

DELEGATED DECISION REPORT

SMD/2024/0486
Valid 28/10/2024

LAND TO THE NORTH
MOORSIDE FARM EAVES
LANE
ARMSHEAD

RETROSPECTIVE CHANGE OF
USE OF LAND TO A 2 PITCH
FAMILY GYPSY & TRAVELLER
SITE

(FULL - MINOR)

MAIN ISSUES

- Impact on Green Belt
- Council approach to traveller sites/Principle of Development/Sustainability
- Impact on Character and Appearance
- Impact on Amenity
- Other Considerations

DESCRIPTION OF SITE

The site consists of 0.31 ha of farmland situated off a rural lane in the North Staffordshire Green Belt. The site is located 1km to the east of the Stoke on Trent conurbation and 1km to the North West of the larger village of Werrington.

The site has a roughly triangular shape with a long side edge, to the east, shared with the highway boundary formed with a highway verge and traditional hedgerow.

There are two farm sheds to the southern edge of the site – a sheet metal shed with a light steel frame and an open pole barn. The southern to western boundary of the site has been enclosed with a 2m+ close boarded fence. A 2m high timber gate has been installed across the site access with the highway set back from the carriageway

The site has been occupied without planning permission, and the whole of the area has been covered by compacted crushed stone that is topped with a gravel surface. On the date of the officer's visit there was a static and a touring trailer style caravan on the site, both stationed adjacent to two white vans and a flatbed truck that were parked on the site.

PROPOSAL

Described on the application form as – “Change of use of land to a 2 pitch family gypsy & traveller site – retrospective” from, what is described on the application form, as a “yard and premises”. The application form describes a proposal to provide a brick day room.

Plans submitted with the application detail the removal of two farm storage sheds and propose: the provision of a permeable gravel surface across the site; the construction of a brick and tile day room with a sitting room, shower and WC (6m by 4m); two pitches for static style caravans; two pitches for what appear to be detailed as touring

style caravans; the erection of a 2m high close boarded fence and access gate across the southern boundary of the site; and an area of tree planting to the western corner of the site.

On the date of the officer's site visit the site had already been covered with crushed and compacted stone topped with a gravel surface. The two farm sheds were remaining and appeared to be used for storage and to kennel security dogs. There was a static style caravan and a large touring style caravan on the site. The wooden gates and 2m+ fence had been erected across the access and the southern boundary. Additionally there were three commercial type vehicles on the site - flatbed truck and two vans.

The application form and statement confirm a proposal to provide a 2 pitch traveller site. However, the submitted plans detail 4 pitches (2 statics and 2 touring trailers). There is no mention on the form or in the statement of the applicant's intended or current business activities on the site, apparently an associated and inevitable consequence of his occupation of the land.

The planning statement and statement of personal circumstances describe the applicant and his family that occupy the site as gypsies and travellers/persons of nomadic habit of life. It is said however, that they seek permission for settled site accommodation to provide suitable accommodation in the interests of the children and the families well-being. The application does not provide any evidence relating to current or recent nomadic habits or needs.

However, a statement submitted by the agent on behalf of the applicant describes the family as 'born and bred' Irish Travellers who have always travelled throughout their lives. The applicant's father and sisters live on a caravan site in Wolverhampton. It is confirmed that the families last residence was in bricks and mortar accommodation in Stoke on Trent, however, it is said that this was out of necessity and that they travelled in School holidays.

The statement of personal circumstances list seven family members as being the occupants of the site. It is not entirely clear, but the family group appear to consist of Mr and Mrs Quinn senior and their five children (three grown up older than 18, and two younger school age daughters 14 and 8 years old).

The youngest daughter attends school in Sandyford which is 7 miles away in Stoke on Trent and the family are registered at doctors, dentists and opticians of similar distance away from the site, outside of the district in Stoke on Trent.

The application statement describes the land as being 'previously developed' pointing to some history of blight and says that the family have sought alternative site/pitch accommodation but none is available in the Staffordshire Moorlands or the wider locality. Neither point is substantiated with the submission of evidence.

PLANNING POLICY

Local Plan Development Plan Document (Adopted 2020)

S01 Spatial Objectives

SS1 Development Principles
SS10 Other Rural Area/Green Belt
DC1 Design Considerations
DC3 Landscape Character
H4 Gypsy and Traveller Sites
T1 Development and Sustainable Transport

National Planning Policy Framework
Government Planning Policy for Traveller Sites

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None relevant

CONSULTATIONS

Publicity

Site Notice expiry date: 23/12/2024

Neighbour consultation period ends: 23/12/2024

Press Advert: N/A

Public Comments

Some 19 Objectors mainly from Eaves Lane and the Kerry Hill area. Following comments submitted:

- The site is in and causes harm to the Green Belt it is 'inappropriate'
- The untidiness of the land before the land was put up for sale should not be justification for the development
- The site entrance is on a blind corner
- Increased vehicle traffic on a dangerous lane
- Water run off freezes on the lane opposite the access
- Harm to the landscape
- Lost biodiversity
- Prior to their occupation of the site the applicant had lived in bricks and mortar housing for the previous 12 years
- The area of hardstanding is excess for two caravan pitches
- Adverse impact on the amenity of near neighbours through engines running and dogs barking during the night
- Concerned about arrangements for foul drainage and water run off
- Commercial vehicles are parked on the site

4 supporters:

- A resident from Brown Edge says he helped the previous owner clear the site of the junk and thinks that the site now looks very tidy.
- The partner of the Brown Edge resident who cleared the land says that the land used to be a dumping ground.
- A resident from Badley Green says the site has been done up and looks respectable

- A resident from Milton says that the land used to be a rubbish dump and it is now immaculate and that the family are a pleasure.

Town / Parish Comments

Werrington PC: Object. Inappropriate development in the Green Belt. Harmful to Green Belt openness and conflicts with the purposes of including land within it. It is considered that the benefits associated with the proposal would be insufficient to constitute very special circumstances to outweigh this harm. Contrary to Policy SS10 of the Local Plan and the NPPF.

The development is intrusive into the countryside outside of a development boundary, appearance, in a manner not in keeping with the locally distinctive landscape character. Additionally, there is not any amenities for residential development. The development is contrary to Staffordshire Moorlands Local Plan Policies SS1, SD2 and DC3, and the NPPF.

Environmental Health

Complaint has been received about noise nuisance from barking dogs and vehicles running late at night.

Waste Collection

No issues regarding waste collection

Staffordshire County Council Highways

Site Visit Conducted on: 14-Nov-2024

Conditional. The site is located to the north of Moorside Farm and was previously used as yard and premises for storage of various materials and the sale of farm vehicles. The site has an existing gated access, slightly recessed from the highway, Eaves Lane. Eaves Lane, in the location of the site, is a rural, unclassified road, which is part of the adopted highway network with a 60mph speed limit, unlit and no provision for pedestrians.

This is a retrospective development, with the dwellings in place and improvements made to the access surface, boundary treatment and gates. This is a large site for the two pitches with a lot of space for vehicles to park within it away from the highway. The applicant is utilising the existing gated access from Eaves Lane and has made improvements by hard surfacing the entrance and providing new wooden gates to secure the site, these open inwards away from the highway.

The site cannot be deemed as sustainable or accessible given its location. There is no provision for pedestrians and no local amenities in close proximity. This does mean that there will be a reliance on vehicles to travel to and from the site. On balance, however, given the size of the site, limited to two pitches, utilising an existing access and considering the former use, it is unlikely that the continued use of the site for the purpose proposed will have a detrimental impact on the adjacent adopted highway.

Condition: The site hereby permitted must be limited to the 2 pitches shown in

Proposed Site Plan DWG 3.

OFFICER COMMENTS

Impact on the Green Belt

The site is in the Green Belt where development is inappropriate and, by definition, harmful to the Green Belt unless it is provided for by one of the exceptions that appear in the closed lists in the NPPF. Substantial weight should be given to any harm to the Green Belt and planning permission should not be granted unless there are other considerations, amounting to 'very special circumstances', that clearly outweigh the harm to the Green Belt and any other harms resulting from the proposal.

The development, partly carried out and proposed, is essentially a material change of use with associated engineering works and operations.

The list of exceptions include engineering operations and material changes in the use of land provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The partial or complete redevelopment 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. Additionally, there is an exception for the "partial or complete redevelopment of previously developed land (including material change of use to residential) which would not cause substantial harm to the openness of the Green Belt".

The application submits that the site is previously developed land. The NPPF defines 'previously developed land' as "*land which has been lawfully developed and is or was occupied by a permanent structure..... including the curtilage of the developed land*" The definition excludes land that is or was last occupied by agricultural or forestry buildings. In these regards the application points to a series of aerial and street view photographs that the agent says "confirms that the land is brownfield".

However, the site is most obviously farmland that has in recent years, undoubtedly, suffered from some blight of what appears to be no more than the indiscriminate storage of vehicles and machinery. As the agent concedes there is no planning history to confirm that a material change of use had either been authorised or had become lawful. Moreover, the land was marketed before it was purchased by the applicant and the photographs with the sales particulars show that the land had been cleared, tidied and had the appearance of farmland with sheds and grazing enclosure. There is no evidence that the land has been previously developed, lawfully or otherwise, and before the land was occupied and hard surfaced by the applicant, the land was evidently farm land occupied by agricultural buildings.

The applicant's occupation of the site and the development carried out has already harmed the openness of the Green Belt where a considerable and unrestrained area of land has been covered with stone and gravel surface, close boarded fencing has been erected, two caravans are sited on the land (static and tourer), and commercial vehicles are parked. Additionally, the application proposes two more pitches for a further touring and static caravan, and the replacement of the farm sheds with a brick and mortar building that would be of substantial and permanent construction and there would be further and compounded harm to openness.

The development has already and would conflict with the purposes of including land within the Green Belt because the site is located in open land between two large built up settlements and cause countryside encroachment.

The development is therefore, not provided for by any of the exceptions discussed above. Additionally, under the terms of the new NPPF, published on the 12th Dec 2024, the development should also not be regarded as inappropriate where: the development would utilise 'grey belt land'; there is a demonstrable unmet need for the type of development proposed; the development would be in a sustainable location; and where applicable the development proposed meets the 'Golden Rules' requirements ('Golden Rules' requirements are not applicable to traveller sites).

While there is a demonstrable unmet need for traveller sites in the District (discussed in the section below) all of these tests must be met for the development not to be inappropriate. The development must also be in a sustainable location and be in the Grey Belt. As discussed in the section below, the development is not considered to be in a sustainable location. 'Grey belt' is defined as land in the Green Belt comprising previously developed land and/or any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143. As discussed above the land is not previously developed, and providing open undeveloped farmland between the Potteries conurbation to the west and the settlements of Werrington to the south east and Cheddleton and Leek to the north east, it makes strong contribution to the stated purposes by checking the unrestricted sprawl of large built-up areas and prevents neighbouring towns from merging. The land is not considered to be 'grey belt'.

The development is therefore, inappropriate and, by definition, harmful. The harm to openness and conflict with stated purposes of providing land within the Green Belt provide strong reasons for refusing the application. To grant planning permission there must be very special circumstances that clearly outweigh the harm to the Green Belt and any other harm resulting from the proposal.

Principle of Development/Approach to Traveller Site Development

For the purposes of planning policy "gypsies and travellers", as defined in the revised Planning Policy for Traveller Site (PPTS) (updated 12th Dec 2024), means: *"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, and all other persons with a cultural tradition of nomadism or of living in a caravan"*

The application makes the claim that the applicant and their family are gypsy travellers as defined in the PPTS and that the site would be provided as a traveller site for their settled occupation. The evidence submitted to substantiate or detail that claim is limited. Some of the objectors allege that the applicant has for the last 11 years lived in a bricks and mortar dwelling amongst the settled community in Stoke on Trent. The applicant's agent does not dispute this, explaining that the applicants had to "endure" this for a considerable period of time forced to do so through "a strict application of planning policy".

The Council does not currently have a 5 year supply of traveller sites. The requirement for 2015-19 for 6x pitches was only partially met with 3x approved at Checkley. In addition there is a requirement for a further 2x pitches up to 2034 (which according to

table 6.4 of the Gypsy-and-traveller-and-travelling-show-person-accommodation-assessment 2015 implies the first of these is for the period 2019-2029). It does not appear that the Council has approved any traveller sites since Checkley. Also the GTAA clarifies that (given the definition change of traveller between 2015-23) the requirements are minima any way (see para 6.40 and 2.28).

The PPTS clarifies that if the Council cannot demonstrate an up-to-date 5 year supply of deliverable traveller sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply. Paragraph 11(d) of the NPPF states that where the development plan policies which are most important for determining the application are out-of-date, granting planning permission unless: the application of policies in the NPPF protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole.

In this case it is the first of these circumstances that apply, the site is in the Green Belt, confirmed in footnote 7 (to paragraph 11 of the NPPF) as being a protected area, and as discussed in the section above it provides a strong reason for refusing the development proposed. The revised PPTS continues to make it clear that in the Green Belt traveller sites are inappropriate development unless the exceptions at Chapter 13 of the NPPF apply. This is reflected also in the SMDC Local Plan Policies SS10 strategy for the Other Rural Areas and H4 criteria based policy for the determination of applications for gypsy and traveller sites. Both Local Plan policies clarify that unless the exceptions apply the development will be inappropriate and permission should not be granted unless there are very special circumstances.

It is an underpinning principle reiterated in both the PPTS and policy H4 of the SMDC Local Plan that traveller sites should be sustainable economically, socially and environmentally. Policy H4 requires, inter alia, the provision of safe and convenient vehicular and pedestrian access to the site and for it to be reasonably accessible to shops, schools, health facilities and other community facilities on foot, by cycle or public transport; and the PPTS requires sites to promote integrated co-existence between the site and the local community, access to appropriate health services, and ensure that children can attend school on a regular basis.

The site is not considered to occupy a sustainable location. The site is in a rural location positioned centrally in undeveloped countryside between the edge of the Potteries and the nearest village. The site is positioned, mid-way, on a narrow winding country lane that serves a number of farms. The site is not well connected to, and is remote from, shops, schools, health facilities or other services – there are no merits in those regards. Eaves Lane is in places rather awkward to negotiate where it narrows and has limited passing opportunity and visibility on bends. There are no bus services along Eaves Lane and there are no safe routes for cyclists or pedestrians. For all intents and purposes, the location might ordinarily be described as being rather ‘cut off’. Moreover, the occupant’s connections to schools and health services are confirmed in evidence as being around 10 miles away with the Stoke on Trent area.

Impact on Character and Appearance

Eaves Lane is a narrow rural lane that winds through open countryside and a farm land landscape made up of irregular field parcels enclosed with livestock fencing and established traditional hedgerow interspersed with mature tree lines and small woodland clusters. To the west Wetley Moor Common provides country park. The lane passes between dry stone walls, grass verge and traditional hedgerow. The lane serves occasional farms and residential cottages set back from the road.

The roadside hedge to the boundary of the site is in places broken and in the winter appears sparse affording views of the site. An unsightly piece of metal sheet has been placed in a gap within the hedge in an attempt to screen the site. The timber gates and the considerable length of close boarded fence, the vast expanse of gravel hard surface, the caravans and commercial trucks and vans are incongruous features within the landscape they make significant intrusion into the countryside and are significantly harmful to the character and appearance of the area and landscape character. This harm would be compounded with the introduction of a brick and mortar day room and additional caravans.

The locality is popular among walkers and horse riders with Wetley Moor Common to the east and the site is apparent from roadside and public footpath Werrington 32 opposite the site. The incongruous and harmful development harms the users of the countryside amenity.

The PPTS requires that when considering applications, local planning authorities should attach weight to the following matters: sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness; and 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. That is reflected in Local Plan Policy H4 which states that sites should be 'soft' landscaped to positively enhance the environment and increase the site's openness rather than 'hard' landscaped.

In this case the extent of undeveloped farmland that has been covered with a stone and gravel surface is vast and unrestrained. It seems excessive when considered against the stated need and is suggestive of some alternative undeclared motive. The hard surface is intrusive in the countryside and has an incongruous urbanising impact.

Overall, there is conflict with policies SS10, H4, DC1 and DC3 of the SMDC Local Plan 2020 in these regards.

Impact on Amenity

There is complaint and objection from near residential neighbours. Reports of noise nuisance from barking dogs and engine noise, often at night, have been received. During the planning officer's visit the loud barking from dogs, kennelled on site, were audible from the roadside. There were also commercial vehicles on site. These matters have yet to be investigated by Environmental Health to establish whether this is a statutory nuisance. It is not unusual to hear barking dogs in a rural or residential area and there is not currently evidence available to establish that noise nuisance is a justifiable reason for refusal.

However, it is one of the criteria of SMDC Local Plan Policy H4 that the site should not be detrimental to amenities of adjacent occupiers. There is not sufficient information or evidence made available with the application to make a judgment in those regards. Despite requests the applicant has not explained or detailed their employment or business arrangements and how that relates to the use of the site, clearly there are commercial vehicles kept and parked on the site. There are dogs on site currently kennelled in one of the agricultural sheds, on the boundary with Moorside Farm just 40m from the neighbouring dwelling. The sign on the front gate, suggests they are security dogs. There is no evidence provided relating to the number or the type of dogs, but it is clear that without the applicant's occupation and the material change of use, the dogs would not be kennelled in this location. There does at least appear to be some conflict with SMDC policies DC1 and H4 in those regards.

Other Considerations

There has been substantial harm to the Green Belt by reason of inappropriateness, harm to the openness of the Green Belt and conflict with the purposes of including land within the Green Belt. This would be compounded with the completion of the development as proposed, and this provides a strong reason for refusing planning permission. Planning permission should only be granted if 'very special circumstances' clearly outweighs the harm to the Green Belt and any other harms resulting from the proposal. It is also considered that the proposal causes significant harm to the character and appearance of the area and that it is in an unsustainable location.

The site would make some contribution to the supply of sites within the District, but this would only be limited to the private benefit of the applicant's family. Their claim to gypsy and traveller status under the planning policy is not fully explained or substantiated with evidence and there is no submitted information relative to the nature of their business or employment which, on observation, is clearly a contributing factor for the occupation and the size of the surfaced site.

A statement of personal circumstances says that the family were born and have always lived in Stoke on Trent. The youngest child attends school 7 miles away in Stoke on Trent. We are told something of the families medical history, that shall not be discussed in detail here and that the family are registered at doctors, dentists and opticians of similar distance away from the site, outside of the district, in Stoke on Trent. The site is remote from and not in any way well placed to provide ease of or sustainable access to these services.

There is nothing evidenced in the applicant's personal circumstances or case that justifies their occupation of the site or should be considered to constitute 'very special circumstances' that clearly outweigh the harms identified above.

CONCLUSION / PLANNING BALANCE

There has been substantial harm to the Green Belt by reason of inappropriateness, harm to the openness of the Green Belt and conflict with the purposes of including land within the Green Belt. This would be compounded with the completion of the development as proposed, and this provides a strong reason for refusing planning permission. It is also considered that the proposal causes significant harm to the

character and appearance of the area, adverse impacts on the amenity of near neighbours and that it is in an unsustainable location. The development contravenes policies SS10, H4, DC1 and DC3 of the SMDC Local Plan 2020 and the terms of the NPPF.

There are no considerations that amount to 'very special circumstances' and clearly outweigh those harms.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Ben Hurst

Recommendation Date: 23rd December 2024

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council