorlands Council.

The purpose of this statement is to outline the proposed development and to demonstrate how the development would represent a sustainable form of development, as set out in paragraphs 8 of the National Planning Policy Framework (NPPF) 2023. Furthermore, this statement will also set out how the proposed development complies Policy H4 - Gypsy and Traveller Sites and Sites for Travelling Showpeople of the Staffordshire Moorlands, Section 13 paragraph 154(g) of the NPPF and the Planning Policy for Traveller Sites (updated December 2015)

Overall, we will then seek to assess all the main planning issues attached to the consideration of the planning application and make planning judgements as the sustainability of the proposed development in this location, and any demonstrable or residual harm that may be overcome by way of planning conditions or planning obligations.

Due to there being no suitable or available alternatives, the pressure of finding a settled place to live has been difficult for the family, particularly due to the health concerns attached to the applicant's family members (see personal circumstances statement). Taking these factors into account, we did not carry out a pre-application enquiry. The application for planning permission is therefore retrospective.

Moving forward, local planning policy evidence confirms that there is a long-term undersupply of suitable and available Gypsy and Traveller family pitch accommodation in the Borough (and other substantial factor), which carries considerable weight in the decision-making process, along with the personal circumstances of the family, the previously developed nature of the site and that when all the material planning considerations are taken into account, the development would not have a greater impact on the openness of the green belt than the existing development and buildings.

2. THE APPLICATION SITE

The application site is a 0.31Ha parcel of previously developed land that is sustainably located to the east of the Stoke-On-Trent settlement boundary. It was made up of a large area of hard standing, 2 large storage buildings, a stable block and storage container. As we understand it, the site was used for the storage and sale of vehicles, evidence of which is shown on the aerial and street scene photographs that are submitted with this application.

We would also highlight that the applicant also owns a further 0.2Ha of land to the northwest of the application site, which is shown edged blue on the submitted location plan and is unaffected by this development.

In terms of the site's surrounds, these are made up of Eaves Lane that forms the site's eastern boundary from which vehicular and pedestrian access is taken, open fields to the north and west, whilst residential accommodation at Moorside Farm forms the site's southern boundary.

Overall, given that the nearest settlement boundaries can be reasonably accessed, the development site is not isolated and is in a sustainable location given its proximity to local services, the highway network and to public transportation routes.

3. LAND USE ALLOCATION

The application site is identified as being within the green belt on the Staffordshire Moorlands Local Plan Proposals Map,

4. THE PROPOSALS FOR THE SITE

This planning application proposes the change of use of land to a 2-pitch gypsy and traveller family site, day room and boundary treatment and semi-permeable surface. The details of the proposed (to be completed) development are shown on the submitted plans. Given the site surface has been improved and that residential occupation has started, the planning application is retrospective.

To balance the impact of the development on the openness of the green belt, the proposed development would also include the removal of the 2 site storage buildings, so that the resultant development would have no greater impact on the openness of the green belt than the existing development.

5. RELEVANT SITE PLANNING HISTORY AND PREVIOUSLY DEVELOPED LAND (PDL)

There is no planning history available on the Local Planning Authorities web for the application site. However, we have prepared a series of aerial and street scene photographs of the site that confirms that the land is brownfield given that it has been previously developed.

The glossary to the NPPF set out that PDL is - 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 was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

The use of the land and buildings on the land are not excluded by the definition in the Glossary.

Taking this into account, our submission is made on the basis that this planning application is made substantially under the provisions of NPPG Section 13, paragraph 154(g), which the adopted Local Plan is silent on.

Effectively, paragraph 154(g) sets out that development in the green belt is not an inappropriate form of development if the proposed development involves the limited infilling or the partial or complete development of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.

The plans include footprint and volumetric calculations relating to the loss of the buildings and their replacement with the static homes, caravans and day room, whilst vehicular activity and storage that formed a large part of the previous use, will be substantially reduced. Any inspection of the site and the previous history would confirm that this evidence is robust.

6. PLANS AND INFORMATION PRESENTED TO SUPPORT THIS PLANNING APPLICATION

The following plans and information are presented to support the consideration of this planning application:

- The site location plan,

- The existing and proposed site plan,
- The proposed site plans,
- Site aerial and street scene photographs,
- The personal circumstances statement and,
- The planning statement.

7. NATIONAL & LOCAL PLANNING POLICY APPLICABLE TO THIS PROPOSAL

There are three main policy documents attached the consideration of planning applications received by the LPA. In this case, the policy framework is made up of the following documents:

- National Planning Policy Framework (NPPF 2023),
- The Planning Policy for Traveller Sites (PPTS) 2015 (updated December 2023),
- The Staffordshire Moorlands Local Plan – Adopted September 2020
- The Newcastle-under-Lyme, Stoke-on-Trent, Staffordshire Moorlands and Stafford Gypsy and Traveller and Travelling Showperson Accommodation Assessment 2015

8. THE APPLICANT GYPSY/TRAVELLER STATUS

For purposes attached to the consideration of this planning application, the applicant, his family are gypsies and travellers, as defined in Annex 1 of the 2015 PPTS (As updated). Namely, they are 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 dependents' educational or health needs or old age have ceased to travel temporarily.

In terms of any proposed transit residents, they would clearly be persons of nomadic habit of life, who also fall within the PPTS Annex 1 definition.

9. PERSONAL CIRCUMSTANCES OF THE FAMILY

In this case, the applicant and his family seek planning permission for settled site accommodation that would provide suitable accommodation (static & trailer caravans), which we consider would be in the interests of the children and the families well-being.

In terms of the health and personal conditions associated with the family group, this information is set out on a separate statement. The family information is private and confidential, but we can provide any additional medical evidence separately on request.

10. VERY SPECIAL CIRCUMSTANCES (VSC)

We do not consider that Very Special Circumstances are required in this case, given that there would be no material harm to the openness of the green belt in this location, given the previously developed nature of the site. However, we do think that it is essential that the LPA are fully aware of the families' personal circumstances and associated medical conditions that affect the family's health and well-being.

If the LPA conclude that the development is an inappropriate form of development, which we consider would be unreasonable to do so, then we would ask that the families VSC are weighted appropriately in the planning balance, including the best interests of the child.

Furthermore, if VSC are required, the below considerations should be weighted and placed into the planning balance with the weight that they carry. Some elements of the below material planning considerations must carry substantial weight in their own right, but when read together would clearly outweigh the harm caused by inappropriateness to the openness of the green belt.

11. THE GTAA AND NEED FOR SITE/PITCH ACCOMMODATION IN THE BOROUGH

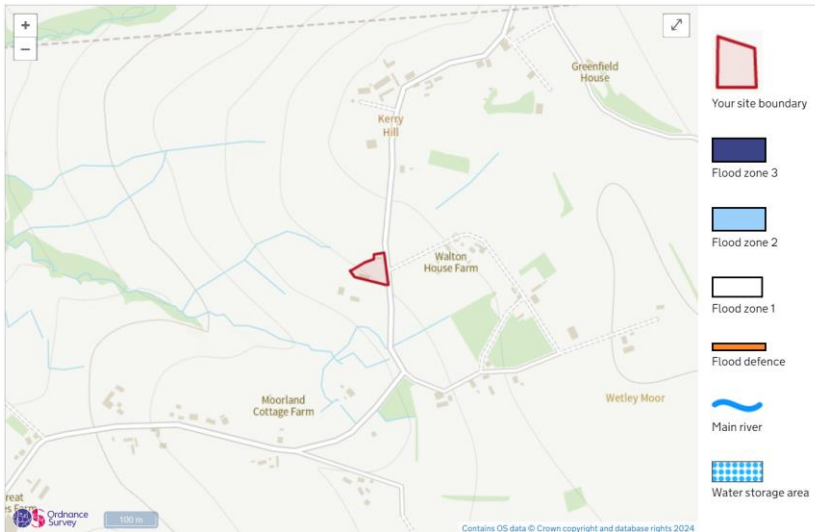
The Gypsy and Traveller Accommodation Assessment for the Borough dates from 2015 and cannot be relied on to provide any sort of realistic or reasonable evidence on need within the Borough. Furthermore, and following the Lisa Smith case, the PPTS definition was amended, which has had a significant impact in terms of need and supply across the Country and we are not aware of any attempts being made by the Local Planning Authority to deal with this matter.

12. AVAILABILITY OF ALTERNATIVE SITES

The family have sought alternative site/pitch accommodation which could provide them with accommodation and personal safety, whilst respecting the cultural needs and heritage of the family. None is available in the Staffordshire Moorlands Borough or the wider northeast region, meaning that the lack of alternative site provision also carries substantial weight in favour of this application.

13. FLOOD RISK

The Environment Agency's Flood Risk mapping system (see image below) shows it is at low risk of surface water flooding (Flood Zone 1). As such, and for the purposes of this planning application, there are no flood risk issues associated with the site.



Map source – The Environment Agency flood risk mapping service

14. VEHICULAR ACCESS

Paragraph 114 and 115 of the 2021 NPPF advises that 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.

In this case, the existing vehicular access provides a direct link onto Eaves Lane, which can be improved to provide suitable visibility splays that would mean that proposed access would not result in any adverse impacts on highway or pedestrian safety.

15. RESIDENTIAL AMENITY

The proposed use of the site is for use as a family traveller site, which in effect is a residential development. No commercial uses of the site are proposed though this planning application. Furthermore, the setting and position of the development site and propounded pitches, when considered against the location of existing residential accommodation in the area, means that there would be no impact on residential amenity.

16. STREET SCENE

The proposed development would not be harmful to the street scene, given the sites position to in the locality

17. BIODIVERSITY NET GAIN

This is a retrospective application meaning the provisions of legislation attached to the delivery of Biodiversity Net Gain.

However, and in the content of Biodiversity, paragraph 55 of the NPPF identifies that Local planning authorities should consider whether otherwise unacceptable development could be made acceptable by using conditions or planning obligations. The applicant would be happy to assist in providing planting and landscaping to the site which, subject to the LPA's decision, would help to further integrate this site into local landscape.

18. NATIONAL & LOCAL PLANNING POLICY ASSESSMENT

The National Planning Policy Framework (NPPF) is based on a presumption of sustainable development, as identified in Section 2 (Achieving sustainable development). The Government issued a separate Planning Policy for Traveller Sites document, which was revised in December 2015 to take account of changes to the Gypsy and Traveller Annex 1 definition and accompany the NPPF.

The PPTS 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. Local planning authorities should ensure that their Local Plan includes fair, realistic and inclusive policies.

We do not consider that the Staffordshire Moorlands Local Plan Framework, given that there is no GTAA, gives fair or equal consideration to the treatment for travellers in any way, when compared to the delivery of bricks and mortar housing for the settled population.

19. NPPF SECTION 5 (DELIVERING A SUFFICIENT SUPPLY OF HOMES)

Paragraph 60 of the NPPF 2023 advises that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

Furthermore, paragraph 63 sets out that within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).

In addition, paragraph 75 (onwards) advises that strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and

update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies.

Page 21 of the NPPF is also noted 41) that for the avoidance of doubt, a five-year supply of deliverable sites for travellers – as defined in Annex 1 to Planning Policy for Traveller Sites – should be assessed separately, in line with the policy in that document.

The applicant and his family are travellers/gypsies would occupy the site are gypsies and Travellers within the meaning set out in Annexe 1 of the Planning Policy for Traveller Sites (PPTS), in that they are persons of nomadic habit travelling for the purposes of employment.

Taking this into account, the LPA's current position is that it does not have a 5-year supply of Gypsy and Traveller sites, which is a significant material factor in the consideration of this planning application. The alternative would be that the family is forced into further roadside encampments, which conflicts with the provisions set out in section 4 of the PPTS.

As such, we consider that the LPA must have failed in their statutory responsibilities to comply with the planning policy provisions of the 2012, 2018, 2021, and both 2023 versions of the NPPF and the PPTS in terms of the delivery of sites.

20. THE PROPOSED DEVELOPMENT - SPECIFIC PLANNING POLICIES

Local Plan Policy H4 (Gypsy and Traveller Sites and Sites for Travelling Showpeople) sets out that proposals for new Traveller and Travelling Showpeople sites or extensions to existing sites will be permitted provided that:

- Safe and convenient vehicular and pedestrian access to the site should be provided,
- The site must be large enough to provide for adequate on-site facilities for parking, storage, play and residential amenity,
- The site is reasonably accessible to shops, schools, health facilities and other community facilities on foot, by cycle or public transport,
- The site should not be detrimental to amenities of adjacent occupiers,
- Adequate levels of privacy and residential amenity for occupiers should be provided and sites should be 'soft' landscaped to positively enhance the environment and increase the site's openness rather than 'hard' landscaped,
- Sites or features of natural value should not be significantly harmed by the proposal,
- Development causing harm to heritage assets will need to be justified against NPPF Policy.

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- Development of gypsy and traveller or travelling showpeople accommodation in the Green Belt will not be allowed unless there are very special circumstances.

We consider that the proposed development complies with all the provisions of the adopted Local Plan Policy. Furthermore, we have argued that VSC are not required in this case. However, we would highlight that if VSC are required, then the VSC identified in this statement (but not limited to those VSC) would clearly outweigh any harm to the openness of the green belt in this case.

20. PLANNING CONCLUSIONS

In terms of the considerations which weigh in favour of the application there is a substantial unmet need in the Borough, which often results in unauthorised encampments and retrospective development, which is compounded year on year by the failure of the LPA to demonstrate a 5-year supply of sites, which it is required to do by both the NPPF and the PPTS.

This failure of policy unfairly prejudices the opportunities for Gypsy and Traveller people and conflicts with the Government's overarching aim 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 failure of policy must carry significant weight in favour of this application.

Further to the above, the GTAA does not provide an up-to-date evidence base that the LPA can rely on to potentially dispute the need for pitch and transit accommodation in the borough. As such, and until such a time that there is an accurate GTAA in place and an acceptance by the LPA of the shortfall and their PSED responsibilities.

The mere fact that the applicant and his family have no accommodation choices whatsoever in the Staffordshire Moorlands area, means that the LPA are unable to use reasonable evidence to plan positively and manage development in the borough, which is contrary to PPTS Policy A (Using Evidence).

The failure of a suitable evidence base must carry significant weight in favour of this application.

In terms of the personal circumstances of the family, they have no alternative or suitable accommodation that would support their cultural heritage and nomadic lifestyle. Furthermore, we consider that the needs of the family and their children are of primary importance in the decision-making process, so that they can have access to the same life chances and opportunities as those children in the settled community.

Furthermore, it is also essential that the individual medical needs of one of the family's adults are positively considered and receive substantial weight in this case.

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It is also clear that the proposals for this site represent a positive approach towards meeting the needs of the transitory traveller population, who do not have any realistic sites or opportunities to stop lawfully whilst travelling. This means that they are often forced to set up camp illegally on this side of the road or on public land. PPTS paragraph 4 (f) clearly tells us that that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments.

A grant of planning permission in this case, would reduce the numbers of unauthorised transit encampments, which weighs considerably in favour of the application.

We also consider that the proposed development follows the Council's own adopted planning policies relating to Traveller site development and developments that may affect the open countryside. In addition, the site is sustainably located in terms of its proximity to Haswell and Peterlee and the surrounding transport network.

The National Policy for Traveller Sites makes it clear that Human Rights are a consideration in the determination of gypsy and traveller proposals and again adds further weight to this application to assist in avoiding other unauthorised Gypsy and Traveller encampments in the District and the Council is urged to give full consideration giving approval to this site for the family and the proposed transit site accommodation.

As such, when the above circumstances, which provide substantial support for the application, are weighted into the planning balance, we consider that the combination of these factors outweighs any other harm that may be identified by the Local Planning Authority.

Overall, when the proposals for the site are considered against the Framework as a whole, the PPTS and Local Plan Policy H4, we consider that this application is a sustainable form of development in this area of the Borough, when the VSC are positively considered.

If the LPA consider that they cannot grant a full planning permission following the planning balance, we must ask that a temporary planning permission is approved for a minimum period of 5 years, within which time the LPA may have carried out their statutory duties in terms of the identification and delivery of suitable and available sites across the Borough to meet the identified need.