

DELEGATED DECISION REPORT

SMD/2025/0212
Valid 06/05/2025

**LAND TO THE NORTH OF
MOORSIDE FARM EAVES
LANE
ARMSHEAD**

**CHANGE OF USE OF LAND TO
A 2 PITCH FAMILY GYPSY &
TRAVELLER SITE -
RETROSPECTIVE -
RESUBMISSION OF
PLANNING APPLICATION
SMD/2024/0486**

(FULL - MINOR)

MAIN ISSUES

- Gypsy and traveller status of the applicant
- The presumption in favour of sustainable development
 - *Policy Context*
 - *Supply of Gypsy and Traveller Sites*
 - *Paragraph 11 of the NPPF*
- Impact on Green Belt
- Impact on Character and Appearance
- Impact on Amenity
- Other Considerations
 - *Supply of Gypsy and Traveller Sites*
 - *Personal circumstances of the appellant and his family*
 - *Human Rights and the Public Sector Equality Duty*

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 Abbey Hulton and the edge of the Stoke on Trent conurbation. There is a belt of open fields between the site and the residential edge of Abbey Hulton. Similarly, a belt of open land separates the site from the northwestern edge of the SMDC Local Plan designated 'larger village' of Werrington, which is a 5km road journey from the site.

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, they currently appear to be used for storage and to kennel security dogs. 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 a grey transit style van and a VW Golf. On

previous visits there have been white vans and commercial flatbed trucks parked on the site.

PROPOSAL

This application is a resubmission following the refusal of planning application SMD/2024/0486, refused by the Local Planning Authority on 23/12/2024. This repeat application seeks permission for substantially the same development that was considered under the scope of the previous application.

The proposed development is 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 applicant is counting a ‘pitch’ as including one static style caravan and one touring style caravan. One pitch has already been provided on the land, without planning permission, which means that the application is proposing the introduction of an additional transit and touring caravan. It is said that the applicant seeks permission for settled site accommodation to provide suitable accommodation in the interests of the children and the families well-being and that the seven family members (5 adults and two children) are all already living on site in the two caravans.

There is no mention on the form, or in the statement, of the applicant’s business or employment interests and how this might relate to activities on the site – the applicant’s agent insists this does not form part of the application. The applicant has a driveway and ground works business, registered as a limited company since May 2014. The business’s website had provided the applicant’s previous home as the business address, but the application site is now given as the business address. Observations indicate that works vehicles and machinery (vans, trucks, excavator and compactor) are dispatched from and return to the application site.

This repeat application differs only in that includes:

- A statement of truth from a previous owner of the land
- Some historic photographs of the land that were not previously included
- An extended statement, produced by the applicant’s planning agent, insisting that the authority should have found differently against the relevant planning policy
- Revisions to the applicant’s statement of personal circumstances

Plans submitted with the application detail: the proposed replacement of two existing farm sheds with a brick day room that would provide a sitting room, shower and WC (6m by 4m); and an area of tree planting to the western corner of the site that has already been covered over with stone hardstanding.

The application seeks retrospective permission for works already carried out, including, the provision of the permeable gravel surface across the site, the installation of a septic tank, and the erection of a 2m+ high close boarded fence and access gate across the southern boundary of the site.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

SS1 Development Principles
SS2 Settlement Hierarchy
SS10 Other Rural Areas Area Strategy
DC1 Design Considerations
DC3 Landscape and Settlement Setting
H4 Gypsy Traveller Sites
NE1 Biodiversity and Geological Resources
NE2 Trees, Woodland and Hedgerows
T1 Development and Sustainable Transport

Joint-Authority (Newcastle-under-Lyme, Stoke-on-Trent, Staffordshire Moorlands and Stafford) Gypsy and Traveller Accommodation Needs Assessment (GTAA) published in 2015

Staffordshire Moorlands Green Belt Review Study 2015

Staffordshire Moorlands Landscape and Settlement Character Assessment 2008

National Planning Policy Framework (NPPF) - updated December 2024

Planning Policy for Traveller Sites (PPTS) – updated December 2024

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2024/0486 Retrospective change of use of land to a 2-pitch family gypsy & traveller site. REFUSED.

CONSULTATIONS

Publicity

Site Notice expiry date: 1st July 2025
Neighbour consultation period ends: 1st July 2025
Press Advert: N/A

Public Comments

Some 14 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' cattle were reared on the land some 3 years ago

- 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 single track road with few or no passing places
- Increased vehicle traffic on a dangerous lane
- Water run off freezes on the lane opposite the access The land has been converted to a tall fenced, hard gravelled
- Area with a waterproof membrane installed. This is now causing a flooding issue to the neighbour
- 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

2 supporters have made comments:

- Feel that the objections are racially motivated.
- One supporter, the previous owner, says that they cleared the land with their son before it was placed on the market.
- There were cattle on the land but before the land was cleared it was in a very untidy condition.
- There was a chamber that took water from a natural spring that went to a well that was in the garden, and then into a small pond down the field that it is believed has been filled in and that is the cause of the flooding.
- There used to be traffic movements to and from the site every day of the week when it was under previous uses.

Town / Parish Comments

Werrington PC: Strongly Object on following grounds:

- Contrary to national policy on traveller sites
- Inappropriate development in the Green Belt
- Insufficient information submitted with the application to consider highways and ecological impacts.

Environmental Health

Recommend refusal due to insufficient drainage information.

Drainage and Licence Comments -To make a full assessment of the site we require more detail on the wastewater disposal on the site, main drainage and/or septic tank details. If planning permission was to be approved the site would also need a site licence as a 'Park Home' and would need to meet the conditions of that licence and any additional legislation applicable.

Amenity: Primary concerns are noise and lighting.

Any lighting installed should be so selected, positioned and directed so as not increase preexisting luminance levels at any neighbouring property, all lighting should be and

be complaint with the Institute of Lighting Engineers Guidance on Excessive Luminance. (Condition on request)

From a noise perspective if the site for domestic residential use only then commercial noise can be removed as a concern, we would advise a prohibition on commercial use is made a condition of occupation if permission is granted. If commercial use is proposed, then a noise impact assessment should be submitted.

Fill and soil importation - No information is provided on the source of the material which is used for the hardstanding. This should be made a condition of development. (Condition on request)

Staffordshire County Council Highways

Site Visit Conducted on 14-May-2025

Conditional.

Current records show that there were not any Personal Injury Collisions on Eaves Lane within 215 metres either side of the property accesses for the previous five years. 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 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

Gypsy and traveller status of the appellant

For the purposes of planning policy “gypsies and travellers”, as defined in the revised Government policy document, Planning Policy for Traveller Sites (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”*. Following the *Smith* judgement, the definition now includes persons that have ceased to travel and applies to anyone that has a cultural tradition of living in a caravan.

A statement submitted by the agent on behalf of the applicant says that the applicant's partner and all the children were born in Stoke on Trent and have always lived in, and travelled from, the area. The statement 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.

Some of the objectors have previously alleged 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, forced to do so through "a strict application of planning policy". They say that when they lived in the bricks and mortar dwelling, 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 revised/updated statement of personal circumstances, submitted with this application, expands upon, and explains further, the circumstances and arrangements surrounding their occupation of the bricks and mortar dwelling. It is said that, despite having to live in bricks and mortar (not by choice), they travelled in all the school holidays, and always took the family to Appleby Horse Fair, Stow Horse Fair and the travellers and gypsy conventions across the country, along with many other gatherings for the gypsy and travellers' community.

It is said that the family slept in a shed in the backyard and used an outside toilet, because they "hated the house", and that the applicant and his sons slept in the back of their transit van. The statement says that living in the house made the family very upset, and they were only happy living or sleeping in caravans or in the shed.

The planning agent has submitted statements on behalf of the applicant, the evidence is not provided in the form of sworn statements direct from the family. However, from the extent and detail of this evidence it is, on balance, probable that the applicant and his family are persons with a cultural tradition of nomadism or of living in a caravan and, on their evidence, some aversion to bricks & mortar accommodation. The applicant and his family are therefore considered to be 'gypsies' or 'travellers' for the purposes of government policy. Their housing needs are to be assessed on that basis, and their development proposal would provide a private two pitch caravan site for the housing of a single gypsy traveller family.

The presumption in favour of sustainable development

Policy Context

For the purposes of the current Local Plan, the site is in an 'other rural area' outside of any of the defined settlements, it is also part of the North Staffordshire Green Belt. Local Plan Policy SS10 restricts support in the other rural areas only to development that has an essential need to be in the countryside and, essentially, defers Green Belt considerations to Government policy in the NPPF. The criteria-based policy, relative to applications for traveller sites, 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. It is an underpinning principle reiterated in both the updated PPTS (Dec 2024) and policy H4 of the SMDC Local Plan that traveller sites should be sustainable economically, socially and environmentally and the updated 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.

Supply of gypsy and traveller sites

Policy H4 of the Local Plan specifically relates to Gypsy and Traveller Sites and Sites for Travelling Show people. The supporting text to that policy explains that the need for sites for gypsies and travellers within Staffordshire Moorlands has been identified through the joint-Authority (Newcastle-under-Lyme, Stoke-on-Trent, Staffordshire Moorlands and Stafford) Gypsy and Traveller Accommodation Needs Assessment (GTAA) published in 2015. In respect of the current policy context, it is a significant point that the Council cannot demonstrate a 5-year supply of gypsy traveller sites, when considered against the assessment of need that is set out in the 2015 GTAA document.

The GTAA identified a requirement for 6 residential and zero transit pitches for the district over the period of 2014 – 2019, with an additional 2 residential pitches up to 2034. The GTAA was prepared based on the definition of gypsies and travellers set out in Annex 1 of the previous version of the PPTS, in which those who have ceased to travel permanently were excluded. In the light of the judgment in *Smith*, and the revised definition in the updated version of the PPTS (December 2024), it is therefore possible that the need for sites is underestimated in the GTAA and as such cannot be relied upon.

The requirement of 6 pitches to be provided for the period 2015-19, was only partially met when a planning permission was granted in 2017 for 3 private family pitches in Checkley. The Council has not approved planning permission or made any traveller site allocations since the Checkley permission was granted. Even if supply is considered against the need currently stated in the GTAA, the Council does not currently have a 5-year supply of traveller sites.

Paragraph 11 of the NPPF

The PPTS reiterates that if the Council cannot demonstrate an up to date 5-year supply of deliverable traveller sites, it is the provisions in paragraph 11(d) of the National Planning Policy Framework that apply and the policies most relevant for determining the application should be considered out of date.

Paragraph 11(d) of the NPPF, therefore, gives instruction on how the matter of under supply, should be weighted in the balance of considerations. The paragraph states that where the development plan policies which are most important for determining the application are out-of-date, then planning permission should be granted unless: the application of policies in the NPPF that protect areas or assets of particular importance [such as the Green Belt] 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 NPPF taken as a whole.

In this case, the site is in the Green Belt, confirmed in footnote 7 (to paragraph 11 of the NPPF) as being a protected area. To determine the application therefore, it is necessary to consider whether the development would have a harmful impact on the Green Belt that would provide a strong reason for refusing the application and/or whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

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 at Chapter 13 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 updated PPTS (Dec 2024) 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'.

The development, partly carried out and proposed, is essentially a material change of use with associated engineering works and operations. The list of exceptions includes 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". 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" and, at paragraph 155, the exception for development on areas of the Green Belt that can be accepted as 'grey belt' is provided.

The applicant's occupation of the site and the development carried out has already harmed the openness of the Green Belt. A considerable and unrestrained area of previously open farmland, with a run of livestock fencing and roadside hedgerow providing the only enclosure, has been covered with stone and gravel surface (a disproportionately large area for the siting of four caravans), high close boarded fencing and a gate has been erected at the site perimeter, and two caravans are sited (static and tourer) on the land. The applicant's agent has confirmed that all five adults are currently living on the site, they will all be dependent on cars and this will account for considerable areas of parking on the land. The applicant has a driveway and ground works business with a website that provides the application site as the new business address, observation of the land confirms that associated works vehicles and machinery return to and are kept on the site. Additionally, the application proposes the introduction of 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 – with this there would be further and compounded harm to openness.

The development has already, and would further, conflict with the purposes of including land within the Green Belt because the site is part of the open undeveloped Green Belt land to the edge of the Stoke on Trent conurbation. The development contributes to a sense of unrestricted sprawl of the large built-up area and causes encroachment into the countryside.

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 a 'statement of truth' from one of the previous freeholders of the land has been submitted with this repeat application. It is said that she had owned the land with a joint owner who had occupied the land until 2022 - they had owned the land since May 2010 and decided to sell it in July 2023. The land was placed on the market in January 2024. The statement describes how the previous occupant had created an access with Eaves Lane and used the land to keep his lorries, trailers, tractors, and mechanical equipment. There was an HGV operator's license on the land between 2015-2019. It is said that the occupier had also tipped 80 tonnes of fire bricks on to the land, potentially to clean and resell. The statement explains how over time there were "all manner of" machinery, vehicle parts, tractors and equipment placed on the land and that at times machinery, equipment and tools were sold or hired from the land.

The application points to a series of aerial and street view photographs that the agent says, "confirms that the land is brownfield". Additionally, with this application, there are photographs taken at different times from within the site that appear to show piles of rubble and other building waste (fibre glass insulation) tipped on the land, and trucks trailers, machinery and tractors placed on the land.

The previous owner also provides evidence in the form of her response to the public consultation for the application. She explains that before the land was placed on the market or sold to and occupied by the applicant, she had cleared and tidied land with the assistance of her son. The sales particulars show how the land had been cleared and restored as farmland that was marketed as a small holding. The condition and character of the land, prior to the applicant's occupation and development, is well documented, therefore, in the sales particulars. The land was marketed as a 'smallholding' with barns, field shelters, a small yard area, and grass paddocks. The particulars included photographs showing that the land had been cleared of the blight, hard standings were limited to informal farm tracks or scrappy poorly defined areas of stone pressed into the earth and, overall, it had an agricultural character and appearance, compelling evidence in those regards.

The evidence, is consistent with the Council's observation that the land was most obviously farmland that has in recent years, undoubtedly, suffered from the blight of an indiscriminate and sprawling storage of vehicles, machinery and building waste. As the agent concedes there is no planning history to confirm that material change of use had either been authorised or had become lawful. The evidence does not demonstrate that prior to marketing, previous land uses had been established with any of the

consistency or continuity that would be necessary to identify a lawful material change of use.

With all this evidence in mind, there are several obvious barriers that prevent the applicant from demonstrating that the land should be accepted as 'previously developed' for the purposes of Chapter 13 of the NPPF. They are as follows:

- The definition of 'previously developed land' excludes land that is or was last occupied by agricultural buildings - the sales particulars provide evidence that the land was last occupied by agricultural buildings (barns and field shelters).
- None of the buildings on the land were "developed lawfully", a requirement of the definition - both the barns were built in breach of planning control.
- The 'previously developed' definition is concerned with the presence of buildings and their curtilage on land - the application site includes and has been developed well beyond the buildings and the scope of their curtilage.
- The lawfulness of any previous use had not been established before the applicant carried out his development and material change of use - an intervening material change of use is an indication that any existing use status is abandoned or lost.
- A building development was carried out, you say, in 2014 in association with a material change of use, photographic street view evidence shows that the land was not in use in Aug 2023, less than 10 years later.
- Aerial photographs, street view photographs, and photographs provided with the application are indicative of a fluctuating, indistinct or inconsistent use of land over a 10-year period (amounting to no more than untidy or blighted farmland that had been cleared before the development was carried out).

The development has therefore, not been carried out on 'previously developed land' and is not provided for by any of the exceptions discussed above.

Additionally, under the terms of the new NPPF, published on the 12th Dec 2024, paragraph 155 provides a further exception for consideration and 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 set out at paragraphs 156-157 ('Golden Rules' requirements are not applicable to traveller sites).

In the Moorlands there is a demonstrable unmet need for traveller sites in the district, when considered against the needs assessment carried out in 2015. However, all those tests at paragraph 155 must be met for the exception to provide for the development. The development, therefore, must also utilise 'grey belt' and 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'. The site is located within a 'parcel' of Green Belt that the Staffordshire Moorlands Green Belt Study Review, carried out in 2015, identified as, overall, making a significant contribution to the purposes of including land within the

Green Belt. Specifically, the study identified the parcel as making a significant contribution to purpose (a) 'checking the unrestricted sprawl of large built-up areas' and described it as part of the arc of Green Belt in this locality which helps (along with Green Belt within Stoke-on-Trent District) to contain the eastern edge of the conurbation. The parcel of Green Belt in this locality provides open undeveloped farmland between the Potteries conurbation to the west and the settlements of Werrington to the southeast and Cheddleton and Leek to the northeast, it makes strong contribution to the stated purpose (a) by checking the unrestricted sprawl of a large built-up area. In these regards it is not considered that the development utilises 'grey belt'.

Moreover, with reference to paragraph 13 of the PPTS (Dec 2014) and paragraphs 110 and 115 of the NPPF, the development is not considered to be in a sustainable location. The PPTS at paragraph 13 says that planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally and ensure that their policies, inter alia, promote integrated co-existence between the site and the local community, promote access to appropriate health services, ensure that children can attend school on a regular basis, provide a settled base that reduces both the need for long-distance travelling and unauthorised encampment, and reflect the extent to which live and work from the same location can omit many travel to work journeys.

Generally, paragraphs 110 and 115 of the NPPF requires development to be focused on locations which are sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

The site is in an isolated rural location positioned centrally in undeveloped countryside between the edge of the Potteries and the nearest village. It is positioned, mid-way, on a narrow winding country lane that serves several farms. The site is not well connected to, and is remote from, shops, schools, health facilities or other services, none of which can be reached safely or practically by walking, cycling or by public transport - 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 rather 'cut off'. Moreover, the occupant's connections to schools and health services are confirmed in evidence as being around 8-10 miles away within Stoke on Trent. The applicant does not work from home. He has a driveway business serving a wide locality, the suburbs of the Moorlands and Stoke on Trent. Essentially the business now operates from the application site and the works vehicles and machinery are dispatched from and return the site. The youngest child is remote from the school that she attends 8 miles away and her opportunity to socialise with school mates and engage in after school activity is reduced by distance and dependency on a lengthy car journey. The children can attend school on a regular basis, but they were better placed to do so before the family moved to the application site, and they are now dependent on a lengthy car journey, and the application site and its location does not assist in those regards.

The application site has not been occupied as an alternative to unauthorised camping that reduces the need for long-distance travelling and does not provide opportunity for the applicant to live and work from the same location. The applicant has moved to the

site from a lawfully occupied property and has a driveway business that involves daily travel to work journeys from this isolated rural location.

Overall, the site is not sustainable economically, socially and environmentally and it does not assist integrated co-existence between the site and the local community. The location of the site is not sustainable, through limiting the need to travel and offering a genuine choice of transport modes. The development does not therefore, meet the criteria at paragraph 155 of being in a sustainable location.

The development is not provided for by any of the exceptions at paragraph 13 of the NPPF and is therefore, inappropriate and, by definition, harmful to the Green Belt. The harm to openness and conflict with stated purposes of including 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.

Impact on Character and Appearance

The application site lies within the ancient plateau farmlands landscape area type, as defined in the Landscape and Settlement Character Assessment of Staffordshire Moorlands. This landscape type is characterised by gentle undulating landform with some steep slopes, heathland including wet heath with rushes and rough grasses, drystone walls with remains of unmanaged hedgerows and isolated trees, fields often demarcated by fencing, dairy farming and horse grazing, and small woodlands.

The area surrounding the application site displays many of the characteristics of the ancient plateau farmlands landscape area type. Eaves Lane is a narrow rural lane that winds through open countryside and a farmland 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 a 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 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 the additional two caravans. The locality is popular among walkers and horse riders with Wetley Moor Common to the east and the site is apparent from roadside, the public footpath Werrington 32 opposite the site, and, on the neighbour's evidence, the upper floor windows of Moorside Farm to the south that occupies a lower ground level.

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 intent to ultimately park several cars and works vehicles for the use of the large family and driveway business. The hard surface is intrusive in the countryside and has an incongruous urbanising impact.

The harm identified above could not be overcome by landscaping or screening. The landscape in which the appeal site is located is relatively open. The provision of landscaping and/or screening sufficient to visually screen the breach of planning control from public view would need to be coniferous for year-round coverage and result in a form of enclosure that would itself be incongruous in this landscape.

Overall, there is, in these regards, conflict with policies SS10, H4, DC1 and DC3 of the SMDC Local Plan 2020 which, amongst other things, seeks to resist development which would lead to prominent intrusion into the countryside. It is concluded that the breach of planning control unacceptably harms the character and appearance of the area. There is also conflict with the terms of the NPPF and the PPTS. Significant weight is attached to this harm.

Impact on Amenity

Drainage

The applicant's agent states that a septic tank has already been installed and provides details of that product. It is to be emptied as required by an appropriate waste company. There is still no detail on pipework locations or runs, but it appears that the system if installed correctly under Building Regulation, would work satisfactorily provided that no storm water flows through the septic tank itself. Surface water would need to flow in its own system or bypass the actual septic tank.

The neighbour at the adjacent property to the south complains of a new flooding problem on his adjoining land that flows to the lower level of his property. A change to ground levels on the application site with the introduction of hard surfacing materials could have disrupted the flow of ground water across land boundaries. Potentially, the new material causes water to pool and build up in the substructure before it overflows across the boundary. This matter has been reported to Environmental Health officers; it is understood that their investigations are ongoing. The adjacent neighbour has provided evidence of some harm that he is suffering in these regards – photographs showing particularly wet areas of his land. The application does not provide any evidence that explains how surface water is drained or channelled on site, counters the neighbour's complaint, or suggests an alternative source for the problem. Council officers investigating new unauthorised operations on site, prior to the introduction of caravans, witnessed a quantity of crushed stone simply being tipped, spread and

compacted on stripped back earth or potentially some form of subbase. With consideration of the available evidence, weight is attached to the harm experienced and evidenced by the neighbour in these regards.

Noise and disturbance

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 one of the planning officer's visits to the site, the loud barking from dogs, kennelled on site, were audible from the roadside. There were also commercial works vehicles (a van and a flatbed truck) on site.

Council Environmental Health officers suggest that if the site is only used for domestic residential purposes, then impacts from commercial noise need not be a concern, otherwise a noise impact assessment should be undertaken. The applicant's agent insists that the proposal does not include provision of onsite commercial activity and that this should not form a consideration, and he suggests the use of a planning condition could prohibit such activities on the site. However, the applicant has a driveway and ground works business. The given business address on the company website, previously that of their former residence, is now that of the application site. It is clear, on observation, that works vans and trucks with necessary tools and machinery are dispatched from and, when they do not remain on client sites, return to the application site. Despite what the agent has said, and in the absence of any other evidence that might point to alternative arrangements, there must be the likelihood of early morning vehicle starts and vehicles and machinery being maintained or washed off on site. It would not be appropriate to impose condition when it is not clear that the applicant would be capable of complying with its terms. Noise associated with these activities and barking security dogs are not noises that near neighbours would reasonably expect to emanate from a smallholding or a small area of farm land that is without connection to any onsite residence. It is their evidence that they are disturbed by noisy activity on the site and, in the absence of any other evidence that allays concerns in these regards, there is harm to their living condition and amenity in these regards. Some degree of weight is attached to this harm.

Ground conditions

The application has provided evidence from one of the previous owners that suggests that the land was subject to a degree of environmental crime with waste materials tipped and kept on the land. With the help of her son, she cleared and tidied the site, but the application does not provide any evidence that the site was investigated or appropriately remediated for ground contamination that might pose risk to ground waters or human health.

A new load of hard surfacing material was tipped and spread on the land. No information is provided on the source of the material which is used for the hardstanding. Environmental Health officers suggest the matter could be dealt with by a condition of development and the applicant's agent says that receipts are available for the source of the material.

Conclusion

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 evidence that the near

neighbour is experiencing noise and disturbance and a pooling of ground water that emanates from the site and causes unacceptable harm to their amenity and living conditions. There is not sufficient information or evidence made available with the application to discount these matters as legitimate concerns or harms resulting from the development. There is conflict with SMDC Local Plan policies DC1 and H4 in those regards. Weight is attached to these matters.

Other Considerations

It has been concluded that the application of the Green Belt policies in the NPPF provides a strong reason for refusing the development proposed. There is harm to the Green Belt and substantial weight is attached to that harm. The development also results in unacceptable harm to the character and appearance of the area and the amenity of nearby neighbours. It is necessary to consider whether there are any material considerations of sufficient weight to indicate that determination should be made otherwise than in accordance with those conclusions – where there is harm to the Green Belt, such harm should be attributed substantial weight and planning permission should only be granted where other considerations amount to ‘very special circumstances’ and clearly outweigh the harm to the Green Belt and any other harms resulting from the development.

Supply of Gypsy and Traveller Sites

The planning authority cannot demonstrate a 5-year supply of traveller sites, when considered against the needs identified in the 2015 GTAA, which is now considered to be out of date and a potential underestimate. The applicant and his family are persons with a cultural tradition of nomadism or of living in a caravan and therefore, have housing needs in those regards.

The primary fieldwork for the GTAA comprised direct engagement and consultation with Gypsies and Travellers involving face to face interviews with families carried out by trained Gypsy Traveller fieldworkers. Fieldwork interviews were carried out over the period March to July 2015. At that time the applicant and his family were living at a dwellinghouse in the borough of Newcastle under Lyme. However, the fieldwork was unable to secure any interviews with households occupying bricks and mortar private dwellings in Newcastle under Lyme. In terms of bricks and mortar interviews achieved, the study had success in both Stoke-on-Trent and Stafford as bricks and mortar families were known to the interview team – this was not the case in Newcastle-under-Lyme or Staffordshire Moorlands and as such no interviews could be achieved with this group in these two areas. None of the Councils were able to provide any details of known bricks and mortar households either so this could not be utilised as an alternative method to accessing this group.

The application evidence states that the family were ‘enduring’ their bricks and mortar accommodation, facing restrictive planning policies and disadvantaged by a lack of alternative accommodation. It is said that they adopted particular sleeping arrangements to adapt. However, there is no evidence that they engaged with, or were known to, the wider traveller community, the study fieldworkers, or the Council. It is not clear how they attempted to address their situation, and no evidence is provided in those regards.

Generally, the development is provided in a remote and unsustainable location and is poorly laid out – dominated by hardstanding and enclosed by high fencing . In these respects, the development would make a small and relatively poor, two pitch, contribution to the district's supply of gypsy traveller sites. The site would be restricted to the private use of the applicant's family and not available or open to others who might have similar or greater housing needs, potentially those accounted for in the GTAA or in need following a period of roadside camping.

While the development provides the applicant and his family opportunity to live in caravans, it represents a disadvantage, in comparison to their previous home, in that it is further away and disconnected from shops, services, healthcare, community integration, and the children's education.

Nevertheless, there would be a personal benefit to the applicant and his family because the development would provide their preferred form of accommodation, relative to their cultural heritage, in circumstances where opportunity and availability of alternatives is limited and the authority cannot demonstrate a 5-year supply of sites.

Overall, the benefits associated with the development's contribution to supply would be small and limited. There would be personnel benefit to the applicant and his family, but they are now disadvantaged in other respects. The benefits associated with the development, in these respects, are therefore given moderate weight in the balance of considerations.

The under supply of traveller sites in the Moorlands and the absence of available alternatives to the application site is a significant matter in the balance of considerations. However, relative to Green Belt harm, 'very special circumstances' is a high bar, an unmet need for traveller sites can contribute to very special circumstances in some cases – but on its own it is insufficient. The matter is therefore, considered in the context of other considerations and circumstances specific to this case.

Personal circumstances of the applicant and his family

The applicant and his family are persons with a cultural tradition of nomadism or of living in a caravan and, on their evidence, some aversion to bricks & mortar accommodation. The applicant's housing needs should be considered on that basis. However, this should be viewed and weighted in the context of those personal circumstances particular to the applicant and this case.

The applicant now lives on the application site after selling and moving from the 3 bedroom, bricks and mortar dwellinghouse that they had occupied in Newcastle-under-Lyme for the past 11 years (between April 2013 and November 2024). Their previous home is apparent in aerial and street view photographs and the sales particulars used to market the property are available online. The property is a large semi-detached dwellinghouse on a sizeable plot with a large front and back garden. The whole of the plot had been covered over with gravel hardstanding. The family do not, therefore, have a recent history and background of a nomadic lifestyle or unauthorised roadside camping.

It is apparent in some of the photographs taken of the previous property over the years that, at times, vehicles and equipment associated with the driveway business had returned to, and were kept at, the family home. It appears therefore, that there are storage needs associated with the business that also contribute to the applicant's housing needs and preferences. The vast area of hard surfacing at the application site would serve him well in those regards.

It is not clear that the family had ownership of a caravan during the time that they lived at the dwellinghouse. None of the available aerial or street view photographs show any caravans at the applicant's previous property. It is said in the application statement that the family travelled during the school holidays and that they were only happy sleeping and living in caravans or the shed. However, the statement does not explicitly clarify whether they had owned and kept a caravan at the dwellinghouse during that time.

The marketing photographs available on the old sales particulars appear to provide evidence of some habitation and use of the house, for example - bunk beds in one of the bedrooms, televisions in each of the bedrooms, and toys on a bedroom floor. The photographs do not show or reveal how the shed was used to provide sleeping accommodation or that it had been adapted in those regards.

The application does not provide evidence that during this period there was any engagement with the Council, Local Plan review, or the GTAA process as a means of addressing their situation or that the family made their particular housing needs known to the Council.

The youngest, 8-year-old, daughter must have been born while the family lived at the dwelling on their previous property. Before moving to the application site, she would have been most familiar with a bricks and mortar residence, albeit, at times, she would have enjoyed travelling in the school holidays and sleeping in the garden shed. The daughter attends St Joseph's Catholic Academy in Golden Hill, which is less than 3 miles and a seven-minute drive away from the old home. From the previous property, shops, facilities and neighbouring communities were all within walking distance, there was opportunity for the daughter to socialise with classmates after school and engage in other community activities.

The family have now moved to the application site which is some 8 miles and a 25min drive from the school. The family are now isolated and remote from facilities and settlement, entirely dependent on the car. The provision of a settled and stable home from which the youngest child can access education and have opportunity to integrate with community activity and classmates is clearly in the best interest of that child. However, in those regards, she has not been well served by the move or the development.

The application statement describes health conditions and medical history that are specific to the family. In these regards, they require regular visits to the hospital in Stoke on Trent for tests and procedures and consultations at local clinics. Since moving to the application site, they have registered at a GPs surgery in Bentilee, which is 3 miles away. The family are registered at dentists and opticians, 5 miles from the application site, in Hanley. The previous property had direct access to the A34 and

the A500 which assisted with travel into Hanley and Newcastle. The move to the application site has not improved their access and distance to essential health care services. They must now navigate the awkward rural Eaves Lane and, for emergency services, they are harder to reach. The site is remote from and not in any way well placed to provide ease of, or sustainable, access to these services.

The healthcare needs of the family and the youngest child's continuing education are presented as special reasons for the applicant and his family to locate and live on the application site – a settled residential base from which they can access education and health care. Yet the application site does not deliver benefits in those regards. Since moving from a settled lawful residence that had good access to services, facilities and the wider highway network, they are now relatively disadvantaged in those respects.

The family's occupation of the application site does not follow a background of unauthorised roadside camping; they were not suffering hardships in those regards. Their history does not demonstrate any inclination to follow or take to that lifestyle. Their preference was, demonstrably, to settle at a dwellinghouse that met and served their needs for over 10 years.

In these circumstances, the family's healthcare and educational needs do not, in this case, provide a special reason or justification for the development or the occupation of the application site in this location.

Overall, the personal circumstances of the applicant and his family, specific to this case, are not factors that clearly outweigh the harm to the Green Belt and the other harms that result from the development.

Human Rights and the Public Sector Equality Duty

The extent to which a determination of the planning application would interfere with rights held under the European Convention of Human Rights, as incorporated into domestic law by the Human Rights Act 1998 (HRA), is a key consideration. In this case, a decision not to grant the applicant's planning permission, is likely to interfere with rights under Article 8 (right for respect for private and family life, home and correspondence). That is a qualified right, and interference with it may be justified where it is in accordance with the law and it is necessary in a democratic society.

The interference with the appellant's Article 8 rights would arise from the determination of a planning application and such interference with the applicant's Article 8 rights would therefore be lawful. The protection of the Green Belt and the countryside; and directing housing and traveller sites to appropriate locations are all legitimate planning policy aims and are set out in an adopted development plan and in national planning policy - the Green Belt protection policy being of national significance. Pursuance of those policy aims is therefore in the public interest. In this case, the stationing of caravans on the application site for residential occupation is contrary to those policy aims and would be contrary to the development plan for the area and national planning policy.

Refusing the application may eventually lead to the applicant and his family losing their current home and being required to leave the application site. The applicant, however, took the conscious decision to leave his lawful residence and voluntarily make his

family homeless. His previous property provided a sizeable dwelling and space within the plot to keep caravans and works vehicles- it served them well for over a decade. It was well located for the school, shops, services and health care and provided opportunities for community integration. The applicant and his family do not have a recent history of nomadic lifestyle or of unauthorised roadside camping and have not endured the hardship and disruption of an unsettled existence. They have, instead, demonstrated that in the absence of alternatives, their preference was to adapt to and occupy bricks and mortar property, prioritising the daughter's education and the needs of their business.

This means that if planning permission were refused and the family were required to leave the application site, they may suffer inconvenience and potentially some financial loss, but they are unlikely to take to, or be forced into, a life of unauthorised roadside camping and face the associated hardships of an unsettled existence. It is more likely that they would, instead, exercise flexibility in their approach to the property market. Moreover, the applicant would have opportunity to appeal the determination and there would be time to find alternative accommodation and property to comply with any formal request to leave the site.

The best interests of the children, particularly the youngest child that attends the school in Golden Hill, is at the forefront of these considerations. She has been moved from a home where she was settled, close to her place of education and within walking distance of neighbouring community, facilities and services. In these regards, the move and the applicant's development has disadvantaged the child, she is not well served by the move and the development and is now rather isolated. The interests of the child and her continuing education is not a factor that provides special reason for the planning permission to be granted.

Balancing these factors, it is considered that the interference with the Article 8 rights held by the appellant and his family should not be significant, there would be time to find alternative accommodation or property the family are unlikely to take to roadside camping and endure the hardships associated with that lifestyle, and overall, the interference would be both necessary and proportionate. In reaching that conclusion, it is not considered that the policy objectives could be achieved by means that interfere less with the applicant's rights.

PSED

Whilst the applicant has not been travelling, to the extent that he has lived a nomadic existence, he nevertheless retains his gypsy heritage and has a cultural preference for living in caravans. The applicant and his family, therefore, share the protected characteristic of race for the purposes of the Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010. The planning authority must give due regard to certain equality considerations, including the need to: eliminate unlawful discrimination, harassment, and victimisation; advance equality of opportunity between people who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not.

It is acknowledged that travellers, in the community at large, are disproportionately disadvantaged in terms of housing, education, health, and discrimination, particularly

where authorities cannot demonstrate a supply of sites to accord with housing needs assessments. The opportunity and availability of housing choice that would meet their needs is limited and restricted.

Refusal of this application may contribute to a continued lack of suitable accommodation for travellers in the Moorlands and specifically deprive the applicant and his family from continuing to enjoy their preferred accommodation relative to their cultural heritage. Balancing the interests of the applicant with the adverse impacts of the development, as part of the authority's responsibilities under PSED, it must be considered whether it is justified for the applicant and his family to continue to live on the application site in their caravans, having regard to this group's cultural lifestyle and historic disadvantage in the planning process.

In this case the family had previously occupied settled housing before moving to the application site for a considerable period of more than 10 years. While the application statement says that this was something that they had to endure when faced with a lack of alternative options, there is no evidence that during this time the family engaged with the needs assessment, the Council, or made contribution to Local Plan review.

The development provides the family with the ability to live in caravans and a base for their driveway business, but it has not improved opportunities for the family to foster good relations with the settled community, including those of their youngest child at her school, or to access education and health. The move to the application site and the development has disadvantaged them in those regards, when compared to their previous residence. These are not benefits that are delivered by the development and a refusal to grant planning permission would not cause undue deprivation in those respects.

It is found that the development is inappropriate and harmful to the Green Belt and that this provides a strong reason for refusing to grant planning permission. The development causes significant harm to the character and appearance of the area and occupies an isolated and unsustainable location in the countryside. There is also evidence that the development has an unacceptable impact on the amenity and living conditions of near neighbours.

It is therefore considered that the retention and completion of the development on the site in order that the applicant and his family may continue to live in caravans is not justified. In reaching this conclusion, the Council has had due regard to its duties under Section 149 of the Equality Act 2010. The need for culturally appropriate accommodation for the Traveller community has been considered and weighed appropriately in the planning balance.

Conditions

The PPTS suggests that planning authorities should consider whether development could be made acceptable using planning conditions. It has, therefore, been considered whether, in this case, suitably worded conditions could make the development acceptable in planning terms. However, the imposition of conditions could not alter those conclusions that the development is harmful to the Green Belt and the character and appearance of the area and does not provide a suitable site

and location for the stationing of caravans and the provision of a traveller site. The imposition of conditions could not make the development acceptable in planning terms.

CONCLUSION / PLANNING BALANCE

There has been significant 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. Substantial weight is attached to that harm. 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.

With due regard for the: under supply of traveller sites in the Moorlands; the personal circumstances of the applicant; their rights under the Human Rights Act; and some of the benefits that would be associated with the development, including the contribution to supply within the district and the applicant being provided with their preferred form of accommodation relevant to their cultural heritage; there are no considerations that amount to 'very special circumstances' that clearly outweigh the substantial weight attached to the harm to the Green Belt and those other harms that result from the development.

While there are some acknowledged benefits associated with the development, they are limited in their extent and the adverse impacts that would result from a grant of planning permission would significantly and demonstrably outweigh those benefits, when assessed against the policies in the NPPF taken as a whole.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Ben Hurst

Recommendation Date: 22nd August 2025

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council