

PLANNING STATEMENT - SEPTEMBER 2020

APPLICATION SITE:	LAND TO THE SOUTH SIDE OF THE A51 TARPORLEY ROAD, DUDDON HEATH, TARVIN. CW6 OEU
PROPOSED DEVELOPMENT:	CHANGE OF USE OF LAND FROM STABLES, HARD SURFACE AND PARKING, TO A MIXED USE COMPRISING STABLES, HARD SURFACE AND PARKING AND USE AS A TRAVELLER FAMILY SITE CONSISTING OF 1 STATIC CARAVAN, 5 TRAILER CARAVANS, A DAY ROOM, SEPTIC TANK AND LANDSCAPING.
APPLICANT:-	MRS M McDONAGH
PLANNING AGENT:-	MR MIKE CARR MSc MRTPI

INTRODUCTION

This planning statement provides details of the proposed development, which we consider is in accordance with the NPPF and the Councils Development Plan Policies.

The application proposes the change of use of the land for change of use of land from stables, hard surface and parking, to a mixed use comprising stables, hard surface and parking and use as a traveller family site consisting of 1 static caravan, 5 trailer caravans, a day room, septic tank and landscaping. a gypsy and traveller caravan site consisting 1 static home, 5 trailer caravan.

The family have an ongoing nomadic habit of life currently travelling between sites around Liverpool, North Wales and occasionally abroad for work. Accommodation is needed in the interests of the children, personal circumstances and unmet need as the Council cannot demonstrate an up to date five year supply of deliverable sites for travellers and this should be given considerable consideration towards weight supporting this application.

The site is within the open countryside but it is considered on balance that the Special Needs of the family outweigh this particular need for the site to be a home for the Family.

It is also challenged that the GTAA is not sufficiently up to date and the Site Allocations Development Plan is in-complete. The application is therefore for a permanent planning permission but should it be deemed necessary a temporary planning permission would be preferred to a Refusal.

The applicants land is located within open countryside and outside the Tarvin settlement boundary. However, it is surrounded by mature vegetation, meaning any long distance view across the wider area are curtailed by the topography of the site and high hedgerows

Overall, the site can be described as being located in a sustainable location given its proximity to local services, the highway network and to public transportation routes.

PERSONAL CIRCUMSTANCES

The Family have been living 'on the road' travelling for work and stopping at sites with friends and relatives. Very often the family are split up. A number of the family are permanently living with ill health and there are a number of children who need regular schooling. Covid restrictions have had a huge impact on the family and their ability to find other accommodation.

The family are all Romany Gypsy Travellers by birth, culture and decent, having been brought up in the traditional way of life and satisfy the definition of a Gypsy and Traveller for the purposes of Annex 1 Planning Policy for Traveller Site 2015.

PLANS AND INFORMATION PRESENTED TO SUPPORT THIS PLANNING APPLCIATION

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

- The site location plan;
- The existing and proposed site plans with day room details and;
- The planning statement.

LAND USE ALLOCATION

The application site is identified as being within the open countryside on the Local Plan Proposals Map, and lies just to the east of the Tarvin settlement boundary.

NATIONAL & LOCAL PLANNING POLICY APPLICABLE TO THIS PROPOSAL

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

- National Planning Policy Framework (NPPF) (February 2019);
- The Planning Policy for Traveller Sites (PPTS) 2015;
- Cheshire West and Chester Local Plan (CWCLP1) Part One & Cheshire West and Chester Local Plan (CWCLP2) Part Two

NATIONAL & LOCAL PLANNING POLICY ASSESSMENT

The National Planning Policy Framework (NPPF) is based on a presumption of sustainable development, as identified in Section 2 (Achieving sustainable development).

The Government issued a separate Planning Policy for Traveller Sites document, which was revised in September 2015 to accompany the NPPF. It states that local planning authorities should ensure that their Local Plan includes fair, realistic and inclusive policies. It also states (para 25) that sites in rural areas should take account of the scale of the development proposed, and proposals should not dominate the nearest settled community.

We consider that the proposals for the site are small scale and meet the criteria.

NPPF SECTION 5 (DELIVERING A SUFFICIENT SUPPLY OF HOMES)

Paragraph 59 advises that in order to support the 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 61 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, NPPF paragraphs 73 - 76, with paragraph 73 advising 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.

Paragraph 73 is also noted (36) that For the avoidance of doubt, a five year supply of deliverable sites for travellers – as defined in Annex 1 to Planning Policy for Traveller Sites – should be assessed separately, in line with the policy in that document.

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

Taking this into account, the LPA current position is that it does not have a 5 year supply of Gypsy and Traveller sites, which is a significant material factor in the consideration of this planning application. The alternative would be that the family is forced into further roadside camps, because the LPA have failed in their statutory responsibilities to comply with the provisions of the 2012, 2018 and 2019 versions of the NPPF and the PPTS in terms of the delivery of sites.

PROPOSED DEVELOPMENT - SPECIFIC PLANNING POLICIES

Policy **SOC 4** (Gypsy and Traveller and Travelling Show persons accommodation) provides the Local Planning Authorities most up to date policy guidance relating to proposals for new site accommodation. In particular, Policy SOC4 lists a number of criteria that need to be considered. These are that proposals should:

- Not not be affected by pollution, contamination, flooding or other environmental factors that would result in unacceptable living conditions -
There would be no adverse environmental factors affects that would affect living conditions;

- Not have unacceptable environmental effects -
There would be no unacceptable environmental effects from the development;

- Be well located in relation to the highway network with adequate vehicular and pedestrian access, and have provision for parking and circulation -
This site is accessible and and well linked to the surrounding highway network;

- Be accessible to local services and facilities by walking and/or public transport circulation - **The site is not isolated and close to to local services;**

- Be supplied with essential services such as water and sewerage, electricity, drainage and waste disposal - **The site is already linked to a water supply and has sewerage capability to the septic tank. Electricity is provided via a generator at the moment and we intend to link to permanent supply if there is a successful decision on this planning application.**
- Be well related to existing settlements, and have regard to residential amenity - **The site is located 500m from the Tarvin settlement boundary and would not harm any nearby residential amenities;**
- Not be disproportionate to the scale of the existing settlement whether singly or cumulatively with other sites in the area - **The size, scale and type of development is commensurate with size and location of the site**

The proposals for the site would not result in any demonstrable harm to the surrounding area, and do not conflict with any of the SOC4 policy provisions set out above.

POLICY STRAT 9 GREEN BELT AND COUNTRYSIDE

Policy **STRAT 9** (Green Belt & Countryside) provides the Local Planning Authorities most up to date policy guidance relating to proposals that affect the open countryside (in this case), explaining that the intrinsic character and beauty of the Cheshire countryside will be protected by restricting development to that which requires a countryside location and cannot be accommodated within identified settlements.

Furthermore, STRAT 9 advises that within the countryside the following types of development will be permitted;

- Development that has an operational need for a countryside location such as for agricultural or forestry operations
- Replacement buildings.
- Small scale and low impact rural / farm diversification schemes appropriate to the site, location and setting of the area.
- The reuse of existing rural buildings, particularly for economic purposes, where buildings are of permanent construction and can be reused without major reconstruction and;
- The expansion of existing buildings to facilitate the growth of established businesses proportionate to the nature and scale of the site and its setting.

Development must be of an appropriate scale and design to not harm the character of the countryside. The proposed development is not highlighted as a type of development that is supported by STRAT 9, although it is clear that the proposals for the site are small scale, and that the site is previously developed and well screened (not hidden) within the surrounding landscape. Furthermore, this small scale development will help to support the families keeping of horses within the approved stable building.

In addition, and as highlighted in Policy STRAT 9, it is a significant consideration that this development cannot be located within the settlement boundary, simply because there are no available sites or allocated sites within the LPA development plan, which could accommodate the applicant and his family.

The LPA current position is that it does not have a 5 year supply of Gypsy and Traveller sites, which is a significant material factor in support of this planning application. Furthermore, when the proposals for the site are considered against the Framework as a whole, the PPTS and Local Plan Policies SOC 4 & STRAT 9, this application is presented as an acceptable form of development in this area of the Borough, in that the proposed development complies with Policy SOC 4 of the Cheshire West and Chester Local Plan (Part 1).

AVAILABILITY OF ALTERNATIVE SITES

The family bought primarily for its lawful use and for their own personal needs, as granted planning permission in 2019. However, as time has passed and the availability of places to live becomes more and more restricted, the family have decided that they needed to have a stable base where the children could attend school in an area where the family also has local connections and can be more settled within this sustainable location.

We consider that personal accommodation needs, and the general benefits arising from having a settled base provides substantial weight in favour of the proposal.

PERSONAL CIRCUMSTANCES

It is intended the children will attend the local schools, the family will get registered at a local doctors and that a settled base with access to education and medical care is a priority of both families.

We consider that the personal well-being of the family are significant material considerations in favour of the proposal.

VEHICULAR ACCESS

An existing vehicular access provide a direct link onto the A51 Tarporley Road, which was improved following the grant of planning application 19/1028/FUL. This access point provides suitable access and visibility splays up and down the A51, which would mean that proposed development would not result in any severe (NPPF 2019) highway or pedestrian safety problems.

RESIDENTIAL AMENITY

The proposed use of the site is for use as a family traveller site, which in effect is a residential development. No commercial uses of the site are proposed though this planning application. Furthermore, the setting and position of the development site and propounded pitches, when considered against the location of existing residential

accommodation in the area, means that there would be no impact on residential amenity

STREET SCENE

The proposed development would not be harmful to the street scene, given the sites position within the locality and the commercial activities that take place on the adjacent site and surrounding area.

LANDSCAPING

Additional robust landscaping is to be provided to the sites western boundary, which separated the site from grazing land that is within the ownership of the applicant.

CONCLUSIONS

In terms of the considerations which weigh in favour of the application there is an identified need in the District and the Councils failure to demonstrate a 5 year supply of sites. The Council needs to deliver additional pitches to meet the identified need through the development management process as the plan led system (Site Allocations) is unlikely to deliver sites on the ground in accordance with the GTAA. In addition, and as set out in this statement, we consider that the proposed development is in compliance with the Council's own adopted planning policies relating to Traveller site development and developments that may affect the open countryside. In addition, the site is a previously developed site that is sustainably located in terms of its proximity to Travin and the surrounding transport network

As such, when the above matters in support of the application are weighed into the planning balance, we consider that the combination of these factors outweighs any other harm that may be identified by the Local Planning Authority.

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

Gypsy and Traveller encampments in the District and the Council is urged to give full consideration giving approval to this site for the family.