

SECTION 78 GROUNDS OF APPEALS STATEMENT

APPEAL SITE:	EAVES LANE, STOKE ON TRENT, ST2 8LY
THE DEVELOPMENT:	CHANGE OF USE OF LAND TO A 2 PITCH FAMILY GYPSY & TRAVELLER SITE - RETROSPECTIVE - RESUBMISSION OF PLANNING APPLICATION SMD/2024/0486
APPELLANT:	MR P QUINN
PLANNING AGENT:	MR MIKE CARR MSc MRTPI – MAT DESIGN LIMITED

1. INTRODUCTION

These grounds of appeal have been prepared to support the appellants appeal against the refusal of planning application SMD/2025/0212 made on 22/8/2025, which was a resubmission of an earlier planning application (SMD/2024/0486), which had been refused on 23/12/2024. The resubmission sought to engage further with the Local Planning Authority (LPA) regarding the material changes made to the National Planning Policy Framework (NPPF and the planning Policy for Traveller Sites made on 12/12/2024, which also included a change to the Annex 1 definition.

Overall, this statement will identify and comment on the reasons that the LPA identified to support the refusal of the planning application, and will also provide the appellants grounds of appeal, as required by the appeals procedure rules. A Draft Statement of Common Ground is prepared as part of this process and we hope to work with the LPA to use this document to shorten the appeal process, which we must request is in the form of an Inquiry.

A separate statement has been prepared, which sets out the appellants reasons for requesting that this appeal is heard via an Inquiry, and this includes the evidential submissions made by the previous owner of the land, which we consider the LPA have either ignored, misunderstood or not dealt with reasonably, particularly in relation to the use of the land and the construction of replacement buildings on the land that had nothing whatsoever to do with agriculture or a wider farming enterprise.

2. THE APPELLANTS PLANNING APPLICATION 2023/00911/FUL.

This planning application was refused by the LPA on 22/8/2025 for a single combined reason that is set out in the decision notice. The reasons were that:

- 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. The development is not provided for by any of the exceptions at Chapter 13 of the NPPF - the land is not previously developed and is not 'Grey Belt'. 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 rural 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' that clearly outweigh those harms.

3. SUPPORTING APPEAL INFORMATION

A plan and information list has been prepared, which sets out all the plan and supporting statements to avoid repeating these matters in this appeal statement. That said and for the avoidance we would highlight the following statements made at application stage:

- The Planning Statement
- The Updated Planning Statement
- The Statement of Truth made by Alison Smith
- Street Scene and Aerial Imagery for the Site
- The Personal Circumstances Statement, which includes family details, Schooling, Health, Medical conditions and confirmation that the family fall within the 2024 PPTS Annex 1 definition.

4. THE APPELLANTS GROUNDS OF APPEAL THAT WEIGH IN FAVOUR OF THE DEVELOPMENT

Gypsy and Travellers - For purposes attached to the consideration of this appeal, the gypsies and travellers who live on the site, as defined in Annex 1 of the 2024 PPTS, who are persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or 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, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

The GTAA and Need in the Borough – The GTAA for the Borough dates from 2015 and its evidence base considerably out of date and does not take account of the changes made to the PPTS definition, along with families that have grown, young children who have become adults with their own children, all of whom need a place to live. Hidden households who did not take part in the 2015 survey exercise have never formed part of a suitable needs assessment and this would have included the appellants and his family, given that they were forced into bricks and mortar accommodation due to lack of pitch supply and suitable alternatives.

As we understand it, there is no plan in place to commission a more up to date GTAA, despite Government advice in PPTS Policy A that the LPA should

b) cooperate with travellers, their representative bodies and local support groups; other local authorities and relevant interest groups to prepare and maintain an up-to-date understanding of the likely permanent and transit accommodation needs of their areas over the lifespan of their development plan, working collaboratively with neighbouring local planning authorities; and

c) use a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions.

We therefore consider that the Local Plan Framework, the GTAA and the policies that are used by the LPA to make assessment regarding this type of planning application are out of date and fail to comply with the provisions set out in PPTS Policy A. The failure of LPA Policy should therefore attract significant weight in favour of this appeal.

Alternative sites - In terms of alternative sites, we also consider that it is common ground that there are no available sites or land use allocations in the Borough, and no other authorised sites that could accommodate the family group. We are not aware of any strategies, plans or reviews that would assist in the formation of an alternative site for the family group.

It is common ground with the LPA that there are no available, suitable or alternative Traveller pitches in the Borough, which carries significant weight in favour of this appeal.

The previous Use of the Land – The appeal site has not been lawfully developed within the context of the NPPF Glossary definition. However, the previous use of the land including the buildings that were erected as part of that use, where immune from any enforcement action the LPA may have taken and therefore lawful through the passage of time.

The aerial imagery evidence and the Statement of Truth prepared by the previous owner confirms the extent of the previous use, along with time frames and contributory evidence. We therefore consider that the site has been

previously developed and its re-use for the proposed use fall squarely within the PPTS paragraph 27(a) description, particularly when one adds into the equation the stable building and storage container (both lawful through the passage of time), which we propose to remove as part of the proposed development.

Furthermore, it is also quite clear from the evidence submitted and the Statement of Truth, that the 2 buildings shown on the serial images dated May 2017 onwards, were constructed by the previous owner and had no relationship whatsoever with farming or agriculture, despite the LPA claims (without evidence) to the contrary.

The aerial imagery submitted with the planning application provided clear evidence to the LPA and we do not consider that their decision properly recognises this or seeks to make effective use of land, which is a key component (Section 11) of the NPPF. Given that historic use of the site and previous developments that either have planning permission or not, the use and condition of the site prior to the development taking place, should attract great weight in favour of this appeal.

Further to the above when the Governments advice attached to making effective use of land is considered within PPTS paragraph 27 (a) effective use of previously developed (brownfield), untidy or derelict land, we consider the use of the appeal site for its intended purpose follows the directions set out in NPPF paragraph 11 and should carry great weight in this appeal.

NPPF Section 5 (Delivering a Sufficient Supply of Homes)

Paragraph 61 of the NPPF 2024 advises that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

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

In addition, paragraph 75 (onwards) advises that strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies.

Page 21 of the NPPF is also noted that for the avoidance of doubt, a five-year supply of deliverable sites for travellers – as defined in Annex 1 to Planning Policy for Traveller Sites – should be assessed separately, in line with the policy in that document. Footnotes 4 and 5 make it clear what deliverables means in this context

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

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

Staffordshire Moorlands Council do not have a 5-year supply of deliverable sites as set out in paragraph 28 of the PPTS and the associated PPTS Footnote 4.

PPTS Paragraph 28 and NPPF Paragraph 11d

The National Planning Policy Framework (NPPF) and Planning Policy for Traveller's Sites (PPTS) imposes a duty on Local Planning Authorities (LPA'S) to provide Gypsy and Traveller pitches and plots to meet evidenced need over a plan period.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) sets out that the determination of applications must be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the Borough comprises the Staffordshire Moorlands Local Plan Adopted September 2020.

The core principle of the NPPF is the 'presumption in favour of sustainable development', set out at paragraph 11(d) which states that for decision making where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key

policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Footnote 7 states that the policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 194) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75; and areas at risk of flooding or coastal change. Other than Green Belt, the development would not affect any such sites.

This is known as the 'tilted balance'. In a footnote, the NPPF goes on to specify that policies should be considered outdated where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78; or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

Staffordshire Moorlands cannot currently demonstrate a 5-year supply of Gypsy and Traveller sites. Consequently, in line with NPPF paragraph 11(d), there is a tilted balance in favour of approving the development, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework, taken as a whole. Within this context, there are substantial benefits for the family's health, well-being and long-term security and that the development would be within a sustainable location, make effective use of land, secure a well-designed place and provide affordable homes for the family.

The tilted balance in favour of the appeal should therefore attract exceptional weight in favour of the appeal.

NPPF Paragraph 155 and PPTS Paragraph 13

In the alternative, the LPA argue that there is a strong reason for supporting the refusal of the planning application, due to the 'significant' contribution of the appeal site towards green belt Purpose A in preventing urban sprawl. This is despite the appeal site being what can only be described as a 'grain in the sand' site that is well distanced from the Stoke on Trent eastern boundary and in an area of the Borough that is not adjacent to or near to a large built-up area, contained and existing development and is partially enclosed by existing development. The LPA therefore argue that the provisions of NPPF paragraph 11d do therefore not apply and that this reason negated the consideration of the planning application under NPPF paragraph 155.

We consider that such a stance does not stand up to reasonable scrutiny and we will argue through the Inquiry process, that the LPA's assessment of the 'strong' reason for refusal is so misplaced that it represents unreasonable behaviour in its own right, particularly when the provisions of PPG – Advice on the role of the Green Belt in the planning system was introduced in February 2025, well before the refusal notice was issued

Within the context of NPPF paragraph 155 identifies that the development of homes, commercial and other development in the Green Belt should also not be regarded as inappropriate where all the following apply:

- a. The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan,
- b. There is a demonstrable unmet need for the type of development propose and
- c. The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework and
- d. Not applicable in this case.

We would also highlight that NPPF Footnote 57 sets out that in the case of development involving the provision of traveller sites, particular reference should be made to Planning Policy for Traveller Sites paragraph 13. PPTS paragraph 13 confirms that LPA's should ensure that sites Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally.

Local planning authorities should, therefore, ensure that their policies:

- a) promote peaceful and integrated co-existence between the site and the local community,
- b) promote, in collaboration with commissioners of health services, access to appropriate health services,
- c) ensure that children can attend school on a regular basis,
- d) provide a settled base that reduces both the need for long-distance travelling and possible environmental damage caused by unauthorised encampment,
- e) provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers to that may locate there or on others as a result of new development,
- f) avoid placing undue pressure on local infrastructure and services,

g) do not locate sites in areas at high risk of flooding, including functional floodplains, given the vulnerability of caravans; and

h) reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travels to work journeys) can contribute to sustainability.

Taking the above factors and policy directions into account, for the proposed development of the appeal site to be considered an appropriate form of development, NPPF paragraph 155 tests a, b and c must be met.

The Green Belt, Grey Belt, Demonstrable Need and Locational Sustainability

It is common ground with the LPA that the appeal site is in the green belt and that for the development of the appeal site to be considered as an appropriate form of development, all the relevant at NPPF paragraph 155 must be met for the harm caused by inappropriateness to be negated.

In this case, there is Page 8 of the case officer report attached to the refusal of planning permission confirms the LPA position that 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, thereby complying with NPPF paragraph 155 (b). Demonstrable need attached to the supply of Gypsy and Traveller pitches in the Borough is also a Very Special Circumstance and carries significant weight in favour of this appeal.

The LPA case officer report then identifies that the development, therefore, must also utilise 'grey belt' and be in a sustainable location.

Grey Belt - In terms of the assessment of the site as grey belt, PPG Advice on the role of the Green Belt in the planning system (February 2025), provides both developers and the LPA with the most up to date guidance in this matter. Paragraph: 002 Reference ID: 64-002-20250225 through to Paragraph: 004 Reference ID: 64-003-20250225 clearly sets out how such an assessment should be carried out, making it clear that a small number of large assessment areas **will not be appropriate in most circumstances** – authorities should consider whether there are opportunities to better identify areas of grey belt by subdividing areas into smaller assessment areas where this is necessary.

We say that when the LPA made its grey belt assessment to support the refusal of planning permission (see pages 9 and 10 of the case officer report), the **LPA simply and incorrectly relied on the** Staffordshire Moorlands Green Belt Study Review (2015) and identified green belt parcel N10 (15,000Ha coverage) makes 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. We do not disagree with that premises from the 2015 study.

However, we consider that this assessment is considerably overly restrictive and flawed in its outcome, because it incorrectly concentrates on the wider area of green belt parcel N10 and does not then take proper account of the PPG/Governments approach to the proper assessment of grey belt land.

We say this because Paragraph: 003 Reference ID: 64-003-20250225 sets out that “to ensure any assessment of how land performs against the Green Belt purposes is robust, assessment areas should be sufficiently granular to enable the assessment of their variable contribution to Green Belt purposes”. The same paragraph then goes on to say that “a small number of large assessment areas **will not be appropriate in most circumstances** – authorities should consider whether there are opportunities to better identify areas of grey belt by subdividing areas into smaller assessment areas where this is necessary”.

In this case the appeal site is located to the outermost limit to the east of parcel N10 and is located directly next to Moorside Farm to the south, Eaves Lane provides site access and boundary to the east. Open land extends to the north hand west, whilst various pockets of development are in place in the site surrounds that are in reasonable proximity to restrict and contain the development. In addition, it is also clear that the appeal site is not adjacent to or near to a large built-up area, nor would the development result in an incongruous pattern of development (such as an extended “finger” of development into the Green Belt).

Taking these material factors into account, and assessing the location and individuality of the appeal site, whilst green belt parcel N10 from the 2015 green belt assessment may have concluded that the wider function performed strongly against Purpose A, a correct assessment based on current PPG advice on the role of the green belt in planning, must reasonably conclude that the appeal site has (at best) provides a weak contribution towards restricting urban sprawl due to its location, physical make up and site surrounds,

Taking this int account, we consider that the development complies with the requirements on NPPF paragraph 155 (a) in that the site represents grey belt land and that there is not a strong reason to support the refusal of the proposals for the appeal site.

There is common ground with the LPA that the appeal site does not strongly perform against either Purposed B or Purpose C.

Locational Sustainability - NPPF Footnote 57 sets out that in the case of development involving the provision of traveller sites, particular reference should be made to Planning Policy for Traveller Sites paragraph 13. PPTS paragraph 13 confirms that LPA’s should ensure that their policies ‘reflect the extent to which traditional

lifestyles (whereby some travellers live and work from the same location thereby omitting many travels to work journeys) can contribute to the wider sustainability principles attached to Gypsy and Traveller sites. The position of the appeal site in the local area is highlighted on images 1 and 2 below.

It is clear from the above that sustainability in this context needs to be considered overall and that there are sustainability benefits in providing a settled location for Travellers. Moreover, the LPA seem to provide no evidence that the appeal site would perform poorly, compared to other non-allocated sites that may come forward in the Borough. Given the land use make up of the surround areas, new Gypsy and Traveller sites are likely to be in locations which are likely to also be in the Green Belt that the LPA would continue to argue were also locationally unsustainable.

In this case, the appeal site is reasonably close to local services and facilities, whilst the appellant and his family would travel to surrounding facilities in much the same way as other residents. Furthermore, Mr Quinns work in ground maintenance and paving means that he would travel to and from work in any event. NPPF paragraph 110 sets out that ‘opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making’. We consider that this is the case here and that the sustainability of the appeal site is positively supported by NPPF paragraph 110.

PPTS paragraph 13 does not identify travel distance as a significant material consideration in the locational sustainability of Gypsy and Traveller sites and seeks to ensure that traveller sites are sustainable economically, socially and environmentally.

Pages 8 and 9 of this statement set out the provisions on PPTS paragraph 13 and we consider that the appeal site provides a suitable, available and deliverable site that would ensure that traveller sites are sustainable economically, socially and environmentally. In particular, the appeal site would provide 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 possible environmental damage caused by unauthorised encampment and reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.

The compliance of the development with PPTS paragraph 13 should carry substantial weight in favour of this appeal.

Project:

MR P QUINN – EAVES LANE, STOKE ON
TRENT, ST2 8LY

By:
MCC

Date:
01/10/2025
Revision:



Image 1 - The appeal site in its immediate surroundings – Source Google Maps

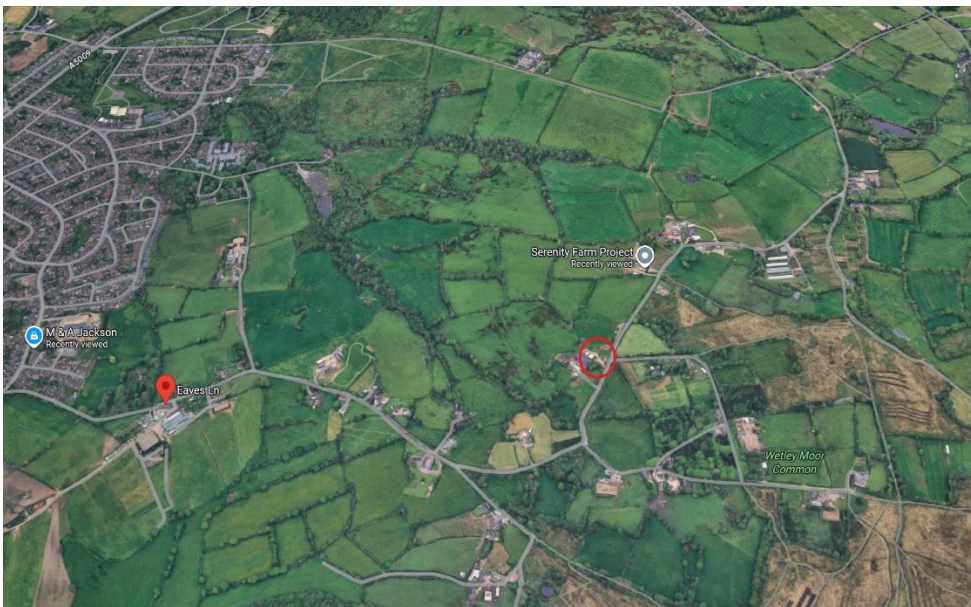


Image 2 - The appeal site in its wider surroundings – Source Google Maps

PPTS Policy H: Determining planning applications for traveller sites – PPTS paragraph 25 sets out that LPA's should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) the existing level of local provision and need for sites,
- b) the availability (or lack) of alternative accommodation for the applicants,

c) other personal circumstances of the applicant

d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites,

e) that they should determine applications for sites from any travellers and not just those with local connections.

We have sought to address the Policy requirements from PPTS paragraph 25 throughout the appeal statement, and we consider that the development on this appeal site would comply with the provisions and therefore attract significant weight in favour of the appeal.

Further to the above, PPTS paragraph 27 provides further advice to applicants and the LPA in that when considering applications, local planning authorities should attach weight to the following matters:

a) effective use of previously developed (brownfield), untidy or derelict land,

b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness, c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children and

d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

We have sought to address the Policy requirements from PPTS paragraph 25 throughout the appeal statement, and we consider that the development on this appeal site would comply with the provisions and therefore attract significant weight in favour of the appeal.

Vehicular Access - Paragraph 115 and 116 of the 2024 NPPF advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In this case, the existing vehicular access provides a direct link onto Eaves Lane and provides suitable visibility splays that that proposed access would not result in any adverse impacts on highway or pedestrian safety.

No highway objections are raised by the LPA in this case.

Residential Amenity - The proposed use of the site is a residential development. No commercial uses of the site are proposed through this planning application. Furthermore, the setting and position of the development site

and proposed pitches, when considered against the location of existing residential accommodation in the area, means that there would be no impact on residential amenity. No objections are raised by the LPA.

Street Scene - The proposed development would not be harmful to the street scene, given the sites position to in the locality. No objections are raised by the LPA.

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

However, and in the content of Biodiversity, paragraph 57 of the NPPF identifies that Local planning authorities should consider whether otherwise unacceptable development could be made acceptable by using conditions or planning obligations. The applicant would be happy to assist in providing planting and landscaping to the site which, subject to the LPA's decision, would help to further integrate this site into local landscape. No objections are raised by the LPA.

Boundary Treatments – No substantive changes are proposed to the site boundaries thereby meaning that the appeal site and occupants would 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.

Landscaping – We consider that a suitably worded planning condition could enhance the bio-diverse and visual interest to the land.

5. PLANNING BALANCE

In terms of the material planning considerations (set out above), all of which must which weigh in favour of the application, we would highlight that there is an unmet need for Gypsy and Traveller accommodation in the Borough, and that the delivery of suitable site accommodation is compounded year on year by the failure of the LPA to demonstrate a 5-year supply of sites, which it is required to do by both the NPPF and the PPTS.

There is also a clear failure of policy regarding proper and positive planning for Gypsy and Traveller people is substantial and prejudices the opportunities for settled accommodation and is also at odds with the Governments overarching aim to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

These failings also offends the PSED and the Human Rights of **all** the adults and the children who would live on the site.

Further to the above, the GTAA that is available is so out of date that it is rendered useless as an evidence base, meaning that the numbers the LPA may rely on to potentially dispute the need for pitch and transit

accommodation in the borough are fundamentally flawed. As such, and until such a time that there is an accurate GTAA in place and an acceptance by the LPA of the shortfall, there must be agreement from the LPA that there are no alternatives other than the appeal site at this time, nor are any other pitches or sites planned for over the Local Plan period.

Quite simply, the mere fact that the appellants and the families have no accommodation choices whatsoever in the Borough, and this means that the LPA are unable to use reasonable evidence to plan positively and manage development in the borough, which is contrary to PPTS Policy A (Using Evidence). The failure of a suitably robust evidence base must carry significant weight in favour of this appeal.

In terms of the personal circumstances of all the occupants, they have no alternative or suitable other accommodation that would support their cultural heritage and nomadic lifestyle. Furthermore, we consider that the needs of the families and their children are of primary importance in the decision-making process, so that they can have access to the same life chances and opportunities as those children in the settled community. This has been comprehensively ignored by the LPA and conflicts with the provisions of both the NPPF and the PPTS.

It is also clear that the proposals for this site would represent a positive approach towards meeting the needs of the traveller population by extending this site and would provide an opportunity to prevent unauthorised encampments.

The Planning Policy for Traveller Sites makes it clear that Human Rights are a consideration in the determination of gypsy and traveller proposals and again adds further weight to this application to assist in avoiding other unauthorised Gypsy and Traveller encampments in the district.

We would therefore urge the LPA (through common ground) and the Planning Inspector to give full consideration in allowing the appeal for this site, given the above circumstances, which provide substantial support for the application then they are weighted into the planning balance.

Overall, when the proposals for the site are considered against the National and Local Framework as a whole, including the PPTS, we consider that this planning application represents a sustainable form of development in this area of the Borough and that the provisions of NPPF paragraph 11d apply in this case, given that there is no strong reason to support the refusal of planning permission.

Moving forward, if the Planning Inspector considers that a grant a full planning permission is not justified following the planning balance, we must ask that a temporary planning permission is approved for a minimum period of 5 years for the Gypsy and Traveller element and 2 years for the settled occupant, within which time the LPA may have carried out their statutory duties in terms of the identification and delivery of suitable and

available sites across the Borough to meet the identified need, and then meet the Governments stated aim to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community (PPTS paragraph 3).

6. CONCLUSIONS - GREY BELT LAND, NPPF PARAGRAPH 155 AND VERY SPECIAL CIRCUMSTANCES

Our grounds of appeal statement makes considerable and substantial arguments that the appeal site is grey belt land and that the material considerations we have identified, confirm that there is an unmet need in the Borough and that the appeal site is locationally sustainable. As such, our conclusions are reasonable in that the requirements attached to NPPF paragraph 155 a, b and c have been met and that the development is therefore not an inappropriate form of development in the green belt.

We consider that the LPA assessment on these matters is flawed and does not stand up to reasonable scrutiny. Within this context, we reserve the right to prepare a claim for costs once all the LPA evidence is provided.

However, if the Inspector does conclude that our arguments attached to NPPF paragraph 11d and grey belt fail to meet the relevant test, we would highlight all of the material planning considerations that are set out above and ask the Planning Inspector to consider these matters as Very Special Circumstances, which we say would clearly outweigh the harm to the openness of the green belt.