

Head of Planning
Warrington Borough Council
New Town House
Buttermarket Street
Warrington
WA1 2NH

24 May 2024

Dear Sirs,

**RE: PROPOSED GYPSY CARAVAN SITE
SPRING LANE NURSERIES, SPRING LANE, CROFT**

Please find enclosed completed planning application forms, plans and supporting information in respect of the above-mentioned proposal.

DESIGN & ACCESS STATEMENT

Site Description

Spring Lane Nurseries is currently occupied by a commercial yard with existing buildings and hard-standing. When I visited the site, it appeared to be in use for, amongst other things, a log sales business.

The site is enclosed by trees and other vegetation alongside the M62 to the south-east, by an existing hedgerow along the western (roadside) boundary and, by conifer hedging along the southern boundary.

The site is bounded by open fields to the north and east, by the M62 to the south-east, by a small area of wasteland to the south and, by Spring Lane to the west. There is a hedgerow and, large agricultural building along the opposite side of Spring Lane.

Use, Scale and Layout

The proposal involves the material change of use of land to use as a residential caravan site for 5 gypsy/traveller households. Each household would have two caravans including no more than one static caravan/mobile home. The

proposals also include the laying of hard-standing and, erection of a communal amenity building. The layout of caravans would be as shown on the submitted Site Layout Plan.

Access

Access would be from Spring Lane, Croft. The site entrance is located on the outside of a bend in Spring Lane providing excellent visibility for drivers exiting the application site. Croft Lane is a lightly-used rural lane, capable of two-way traffic. It has previously served as access to a garden nursery and, timber yard, and the proposed development would be expected to generate less traffic.

Appearance and Landscaping

The site is located within a generally flat landscape where long range views are interrupted by trees and hedgerows. The only public views of the proposed caravan site would be from Spring Lane, when approaching from the north. When approaching from the north, the proposed caravan site would be seen in the context of the M62 and woodland beyond.

The site comprises previously developed land which is currently untidy. The proposed development would utilise an existing hard-standing and, replace the commercial use. The proposed caravan site would improve the appearance of the site which would be further enhanced by additional landscaping along its western and northern boundaries.

Policy Considerations

It is accepted that the proposed development constitutes inappropriate development in the Green Belt and, that substantial weight must be attributed to this harm to the Green Belt. However, bearing in mind that the definitional harm arising from inappropriate development relates to the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open, the additional weight to be attributed to the actual loss of openness will vary according to: the scale of development; its visibility; and its permanence. In **Turner v. SSCLG & East Dorset Council** ([2016] EWCA Civ 466) the Court of Appeal confirmed that the openness of the Green Belt has a visual dimension.

As such, where a development in the Green Belt has limited or no visual impact it follows that the impact on openness is reduced from that of a more visible development.

In this case, the proposed development would involve some loss of openness in spatial terms although, even this would be relatively minor. The site comprises previously developed land and, has contained buildings and external storage of materials. Extension of the existing hardstanding would only result in a small net loss of openness in spatial terms and, visually, would not be prominently located or obtrusive in the landscape. The caravan site would be well screened from public view and, the visual impact on openness would be relatively limited.

The development would conflict with the Green Belt purpose of assisting in safeguarding the countryside from encroachment. However, the degree of encroachment is limited by the modest scale of the site and, would not add to the sprawl of large built-up areas; contribute towards the merging together of neighbouring towns; affect the setting and special character of a historic town; or, divert development which would otherwise assist in urban regeneration. Thus, apart from encroaching into the open countryside, the proposed development would not affect any of the other purposes of including land in the Green Belt.

Local Plan Strategy

The Council's strategy for meeting the accommodation needs of gypsies and travellers is set out in Policy DEV 3 of the recently adopted Local Plan. This provides that where there is an identified need or a demand for the provision of transit and permanent pitches for Gypsy or Traveller use or plots for Travelling Showpeople, proposals will be favourably considered where they satisfy other relevant policies of the Plan and meet the following criteria:

- a. *The proposed site is suitable for use as a Gypsy, Traveller or Travelling Showperson's site and can provide an acceptable living environment for future occupiers;*

The proposed caravan site provides adequate space for the caravans, vehicle parking and manoeuvring, and amenity space. An existing delapidated building adjacent to the south-east boundary would be

replaced by a communal amenity building providing kitchen, dining, bathroom and laundry facilities. The amenity building is essential to allow residents to live a traditional gypsy lifestyle. Mobile homes do not contain all of the facilities expected of a modern home and, gypsies tend not to use toilet facilities within their caravans. The proposed caravan site would therefore provide acceptable and culturally appropriate living environment for residents.

- b. The site is not subject to physical constraints or other environmental issues that cannot be mitigated to an acceptable level, or that would impact upon the health, safety or general wellbeing of residents on the site;*

There are no physical constraints to the provision of four adequately-sized pitches, providing a good standard of privacy and amenity. The pitches have been designed so that the mobile homes would be sited furthest away from the boundary with the M62 in order to provide a satisfactory living environment for residents.

- c. The site is or can be well integrated within the local townscape in a manner in-keeping with the local character, using boundary treatments and screening materials which are sympathetic to the existing urban/rural form;*

As previously stated, the extended caravan site would be well-screened from Spring Lane by existing vegetation. It is proposed to carry out further landscaping which would satisfactorily assimilate the proposed caravan site into its semi-rural surroundings.

- d. Be compatible with surrounding land uses particularly with regards to residential amenity;*

There are no nearby residential properties which would be affected by any residential activity or traffic emanating from the proposed caravan site.

- e. The site has good access to the highway network and adequate provision is made for the parking, manoeuvring and storage of all vehicles associated with the use of the site;*

The site has safe access onto Spring Lane and, adequate provision can be made for the parking and manoeuvring of vehicles, as shown on the submitted Site Layout Plan.

- f. *The site is served, or could readily be provided with, electricity, mains water, drainage, sewage and waste disposal facilities;*

The site already benefits from mains water and electricity, and the intended means of foul drainage is by installing a package sewage treatment plant.

and for permanent sites

- g. *The proposed site is or can be made accessible to key local services such as primary schools, GPs, shops and other community facilities.*

The site is reasonably close to both Croft, which contains a limited range of services, including a primary school, and Birchwood, which contains a full range of community services and facilities.

The proposed development would, in my opinion, satisfy all of the Council's locally specific criteria for the consideration of applications for new traveller sites. I attach an appeal decision for a site in Solihull in which the Inspector made the following finding:

*"Balanced against the totality of the harm, Policy P6 indicates favourable consideration of the site **because of the reasonably good performance against the policy criteria** [my emphasis] and its contribution to meeting unmet need. **The compliance with the development plan in this respect has substantial weight.** The considerations in relation to general and local unmet need and five year supply of deliverable sites together have moderate weight. The lack of an alternative available and suitable site for the appellant and members of his family has significant weight. In view of the level of weight attached to that consideration, personal circumstances and the best interests of the child add some additional weight. The probability of new traveller sites in the Borough being located in the Green Belt has a small degree of weight.*

Other Material Considerations

Other relevant matters for local planning authorities when considering planning applications for traveller sites are set out in paragraph 24 of PPTS as comprising:

- (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) 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, used to assess applications that may come forward on unallocated sites; and,
- (e) determining applications for sites from any travellers and not just those with local connections.

I have already compared the proposed development against the Council's locally specific criteria and, the latter matter is simply making clear that a lack of local connections, which is not the case here anyway, is not a material consideration which should count against proposals for new traveller sites.

Need

The Local Plan sets out the need for gypsy/traveller sites based on a GTAA published in 2018 which assessed need on the basis of the definition of gypsy/traveller set out in Annex 1 of PPTS (2015). This definition has subsequently been found by the courts to be discriminatory.

Need over the Plan period is summarised in Table 2 of the Local Plan and, taking into account the planning permissions granted since publication of the GTAA (set out in Table 4), assumes that only a further two pitches will be required, 2017 – 2032. At paragraph 4.1.64 of the Local Plan the Council considers that the remaining need for both Gypsy and Traveller and Travelling

Show people will come forward from within the existing urban area and/or on **previously developed land within the Green Belt** [my emphasis].

The 2018 GTAA distinguishes between Gypsies complying with the definition in Annex 1 of *Planning policy for traveller sites* (2015), those who do not, and those whose gypsy status is unknown. However, following the Court of Appeal decision in **Lisa Smith v. Secretary of State for Levelling Up, Housing & Communities [2022] EWCA Civ 1391**, and the change in definition, the GTAA cannot be relied upon to determine gypsy status and, it is the full "cultural" need which must be provided for. To this extent, though only recently adopted, the Local Plan is out-of-date.

The GTAA estimates a "cultural" need for a total of 27 permanent gypsy pitches in the period 2017 – 2032, i.e. 1.8 pitches per annum. Only 13 pitches have been approved since the start of the GTAA assessment period which equates to 7 year's supply (2017 – 2024). The Council has not allocated any land for the provision of gypsy sites and this means that, as of today, the Council cannot demonstrate a 5-year supply (19.8 permanent pitches, 2017 - 2028) of deliverable land for gypsy sites. The unmet need, absence of a five-year supply and, the contribution that the proposed development would make to meeting the shortfall are all matters which should carry considerable weight in favour of this application.

Alternative Sites

In **Doncaster MBC v. FSS & Angela Smith [2007]** the Court decided that to be a realistic alternative, accommodation has to be suitable, affordable, available and acceptable. Notwithstanding this, there is no requirement in planning policy, or case law, for an applicant to prove that no other sites are available or that particular needs could not be met from another site (**SCDC v. SSCLG and Julie Brown [2008] EWCA Civ 1010 at paras 24,27-36**).

There are no public gypsy sites in Warrington or, land allocated for new traveller sites. All of the existing traveller sites in Warrington are full and, there is evidence of doubling-up on some of these sites.

The vast majority of existing traveller pitches are located on sites in the Green Belt which covers most of the open land in Warrington, outside of the urban area. The Local Plan recognises that additional pitches may be permitted in the

Green Belt and, expresses a preference for the use of previously developed land, such as the appeal site.

Personal Circumstances

The site would accommodate the applicant's children and other relatives, as set out below:

1. Thomas Smith Jnr
2. Lias Rvalley Smith
3. Pemberlina Smith
4. Mary Kate Smith (cousin)
5. Benny Hutchinson

The applicant owns an existing traveller site adjoining 57 Gorsey Lane which has previously accommodated the applicant's adult children. This site has become overcrowded. It is a small site of restricted width and cannot accommodate more than the 6 consented caravans whilst maintaining the required spacing standards. The site has accommodated 3 additional caravans and, the applicant has purchased the application site for his adult children to establish a site of their own in the District where they have lived all their lives.

Green Belt Balancing Exercise

It is accepted that the proposed development constitutes inappropriate development in the Green Belt and, that substantial weight must be attributed to this harm to the Green Belt.

The proposed development would only result in a small net loss of openness in spatial terms and, visually, would not be prominently located or obtrusive in the landscape. The caravan site would be well screened from public view and, the visual impact on openness would be limited.

Apart from encroaching into the open countryside to a minor extent, the proposed development would not affect any of the other purposes of including land in the Green Belt.

On the other side of the balance, there is an unmet need for additional pitches, an absence of alternative sites and, lack of a five-year supply. It is unlikely that new gypsy sites will be found other than within the Green Belt and, the re-use of previously used land would substantially comply with the Council's locally specific criteria. These factors added to the personal accommodation needs and personal circumstances of Mr Smith's extended family, clearly outweigh the harm to the Green Belt and, amount to the very special circumstances needed to justify approval.

For the above-mentioned reasons, I respectfully request that planning permission be granted.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Philip Brown', with a stylized, cursive script.

PHILIP BROWN BA (Hons) Urban and Regional Planning