
2017/0392

Applicant: Mr Martin Quinn

Description: Proposed permanent change of use land for the siting of a residential caravan and touring caravan, shed, children's playhouse and use of stable block as amenity building following expiry of limited period planning permission application reference 2010/0672

Site Address: The Stables, Willow Bank, Woodstock Road, Barnsley, S71 1PS

No representations have been received from any members of the public

Site Location & Description

The application relates to land to the South of Willow Bank, within Wilthorpe. The site sits immediately to the South of a fishing pond and adjoins a railway embankment, the railway line being on a higher level than the site. Vehicular access to the site is gained from Woodstock Road and under the aforementioned railway line. The site is rectangular in shape and measures approximately 880m². The site is within the Green Belt as allocated in the UDP proposals maps and also to remain Green Belt in the Local Plan.

The site is currently occupied by the applicant and consists of a static caravan and associated shed/outbuilding, an amenity building, (which was a former stable and accommodates a kitchen dining area, laundry room and bathroom), a children's playhouse and space to park a touring caravan. The site is enclosed by solid boundary treatments and has vehicular access via metal gates to the West of the site

Planning History

2010/0672 – Change of use of land for the siting of a residential caravan and retention of converted stable block as a domestic amenity building – Approved for a temporary period of 5 years on 25/07/2012.

Approval of other permanent Gypsy/Traveller sites across the Borough

- 2014/1286 – Land off Engine Lane, Ferrymore Way, Grimethorpe – Change of use of land to a private single family gypsy/traveller site including the siting of caravans, a utility block and formation of hard standing. Approved 18/02/2015.
- 2015/0557 – Land off Warren Walk Royston – Retention of residential caravan site for 3 Gypsy families, temporary permission previously approved by 2011/0958 – Approved 03/07/2015
- 2015/0779 – Whitegate stables, Common Road, Brierley – Removal of condition 1 of application 2011/1157 to allow permanent use of site for a gypsy family. Approved 25/11/2015
- 2013/0373 – Pleasant View Street, Smithies - Removal of condition 1 and variation of condition 3 of application 2007/0905 – Extension to planning permission to allow permanent residential occupation at the site by the applicant for 2no. touring caravans and 1no. amenity building (part retrospective) – Approved 29/06/2016

Proposed Development

The application seeks approval for the permanent retention of the site and some alterations to the previously approved site layout. The layout would remain as it currently exists on site with the amenity building to the East, the static caravan and associated shed/outbuilding to the South West, a children's playhouse between the amenity building and static caravan on the Southern boundary and space for a touring caravan adjacent to the Northern boundary.

Policy Context

Planning decision should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the Core Strategy and saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Council has submitted our emerging Local Plan to the Secretary of State but we are at an early stage in the examination process. It establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration and represents a further stage forward in the progression towards adoption of the Local Plan. As such increasing weight can be given to the policies contained within the document although, in accordance with paragraph 216 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

Core Strategy

CSP18 'Sites for Gypsies, Travellers and Travelling Showpeople'

Sites will be allocated to meet the shortfall in provision of permanent sites. The following Criteria will be used in allocating sites and in determining planning applications for sites:-

In terms of their broad location sites will:

- Have good access to facilities
- Be primarily located within urban areas

In terms of their specific location the sites will:-

- Not be in an area of high flood risk
- Not be affected by contamination, unless the site can be adequately remediated
- Have adequate vehicular and pedestrian access from the highway
- Provide a good safe living environment with appropriate standards of residential amenity
- Have the ability to be developed in accordance with the CLG Gypsy and Traveller Site Design Guide (May 2008)
- Have no other restrictive development constraints

CSP34 'Protection of the Green Belt'

In order to protect the countryside and open land around built up areas the extent of the Green Belt will be safeguarded and remain unchanged.

The Green belt boundaries will be subject to localised review only which may result in changes necessary to deliver the Borough's distribution of new employment sites set out in CSP12.

The 2015 Gypsy and Traveller Needs Assessment identified a shortfall of 15 pitches between 2014/15-2018/19.

Saved UDP Policies

GS8A 'The Re-use & Adaption of Buildings in the Green Belt'.

Other material considerations

South Yorkshire Residential Design Guide - 2011

NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

In respect of this application, paragraphs 87 and 89 are relevant which state inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Planning Policy for Traveller Sites

This document sets out the Government's planning policy for traveller sites and should be read in conjunction with the NPPF.

Policy E: Traveller sites in the Green Belt

Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development.

Policy H: Determining planning applications for traveller sites

Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- the existing level of local provision and need for sites
- the availability (or lack) of alternative accommodation for the applicants
- other personal circumstances of the applicant

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

Consultations

Highways DC- No objections
 Regulatory Services: - No objections
 Policy – No objections
 Ward Councillors – No comments have been received

Representations

The application has been advertised as a departure, a site notice was erected and a press notice published. No letters of representation have been received.

Assessment

The site previously benefited from a 5 year temporary planning permission, albeit that permission expired on 1st November 2015. Other than the fact the site is within the Green Belt, it broadly complies with the criteria in CSP 18. The site is on the edge of Wilthorpe within Urban Barnsley and therefore has good access to facilities. It is not in an area of high flood risk or affected by contamination and has adequate vehicular and pedestrian access from the highway. It would also provide a good safe living environment with appropriate standards of residential amenity with the ability to be developed in accordance with the CLG Gypsy and Traveller Site Design Guide (May 2008).

The site is relatively self contained and screened from surrounding vistas to ensure that existing residents are not unacceptably affected or disturbed. The site is also well maintained and there is no evidence of any activities occurring which should upset residential amenity. The screening also ensures that the visual impact of the inappropriate structures on the amenity/local environment is reduced which is more favourable in terms of policy CSP34. The access arrangements are also acceptable to accommodate the demands of the application site. Given that the site is located on the periphery of Wilthorpe, and adjoins an existing residential area, it is also well located in terms of accessibility to shops and services, bus routes and public facilities.

All parties acknowledge that the proposal would be inappropriate development in the Green Belt. As such, there are four main issues to consider.

- The effect of the development on the openness and visual amenity of the Green Belt.
- Whether there is any additional harm arising from the effect on gypsy policies in the Core Strategy and the PPTS.
- Whether there are other considerations which favour the proposal including the interests of the children living on the site.
- Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify a permanent permission.

Openness and visual amenity

The site lies adjacent to the built up area of Wilthorpe, within Urban Barnsley, and adjoins residential development, a commercial fishing pond and railway embankment which sits above the height of the structures on the site. There are public footpaths and small roads within close proximity to the site, therefore, the site is visible from public vantage points. The site previously had a stable on it, which was converted in to the amenity building, and there other buildings and dwellings visible within the immediate area. The site is not visible from the South, given the railway embankment, and, when viewed from the north of the railway, the site and associated structures, are viewed against the steep railway embankment itself. As such, the impact of the development on the openness of the Green Belt is not significant given the location and modest structures. Furthermore, the site has stood as is for a number of years.

In addition, the site is enclosed by a well maintained timber fence and wall which screens the caravans and associated buildings from surrounding views. As such, the caravans and outbuildings on the site are considered sit comfortably within this urban fringe setting and there is little adverse impact on visual amenity.

Planning policies

Policy CSP18 sets out criteria for the identification of new gypsy and traveller sites and for determining planning applications. The site satisfies the criteria with the exception of the requirement that in terms of their broad location sites should be located primarily within urban areas. However, currently there are no available pitches within Core Strategy Urban Barnsley. The policy is not prescriptive in that there is no bar on sites outside the urban area and in this case in all other respects the site is in a sustainable location and would satisfy the sustainability criteria set out in the PPTS.

There is an acknowledgement in the PPTS that gypsy sites may be appropriate in rural areas although in the open countryside, away from existing settlements, new sites should be strictly controlled. In this case the site is not in the open countryside and there is no conflict with the PPTS.

Core Strategy Policy CS34 and the PPTS confirm that gypsy sites are inappropriate development in the Green Belt. Otherwise the proposal is generally in accordance with the development plan. It is not considered that any additional harm arises from the effect of the proposal on gypsy policies in the Core Strategy or in the PPTS.

General need

Barnsley's Gypsy and Traveller and Travelling Showpeople Accommodation Needs Assessment (GTNA) 2015 identifies a five year requirement of 15 pitches between 2014/15 and 2018/19. A further annualised requirement of 1.83 pitches can be applied to this figure to account for household formation.

An emergency stopping place was created within the borough to help better management of, and reduce the frequency of illegal and unauthorised encampments, which are symptomatic of the current shortfall. However, this facility is currently closed.

As such, it is acknowledged that there is a significant existing shortfall in gypsy site provision at present.

Future provision

The submission draft of the Local Plan Policies Map shows two new sites to accommodate the unmet need at Carlton Industrial Estate and Engine Lane in Grimethorpe. In addition the

Council have proposed a Minor Modification to the Plan (MM1440) which includes removal of one of the proposed sites in response to representations from the landowner and an increased number of pitches at TRAV013A to meet the requirement for pitches.

Despite the potential provision above, the documents are still to be fully examined and therefore, do not yet carry full weight. Furthermore, the policies do not cover issues such as ownership, scope to provide essential services and ground stability. Therefore, some of the sites, or full allocation of pitches on the sites, may not come forward to meet the need, with the exception of the site subject to this application as that has been shown to be suitable for a number of years.

In addition, a site was recently approved and constructed off Grange Lane for an emergency stopping place to help better management of, and reduce the frequency of, illegal and unauthorised encampments which are symptomatic of the current shortfall in pitch provision. Unfortunately, due to enforcement issues the site temporarily closed.

As outlined above, progress is being made regarding travellers sites, nonetheless at present there is little prospect of sites being available in the short term. Furthermore, the preference in currently adopted Core Strategy Policy CS18 for locations within the urban boundary has proved to be too restrictive. This difficulty, the timescales associated with the Local Plan process and the associated lack of available sites at the current time all adds weight in favour of the proposal.

Accommodation needs of the appellant & Children

It is noted that application 2010/0672 was submitted by Mr K Smith whereas the current application has been submitted by Mr M Quinn. Mr Quinn, who also has gypsy/traveller status, is married to Mr Smith's niece, who resided on the site at the time of the original application. The couple lived in the touring caravan on site until the birth of their second child, at which point Mr Smith offered to sell the site to Mr Quinn so that he and his wife could raise their family there.

Mr Quinn believed that the site had permanent residential permission, rather than the 3 year temporary permission outlined in condition 1 of application 2010/0672. Given that Mr Smith nor Mr Quinn are proficient at reading or writing the temporary nature of the permission was only highlighted by the solicitor during the sale of the land. When Mr Quinn realised his error he submitted application 2017/0392 for permanent permission. He decided on a permanent permission to give his family stability, rather than a temporary permission which would provide an uncertain future.

Personal circumstances

Mr and Mrs Quinn have 3 children who all live on site, Eileen (7yrs), Catelyn (5yrs) and Jolene (1yr). Eileen has a place at Wilthorpe Primary School, unfortunately Catelyn was not offered a place at Wilthorpe but the Quinn's are currently going through the appeals process with the Aid of Rachel Bowman, the Council's Education Welfare Officer. Unlike many traveller families, the Quinn's only travel during school holidays so as not to disrupt the children's education. Jolene currently stays at home with Mrs Quinn but is signed up to start at Wilthorpe Nursery to allow Mrs Quinn to return to work. The children have integrated into the local society and have friend networks within the local area. All of the children are registered at local doctors and dentists and attend local clubs.

There are no spaces within the local travellers sites at Smithies for the family, furthermore, the 2015 Gypsy and Traveller Needs Assessment identified a shortfall of 15 pitches across the borough between 2014/15 – 2018/19. As such, if the application was not supported, the family would likely have to move out of the Borough which would have a significant impact on the children's education and health care, as well as personally due to severed friendship ties.

It is acknowledged that the personal circumstances of the adults do not amount to special circumstances to justify development in the Green Belt but it is worth noting that Mr and Mrs Quinn are both integrated within the local community. Mr Quinn is self employed as a landscaper within the local area and Mrs Quinn, when she returns back to work, is an assistant at Yogi Convenience Store on Huddersfield Road and a domestic cleaner within the local area.

Balancing harm against other considerations

Substantial weight must be accorded to inappropriate development in the Green Belt and further significant weight to loss of openness. However the site relates well to the built form of the surrounding area such that there is little adverse visual impact or conflict with the objectives of Core Strategy Policy CS18.

On the other side of the balance the needs of the applicant's children give considerable support to the proposal and the general need for gypsy sites and lack of site provision both attract further significant weight. The continuing uncertainty associated with a further temporary permission adds some additional weight.

Whilst the matter is finely balanced in this instance the harm to the Green Belt by reason of inappropriateness and loss of openness, is clearly outweighed by these other considerations so as to amount to the very special circumstances necessary to justify a permanent permission.

Conclusions

It is concluded that the site is unusually well integrated into the built up area and into its social structure and generally accords with Core Strategy Policy CS18 and has now been established for a considerable time period of in excess of 9 years. This consideration, together with the combined weight of the accommodation needs of the applicants children, the shortfall in the provision of gypsy sites in Barnsley and the continuing uncertainty for the applicant associated with a temporary permission is sufficient to outweigh the limited harm to the Green Belt that occurs in this case by way of inappropriate development. As such, this amounts to the very special circumstances necessary to justify the grant of a permanent permission.

Recommendation

Grant planning permission with conditions:-

- 1 The development hereby approved shall remain in strict accordance with the Site Layout Plan, photos and specifications as approved.
Reason: In the interests of the visual amenities of the locality accordance with Core Strategy Policy CSP 29, Design.

- 2 No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than one shall be static caravans) shall be stationed on the site at any time.
Reason: In the interests of the visual amenities of the Green Belt and in accordance with Core Strategy Policy CSP 34 and the NPPF.

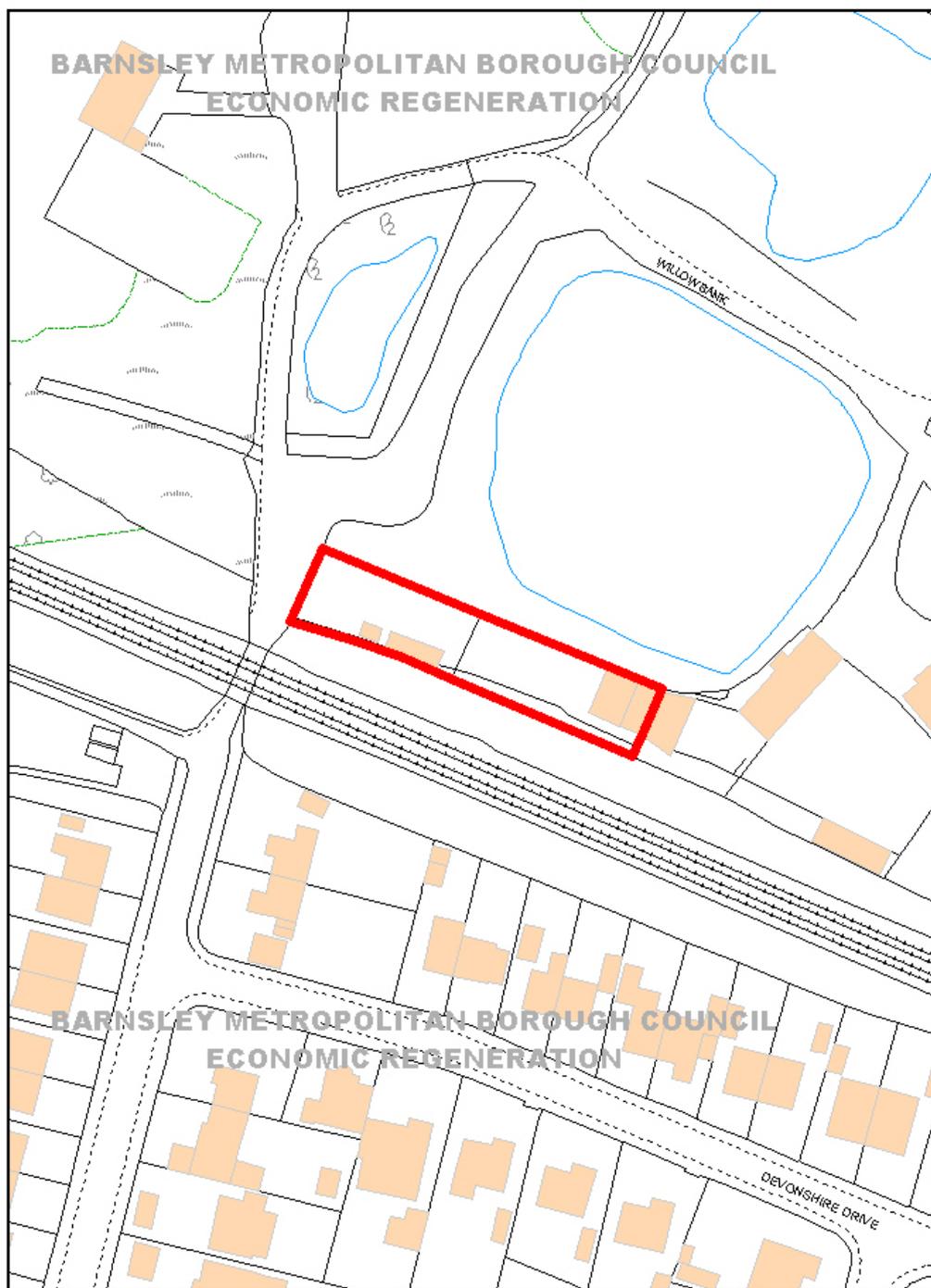
- 3 No commercial or industrial activities shall take place on the land, including the storage of materials, and no vehicles above 3.5 tons in weight shall be parked on the site.
Reason: In the interests of the residential amenities of nearby residents and the visual amenity of the Green Belt.

PA reference :-

2017/0392

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