

To: The Deputy Leader and Members of the Planning and Development Board

Councillors Simpson, Bates, Bell, Chapman, Dirveiks, Fowler, Gosling, Hayfield, Hobley, Humphreys, Jarvis, Parsons, H Phillips, Reilly, Ridley and Ririe.

For the information of other Members of the Council

For general enquiries please contact the Democratic Services Team on 01827 719226 via e-mail – democraticservices@northwarks.gov.uk

For enquiries about specific reports please contact the officer named in the reports.

The agenda and reports are available in large print and electronic accessible formats if requested.

PLANNING AND DEVELOPMENT BOARD AGENDA

10 JULY 2023

The Planning and Development Board will meet on Monday, 10 July 2023 at 6.30pm in the Council Chamber at The Council House, South Street, Atherstone, Warwickshire.

The meeting can also be viewed on the Council's YouTube channel at [NorthWarks - YouTube](#).

AGENDA

- 1 Evacuation Procedure.**
- 2 Apologies for Absence / Members away on official Council business.**
- 3 Disclosable Pecuniary and Non-Pecuniary Interests**

REGISTERING TO SPEAK AT THE MEETING

Anyone wishing to speak at the meeting, in respect of a Planning Application, must register their intention to do so by 1pm on the day of the meeting, either by email to democraticservices@northwarks.gov.uk or by telephoning 01827 719237 / 719221 / 719226.

Once registered to speak, the person asking the question has the option to either:

- (a) attend the meeting in person at the Council Chamber; or
- (b) attend remotely via Teams.

The Council Chamber has level access via a lift to assist those with limited mobility who attend in person however, it may be more convenient to attend remotely.

If attending remotely an invitation will be sent to join the Teams video conferencing for this meeting. Those registered to speak should join the meeting via Teams or dial the telephone number (provided on their invitation) when joining the meeting and whilst waiting they will be able to hear what is being said at the meeting. They will also be able to view the meeting using the YouTube link provided (if so, they may need to mute the sound on YouTube when they speak on the phone to prevent feedback). The Chairman of the Board will invite a registered speaker to begin once the application they are registered for is being considered.

- 4 **Minutes of the meeting of the Board held on 12 June 2023** – copy herewith, to be approved and signed by the Chairman.

ITEMS FOR DISCUSSION AND DECISION (WHITE PAPERS)

- 5 **Planning Applications** - Report of the Head of Development Control

Summary

Town and Country Planning Act 1990 – applications presented for determination.

- 5a **Application No: PAP/2023/0188 – Land at Tamworth Road, Dosthill**

Outline planning application with full details of access (with matters reserved for landscape, scale, layout and appearance) for development comprising up to 23,000sqm (GEA) for flexible Use Class E(g)(ii), Eg(iii), B2 and/or B8 with associated car parking and works.

5b Application No: PAP/2023/0191 – The Willows, Tamworth Road, Cliff, Kingsbury, B78 2DS

Outline planning application with full details of access (with matters reserved for landscape, scale, layout and appearance) for development comprising up to 23,000sqm (GEA) for flexible Use Class E(g)(ii), Eg(iii), B2 and/or B8 with associated car parking and works.

5c Application No: CON/2023/0011 - Land at the former Newdigate Colliery, Astley Lane, Bedworth

Construction and operation of a solar farm and battery storage system, associated infrastructure, access and landscaping.

5d Application No: PAP/2022/0606 - 22 Church Lane, Middleton, B78 2AW

Erection of single storey ancillary outhouse to rear garden.

5e Application No: PAP/2022/0298 – South View, Weddington Lane, Caldecote, Nuneaton, CV10 0TS

Proposed garage, gym, snug and link to existing property.

5f Application No: PAP/2023/0248 – 14/15 Tannery Close, Atherstone, Warwickshire, CV9 1JS

Works to trees in a Conservation Area
Betula pendula T1 (04T7) - fell at ground level
Sorbus aucuparia T2 (05C3) - fell at ground level.

5g Application No: PAP/2018/0755 - Land to east of Former Tamworth Golf Course, North of Tamworth Road - B5000 and west of M42, Alvecote

Outline application - Demolition of all existing buildings and construction of residential dwellings including extra care/care facility; a community hub comprising Use Classes E(a)-(f) & (g) (i) and (ii), F.2 (a) & (b), drinking establishment and hot food takeaway uses, a primary school, the provision of green infrastructure comprising playing fields and sports pavilion, formal and informal open space, children's play area, woodland planting and habitat creation, allotments, walking and cycling routes, sustainable drainage infrastructure, vehicular access and landscaping.

5h Application No: PAP/2023/0135 – 14 Newborough Close, Austrey, Atherstone, CV9 3EX

Replacement of overgrown leylandii hedge and existing gate with 2m high fencing and replacement gate around garden of the property.

5i Application No: PAP/2022/0371 - Land North East Of Brockhurst Farm, Lindridge Road, Sutton New Hall, Birmingham

Proposed development of 178 dwellings, including access, drainage and associated infrastructure.

The Contact Officer for this report is Jeff Brown (719310).

6 Tree Preservation Order 81 Austrey Road, Warton – Report of the Head of Development Control.

Summary

A Tree Preservation Order has been placed on a large London Plane Tree located on Warton Lane, Austrey. It came into force on 11 April 2023 and lasts six months (11 October 2023). This report seeks to make the order permanent.

The Contact Officer for this report is Andrew Collinson (719228).

7 Tree Preservation Order Land East of Chase Cottage, Purley Chase - Report of the Head of Development Control

Summary

The report notifies the Board of action taken by the Head of Legal Services in respect of the making of a Group Tree Preservation Order for trees at this address.

The Contact Officer for this report is Jeff Brown (719310).

STEVE MAXEY
Chief Executive

NORTH WARWICKSHIRE BOROUGH COUNCIL

MINUTES OF THE PLANNING AND DEVELOPMENT BOARD

12 June 2023

Present: Councillor Simpson in the Chair

Councillors Bates, Bell, Chapman, Clews, Dirveiks, Fowler, Gosling, Hayfield, Hobley, Humphreys, Jarvis, Parsons, H Phillips, Ridley and Ririe

Apologies for absence were received from Councillor Riley (Substitute Clews)

14 **Disclosable Pecuniary and Non-Pecuniary Interests**

Councillor Jarvis disclosed a non-Pecuniary interest in Minute No 16c (Public Conveniences, Station Street, Atherstone) by reason of his prior involvement with the proposals at pre-application stage.

15 **Minutes**

The minutes of the meeting of the Planning and Development Board held on 22 May 2023, copies having previously been circulated, were approved as a correct record, and signed by the Chairman.

16 **Planning Applications**

The Head of Development Control submitted a report for the consideration of the Board.

Resolved:

- a **That Application No PAP/2022/0374 (Land North of Stone Cottage, Lower House Lane, Baddesley Ensor) be deferred for a site visit;**

[Speakers Robert Cole and Robert Gandy]

b That Application No's PAP/2022/0569 and PAP/2022/0570 (95, Long Street, Atherstone, CV9 1BB) be granted, subject to the conditions set out in the Officer's report as amended to include the following matters:

- 1. Synchronising the two screens in terms of changes – i.e., when things change, they would change at the same time.**
- 2. No videos would be played on the screens**
- 3. The screens would change no quicker than once every 10 seconds**
- 4. The luminance levels of the screens would be reduced to 600 candelas per square metres.**
- 5. The two screens would be repositioned, set back 1 metre behind the front of the shopfront but still facing forward.**

[Speaker Brandon Carter]

c That Application No PAP/2023/0108 (Public Conveniences, Station Street, Atherstone) be granted, subject to the conditions set out in the report of the Head of Development Control but with a revised condition clarifying the opening times of the WC in consultation with the Chair, Vice Chair and Local Members;

d That Application No's PAP/2022/0457 and PAP/2022/0458 (Coach Hotel, High Street, Coleshill, B46 3BP) be granted temporarily for six months, subject to the conditions set out in the report of the Head of Development Control;

e That Application No PAP/2023/0058 (25, Wood Street, Wood End, Tamworth, CV9 2QJ) be granted, subject to the condition set out in the report of the Head of Development Control;

[Speaker Gordon Richards]

f That Application No PAP/2023/0117 (89 - 91, Main Road, Austrey, Atherstone, CV9 3EG) is refused subject to the reasons set out in the report of the Head of Development Control;

[Speaker Richard Nield]

- g That Application No PAP/2022/0350 (164 Long Street, Dordon, Tamworth, B78 1QA) be granted subject to the conditions set out in Appendix A of the report of the Head of Development Control, but with a variation of Condition 6 to preclude the implementation of the extant planning permission for one house at the rear of number 164.**

[Speaker Chris Robinson]

- h That in respect of Application No PAP/2022/0544 (Land 550 Metres East of Vauls Farm, Astley Lane, Astley) the Council refer the matter to the Secretary of State under the 2009 Direction supporting the granting of planning permission subject to the conditions set out in Appendix A of the report of the Head of Development Control together with the noise conditions as previously agreed and with amendments to Conditions 4 and 5 to provide greater certainty over remediation measures following de-commissioning..**

[Speakers Debra Spicer and Ben Parkins]

M Simpson
Chairman

Agenda Item No 5

Planning and Development Board

10 July 2023

Planning Applications

Report of the Head of Development Control

1 Subject

- 1.1 Town and Country Planning Act 1990 – applications presented for determination.

2 Purpose of Report

- 2.1 This report presents for the Board decision, a number of planning, listed building, advertisement, proposals, together with proposals for the works to, or the felling of trees covered by a Preservation Order and other miscellaneous items.
- 2.2 Minerals and Waste applications are determined by the County Council. Developments by Government Bodies and Statutory Undertakers are also determined by others. The recommendations in these cases are consultation responses to those bodies.
- 2.3 The proposals presented for decision are set out in the index at the front of the attached report.
- 2.4 Significant Applications are presented first, followed in succession by General Development Applications; the Council's own development proposals; and finally Minerals and Waste Disposal Applications.

3 Implications

- 3.1 Should there be any implications in respect of:

Finance; Crime and Disorder; Sustainability; Human Rights Act; or other relevant legislation, associated with a particular application then that issue will be covered either in the body of the report, or if raised at the meeting, in discussion.

4 Site Visits

- 4.1 Members are encouraged to view sites in advance of the Board Meeting. Most can be seen from public land. They should however not enter private land. If they would like to see the plans whilst on site, then they should always contact the Case Officer who will accompany them. Formal site visits can only be agreed by the Board and reasons for the request for such a visit need to be given.

4.2 Members are reminded of the “Planning Protocol for Members and Officers dealing with Planning Matters”, in respect of Site Visits, whether they see a site alone, or as part of a Board visit.

5 **Availability**

5.1 The report is made available to press and public at least five working days before the meeting is held in accordance with statutory requirements. It is also possible to view the papers on the Council’s web site: www.northwarks.gov.uk.

5.2 The next meeting at which planning applications will be considered following this meeting, is due to be held on Monday, 7 August 2023 at 6.30pm in the Council Chamber

6 **Public Speaking**

6.1 Information relating to public speaking at Planning and Development Board meetings can be found at:
https://www.northwarks.gov.uk/info/20117/meetings_and_minutes/1275/speaking_and_questions_at_meetings/3.

Planning Applications – Index

Item No	Application No	Page No	Description	General / Significant
5/a	PAP/2023/0188	1	<p>Land at Tamworth Road, Dosthill</p> <p>Outline planning application with full details of access (with matters reserved for landscape, scale, layout and appearance) for development comprising up to 23,000sqm (GEA) for flexible Use Class E(g)(ii), Eg(iii), B2 and/or B8 with associated car parking and works</p>	General
5/b	PAP/2023/0191	12	<p>The Willows, Tamworth Road, Cliff</p> <p>Change of use of land for a single gypsy site, installation of septic tank and relocation of the access.</p>	General
5/c	CON/2023/0011	72	<p>Land at the former Newdigate Colliery, Astley Lane, Bedworth</p> <p>Outline planning application with full details of access (with matters reserved for landscape, scale, layout and appearance) for development comprising up to 23,000sqm (GEA) for flexible Use Class E(g)(ii), Eg(iii), B2 and/or B8 with associated car parking and works</p>	
5/d	PAP/2022/0606	75	<p>22 Church Lane, Middleton</p> <p>Erection of a single storey ancillary outhouse to rear garden</p>	
5/e	PAP/2022/0298	93	<p>South View, Weddington Lane, Caldecote</p> <p>Proposed garage, gym, snug and link to existing property</p>	

5/f	PAP/2023/0248	158	14/15 Tannery Close, Atherstone Felling of two trees in Conservation Area	
5/g	PAP/2018/0755	162	Land to the east of the former Tamworth Golf Course, north of Tamworth Road – the B5000 and west of M42, Alvecote Outline application - Demolition of all existing buildings and construction of residential dwellings including extra care/care facility; a community hub comprising Use Classes E(a)-(f) & (g) (i) and (ii), F.2 (a) & (b), drinking establishment and hot food takeaway uses, a primary school, the provision of green infrastructure comprising playing fields and sports pavilion, formal and informal open space, children's play area, woodland planting and habitat creation, allotments, walking and cycling routes, sustainable drainage infrastructure, vehicular access and landscaping	
5/h	PAP/2023/0135	224	14, Newborough Close, Austrey, Atherstone, CV9 3EX Replacement of overgrown leylandii hedge and existing gate with 2m high fencing and replacement gate around garden of the property	
5/i	PAP/2022/0371	231	Land North East Of Brockhurst Farm, Lindridge Road, Sutton New Hall, Birmingham Proposed development of 178 dwellings including access, drainage and associated infrastructure	

General Development Applications

(5/a) Application No: PAP/2023/0188

Land at, Tamworth Road, Dosthill

Outline planning application with full details of access (with matters reserved for landscape, scale, layout and appearance) for development comprising up to 23,000sqm (GEA) for flexible Use Class E(g)(ii), Eg(iii), B2 and/or B8 with associated car parking and works, for

- Summix RLT Developments Ltd

1. Introduction

1.1 This major application will be reported for determination in due course, but at the present time this report provides an introductory description of the site and proposal, including a summary of the planning history of the site and the most important planning policies relevant to that determination.

1.2 Part of the application site lies within the administrative area of Tamworth Borough Council and thus an application has also been submitted to that Council.

2. The Site

2.1 This is an L-shaped site of 7.8 hectares between the Tamworth Road (the A51) to the west and Rush Lane to the east. To the north is a corridor of open land beyond which are the rear gardens of a residential estate being the southern edge of the built up area of Dosthill. To the south-west, with two common boundaries to the site, is a general industrial site comprising both buildings and a large open yard surrounded by palisade fencing and occupied by Hunnebeck. Beyond Rush Lane to the south-east of the site and lying between the site and the Birmingham-Derby railway line further to the east, is land that is partially occupied by Kingsbury Pallets – a Company that recycles wooden pallets – as well as open restored land. On the other side of the railway line – which is in cutting – are the premises of the Weinerberger Brickworks and an associated clay quarry. A Biffa landfill site is also in this general area to the east of the site and on the other side of the railway. To the south of the site is an access leading to a former mineral extraction and land fill site – known as Hockley No 2.

2.2 The site's highest point is along the A51 frontage and it drops towards its lowest point to the east in the vicinity of the Rush Lane bridge over the railway. The site also falls from the Rush Lane frontage to this lower level. There is a small difference in levels between the site and the open yard of the Hunnebeck premises, but there is a more marked drop immediately to the east of the A51. The site itself is reclaimed land that has a limited amount of natural regeneration and is generally level throughout. There is a hedgerow along its Rush Lane boundary.

2.3 The site includes an existing junction with the A51, including a closed off “spur” extending a few metres into the site. This has been constructed on a ramp or bund that reduces in height as it extends further to the east, almost to the site’s eastern boundary. On the other side of this, is a north facing landscaped slope and the rear gardens of the residential premises referred to above. There is also a wooden fence closer to the A51, running at a higher level to the rear of other houses here.

2.4 There is open and naturally regenerated land containing open water in the north-east corner of the site which extends as a corridor of open land running north, but to east of the residential estate and west of the railway cutting.

2.5 A location plan is attached at Appendix A which illustrates this description

2.6 A plan illustrating the two Local Authority areas is at Appendix B and it can be seen that that part in Tamworth’s area is the “corridor” of land referred to in paragraph 2.4 above.

3. Background

a) General Historic Background

3.1 The application site together with much of the now developed land as the residential estate, the industrial premises referred to above and the whole of the land between Rush Lane and the railway to the east, was formerly used for the extraction of clay for the manufacture of pipes and bricks. Two large brickworks and numerous brick kilns occupied the whole of this area. As clay was extracted, the brickworks and kilns were demolished with the resultant land being quarried for the final clay reserves. Accompanying these permissions was a Section 106 Agreement signed by both the Staffordshire and Warwickshire County Councils, obligating a corridor of land to be safeguarded for the construction of the southern section of a Dosthill By-Pass with a junction onto the A51. Following extraction, the land was backfilled and a further planning permission was granted by Warwickshire, as Minerals Planning Authority, for restoration following completion of the landfill operations.

3.2 The Weinerbeger brickworks continues to this day, but with clay now extracted from reserves further to the east.

3.3 As final extraction and landfill operations were completed west of the railway line, the present geography of the area came into being.

b) The Hunnebeck Premises

3.4 This site came into being in 1960 when permission was granted for the manufacture of concrete pipes. There were subsequent additions including the extension of the site to include the open yard seen today. It is now occupied by Hunnebeck who supply, pre-assemble, maintain and repair forming and shoring material for the construction and civil engineering sectors.

3.5 From a planning perspective, the Hunnebeck premises have a lawful and unrestricted B2 General Industrial use.

c) The Residential Estate

3.6 The residential estate was granted permission in 1997. Its southern limit is defined by the safeguarded land referred to in paragraph 3.1.

d) Land East of Rush Lane

3.7 In 2005 an outline planning permission was granted for B1, B2 and B8 uses for the whole of the land east of Rush Lane and west of the railway cutting. This was extended in 2013. In 2019 a detailed permission was granted for the Kingsbury Pallets business – a B2 use – on the southern portion of this land. This has been implemented and the site is operational today. It is subject to planning conditions restricting working hours.

3.8 The land to the north – the remaining portion of the 2013 site - benefits from the 2005 industrial permission.

e) The Application Site

3.9 Following the restoration of the land, planning permissions have been granted over the period since 1997 up to 2010 for B1, B2 and B8 uses over the site. These include the construction of the access referred to in paragraph 3.1 above. This has been implemented in part – the “spur” referred to in paragraph 2.3.

3.10 The 1997 permission has been taken up through the construction of this “spur” and thus the lawful use of the application site is for industrial development.

3.11 In 2017 an outline planning application for the residential redevelopment of the application site with up to 185 houses was submitted. This was refused on the grounds that it would not be appropriate to agree to residential use within the industrial setting as described above, particularly with unrestricted neighbouring lawful B2 uses. An appeal was lodged, but this was withdrawn in early 2022.

4. The Proposals

4.1 This is an outline application for the commercial re-development of the site and in effect this repeats the permissions granted here since 1997 but brings them into line with the current Use Classes Order. The “E” Use Classes referred to are essentially the former B1 Use Class (office; research and development, and industrial uses which can be carried out in a residential area without causing detriment to the amenities of the area). The “flexibility” referred to in the description enables movement between the uses proposed without the need for further referral back to the Council for a period of ten years. The applicant says that this approach offers flexibility in the letting and market requirements for the units to be constructed here.

4.2 A Parameters Plan is submitted and is part of the application to be determined. This shows two developable areas – Zone A running along the majority of the northern boundary – with a maximum building height of 13.5 metres from finished floor level to ridge, and Zone B covering the remainder of the site with a maximum height of 18.5 metres. The Plan also includes a “Green Infrastructure” area running around the site and including the whole of the “corridor” of land referred to in paragraph 2.4 that falls with the Tamworth Borough Council area. Two illustrative layouts have been provided to show how the site might be laid out within these parameters.

4.3 Vehicular access into the site would be from an extension of the A51 utilising the “spur” mentioned above, with no access off Rush Lane.

4.4 The public right of way that crosses the north-eastern corner of the site would not be affected.

4.5 The Parameters Plan is attached at Appendix C, with the two illustrative layouts at Appendices D and E. A Green Infrastructure Plan is at Appendix F.

4.6 The application is accompanied by a significant amount of documentation.

4.7 A Transport Assessment concludes that the existing access junction arrangement onto the A51 remains suitable for accommodating the proposed development and thus no off-site highway improvements are recommended. The Assessment identifies the cycling and pedestrian infrastructure with a shared footway/cycleway running along the east side of the A51 into Dosthill. The bus stops on that road alongside the site are also mentioned. A Travel Plan has also been submitted which sets out proposals to encourage the use of public and shared transport as well as appropriate cycle and pedestrian links – e.g., secure cycle storage on site, pedestrian/cycle links through the site and setting up a car share scheme.

4.8 A Noise Impact Assessment describes work done to assess the existing ambient noise levels over a range of different measures. It then looks at both noise generated from the proposal as well as from the access road. In respect of the former then, the Assessment concludes that noise generated by the development should be controlled through the design of the site layout and through planning conditions, there being no significant impact in principle. In terms of the noise generated from use of the access road, the Assessment concludes that this would not have a materially greater impact over the existing traffic noise arising from the A51. A Construction Management Plan should be conditioned in the event of a permission being granted.

4.9 An Air Quality Assessment concludes that with appropriate mitigation measures in place the effect of dust and particulate matter during the construction period would constitute a low risk, but that once operational there would be no significant impact based on national assessment criteria.

4.10 A Landscape and Visual Impact Assessment notes that the site is not subject to any statutory or non-statutory landscape designation. The Assessment concludes that the baseline character of the setting will be completely altered as a consequence of the proposal with an impact, but that within the wider context of the significant industrial and commercial development on the edge of a suburban area, the magnitude of that impact would be low. Implementation of the proposed landscaping and green infrastructure will help mitigate this further. In terms of the visual impact, then the Assessment says that the site is “contained”, given the setting and with the proposed parameters plan respecting the fall in levels across the site, the visual impact would be limited, however particular care should be taken in ensuring sufficient landscaping along the northern frontage so as to reduce the impact of the development from first floor windows in the nearby residential estate.

4.11 A Preliminary Ecological Appraisal describes a number of habitats over the site – dense rose and bramble scrub, semi-improved and marshy grass land, a number of trees and a large on-site pond supporting a reed bed with other ephemeral ponds. However, the site as a whole is largely homogenous and lacking the heterogeneity required to create the complex network of transitional habitats which are considered to be ecologically valuable. The proposed retention of the trees along the southern boundary and sensitive enhancements around the setting of the pond are considered to be beneficial to bio-diversity gain. Any enhancements to strengthen and support green corridors would add value to the overall site. In terms of the fauna then there was no evidence found of reptiles, bats, badgers, otters or water voles. The pond was found to have potential for great crested newts. There are two Sites of Special Scientific Interest within two kilometres of the site – Kingsbury Brickworks ad Kingsbury Wood - but because of the geological designation of the first and the separation distance from the second, no adverse impacts on the SSSI's are identified. There are several non-statutory Wildlife and Potential Wildlife Sites within a kilometre of the site, but there is unlikely to be any adverse impact on these, provided protection and precautionary measures are included during the construction phases. The drainage measures to be implemented should also not change the existing hydrological regimes or the water quality.

4.12 An Arboricultural Assessment identifies no ancient or veteran trees on the site and that tree cover is limited to low quality groups along the eastern and southern boundaries, but with trees of moderate quality towards the northern and north-eastern boundaries – particularly in the east of the residential estate. These trees would be retained in the proposed green infrastructure area shown on the Parameters Plan. New tree and hedgerow planting along the site boundaries will help with bio-diversity gain and to visually screen the site from Rush Lane.

4.13 A Heritage Assessment concludes that as the site has been the subject of substantial extraction and infilling as well as having the original buildings all demolished there is no longer any underground heritage interest. There is considered to be no harm to Listed Buildings or the Conservation Area in Dosthill – around 400 metres to the north-west of the site - because of intervening built development.

4.14 A Flood Risk and Drainage Assessment identifies the site as falling within Flood Zone One, the one most suitable for new development – particularly as the proposed use is one of the less vulnerable “end users”. All other flooding risks are considered to be low, particularly if Sustainable Surface Water drainage systems are introduced. These should be split into several features which would eventually discharge into the pond in the north-east of the site and the wider open watercourse network – the naturally lowest point on the site. These too will have the benefit of removing the existing surface water collections in the lower parts of the site. There is a public foul water sewer in the north-east corner of the site flowing to the north-east. Underground gravity connections will be made to this, unless the levels require a pumping system.

4.15 A Lighting Assessment says that at this outline stage in the process, there are no details that can be assessed. It does however identify the location as being in the “suburban” zone of national guidance. That is “well inhabited rural and urban settlements, small town centres of suburban locations”. The design at detailed stage would thus respect the maximum lighting levels for the Zone. Within the development too, there would be a variety of areas with different levels of lighting – e.g., loading areas and perimeter lighting. The two illustrative layouts both show the areas that need to have higher levels of lighting at the rear of buildings away from the residential area to the north.

4.16 An Energy Statement confirms that the development will need to conform to the new Building Regulations being introduced in respect of energy efficient design and generation of energy from renewable sources. The Statement confirms that Air Source Heat Pumps and Solar Photovoltaic Panels would be appropriate for the development.

4.17 A Preliminary Ground Conditions and Coal Mining Risk Assessment describes the history of the site in some detail concluding with its infilling and capping in 1999. It says that the site is considered to be of low to moderate environmental sensitivity given the aquifers below the site and the absence of a source protection zone or potable water supply abstractions within the surrounding area and the historic landfilling of the site and the wider area. In terms of potential contamination then ground gas mitigation measures are recommended retaining the existing venting arrangements, together with measures to remediate marginal concentrations of metals and hydrocarbons. There is a low risk from historic mining activity.

4.18 The Applicant has provided a summary of the socio-economic benefits which he sees arising. These are an estimated 288 temporary jobs during the construction phase with financial benefits to the local construction businesses during the 18 month build out timeframe and between some 300 and 600 FTE jobs on site, once the development is operational depending on the occupiers.

4.19 Statement of Community Involvement describes the applicant’s pre-application consultation work. He refers to a dedicated consultation website and that over 600 leaflets were distributed to local residents and businesses. Local Councillors, the MP’s and Parish Council were also contacted. There have been 45 responses which highlighted the main issues as being traffic and highways, noise and the impact on wildlife.

4.20 Planning Statement draws all of these documents together and puts forward the applicant's case and his assessment of the proposal against the relevant planning policies of the Development Plan

5. Development Plan

The North Warwickshire Local Plan 2021 – LP1(Sustainable Development); LP2 (Settlement Hierarchy), LP5 (Amount of Development), LP14 (Landscape), LP15 (Historic Environment), LP16 (Natural Environment), LP17 (Green Infrastructure), LP27 (Walking and Cycling), LP29 (Development Considerations), LP30 (Built Form), LP33 (Water Management), LP34 (Parking) and LP35 (Renewable Energy)

6. Other Material Planning Considerations

The National Planning Policy Framework – (the “NPPF”)

The Tamworth Borough Council Local Plan 2006 – 2031: Policies SC2 (Presumption in favour of Sustainable Development); EC7 (Strategic Employment Areas), EN1 (Landscape Character), EN3 (Open Space and Green and Blue Links), EN4 (Protecting and Enhancing Biodiversity), EN5 (Design of New Development), SU1 (Sustainable Transport Network), SU2 (Delivering Sustainable Transport), SU3 (Climate Change Mitigation), SU4 (Flood Risk and Water Management) and SU5 (Pollution, Ground Conditions, Minerals and Soils)

Emerging Tamworth Local Plan – Issues and Options 2022

The North Warwickshire Landscape Character Assessment 2010

7. Observations

7.1 The Board will have noticed that there are material planning considerations here which suggest that there may be no objection in principle to this proposal. The Board will need to satisfy itself that any impacts arising from the proposal do not cause demonstrable harm either individually or cumulatively. The main ones to consider are the visual impacts together with potential issues arising from the traffic generated by the proposal as well as from noise, given that this was the main focus of attention with the last application. The Board will also need to be satisfied that there is bio-diversity nett gain arising from the development.

7.2 The determination report will outline the consultation responses in order to assist in the Board's consideration of these potential impacts, so as to verify or not the conclusions from the applicant's documentation.

Recommendation

That the receipt of the application be noted.



APPENDIX A

PAP/2023/0188

Doc No	Date	Description
01	20/05/23	Approved Final Masterplan
02	02/05/23	Approved Outline Planning Permission

NORTH WARWICKSHIRE
 DISTRICT COUNCIL
RECEIVED
 02/05/2023
 PLANNING & DEVELOPMENT
 DIVISION

SGP
 Architects + Masterplanners
 Residential Practice
 24, Saxon Way
 Solihull Parkway
 Birmingham
 Leicestershire LE18 1SA
 T: +44 (0)118 247 0957
www.stubhegonge.co.uk
 Local at Tamworth Road, Leicestershire

Site Area Schedule Site Location Plan

Name	Area (Hectares)	Area (Acres)
Blue line boundary	0.22 hectares	0.54 acres
Red line boundary	7.58 hectares	18.48 acres
Total Area: 2	7.80 hectares	19.02 acres



SCALE 1:2000



APPENDIX B

PAP/2023/0188

Doc No	Date	Description
01	20/05/23	Approved Final Masterplan
02	02/05/23	Approved Outline Planning Permission

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 Residential Practice
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 T: +44 (0)118 247 0957
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 Local at Tamworth Road, Leicestershire

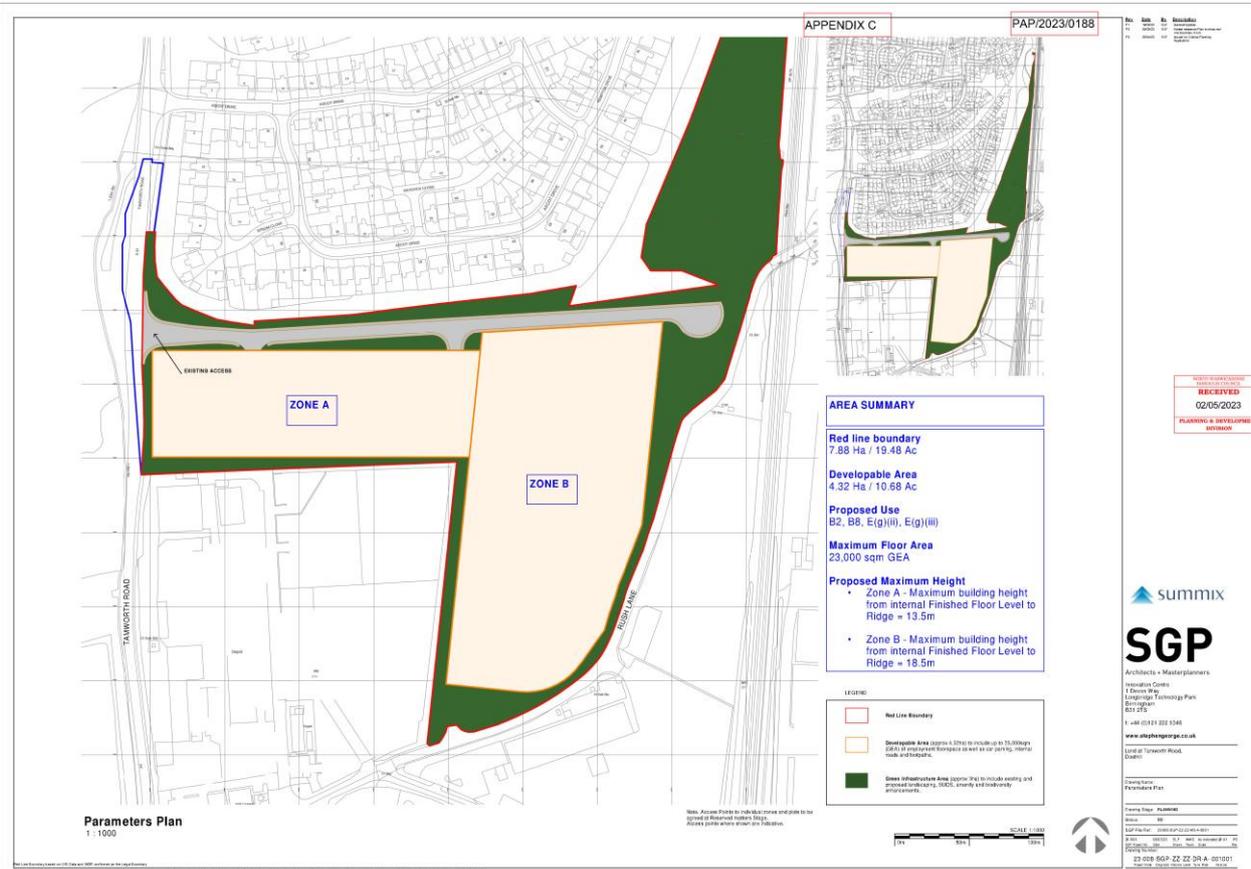
Site Area Schedule Local Authority Boundary

Name	Area (Hectares)	Area (Acres)
North Warwickshire District	8.91 hectares	21.92 acres
Tamworth District	1.09 hectares	2.56 acres
Total Area: 2	10.00 hectares	24.48 acres



SCALE 1:2000





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General Development Applications

(5/b) Application No: PAP/2023/0191

The Willows, Tamworth Road, Cliff, Kingsbury, B78 2DS

Outline planning application with full details of access (with matters reserved for landscape, scale, layout and appearance) for development comprising up to 23,000sqm (GEA) for flexible Use Class E(g)(ii), Eg(iii), B2 and/or B8 with associated car parking and works, for

Mr J Doherty

1.Introduction

1.1 This application will be referred to the Board for determination at the discretion of the Head of Development Control, because of the Board's interest in this site over the past few years.

1.2 The report is therefore solely to inform Members of the receipt of the application and to provide an initial outline of the proposal, prior to the preparation of a full determination report in due course.

2.The Site

2.1 This is a rectangular area of former grass land which is on the west side of the A51 about 600 metres north of the built-up area of Kingsbury just beyond the M42 overbridge and about 400 metres south of the hamlet of Cliff. The River Tame river bluff is further to the west with a mature tree belt and there are open fields to the east on the other side of the road. Immediately to the south is the residential curtilage known as The Lodge.

2.2 There is an existing caravan storage site extending from Cliff Lane along the western edge of the river bluff, which is to the north of the application site.

2.3 There are presently two access points onto the road. The first is just north of the boundary with The Lodge, but this is presently closed off. The second is just further to the north. There are newly formed bunds within the site together with new tree planting.

2.4 Kingsbury has a primary and secondary school, a leisure centre, library, church, public houses a surgery and a selection of shops. It also has frequent bus services running into Dosthill and Tamworth to the north. There is a pavement running along the A51 such that there is pedestrian access into Kingsbury and Dosthill.

2.5 A general location plan is at Appendix A.

3.The Proposals

3.1 This is as outlined in the description set out above.

3.2 The single pitch would be laid out on the far west side of the site behind the bunds that have been recently constructed on site. It would comprise a static caravan together with space for a touring van together with a small treatment works and drainage field. The remainder on the site is shown to be planted with native trees. The existing access next to The Lodge would be permanently closed and the application seeks retention of the newer access just to the north.

3.3 In this case, there are children of school age which would be on the site if permission is granted. These were established in the local school during the course of the two appeals referred to below but have not been so since the site was vacated, as the family has been on the road.

3.4 A plan illustrating the proposed layout is at Appendix B.

3.5 The applicant has provided a Planning Statement which sets out his case and this is copied at Appendix C.

4. Background

4.1 The current applicant has been involved in several cases at this site.

4.2 In November 2019 an appeal was dismissed for a proposal to develop five gypsy and traveller pitches spread throughout the site, together with equestrian use including a menage and stables – (the “2019 Appeal”). The appeal decision is at Appendix D and the associated plan is at Appendix E.

4.3 In February 2019, however, the applicant family had already moved onto part of the front of the site adjoining the A51 without the benefit of planning permission. This constituted one traveller’s pitch.

4.4 In the same month, the Council was granted an Injunction in the Courts to remove this unauthorised development, but this was appealed. On 6 March 2019, the Injunction was varied. It enabled the defendants to site two caravans on the land, to construct a day room and to fence the hardstanding around the land. However, this was a temporary arrangement and ceased following the refusal of the 2019 Appeal referred to in paragraph 4.2.

4.5 A second planning application was submitted in July 2019 for the retrospective change of use of the same site as that referred to in paragraph 4.3 and included the pitch recorded at paragraph 4.4. This was refused planning permission with a second appeal being lodged. This was dismissed in June 2020 – (the “2020 Appeal”). See Appendices F and G.

4.6 A third planning application was then submitted for the same frontage site. However, the layout differed from the case described in para 4.5. It too was refused planning permission with an appeal being lodged. That was dismissed in December 2021- (the “2021 Appeal”). See Appendices H and I.

4.7 The use of the frontage application site continued, notwithstanding the requirements of the 6 March 2019 Court Order. Moreover, engineering operations to create a new access had been undertaken.

4.8 The Council pursued contempt proceedings in the Court in September 2020. The Court ordered a similar temporary arrangement to that set out in paragraph 4.4. Following the dismissal of the appeal in paragraph 4.6, that arrangement ended. The applicant vacated the site in line with the Injunction's requirements and has not re-occupied the land since then. However, the works to the access as described in the 2020 appeal decision and at paragraph 4.7 have been implemented and these are now included in the current application. He has also constructed the bunds referred to in paragraph 2.3 above and these are those shown on Appendix B. The application seeks to retain these features.

4.9 The photograph at Appendix J shows the site that was in occupation from 2018 to 2020, as well as the extent of the caravan storage site to the north as referenced in paragraph 2.2.

5. Development Plan

The North Warwickshire Local Plan 2021 – LP1 (Sustainable Development); LP2 (Settlement Hierarchy), LP3 (Green Belt), LP5 (Amount of Development), LP10 (Gypsy and Traveller Sites), LP14 (Landscape), LP16 (Natural Environment), LP29 (Development Considerations) and LP30 (Built Form)

6. Other Material Planning Considerations

The National Planning Policy Framework 2021 – (the “NPPF”)

Planning Policy for Traveller Sites 2015 - (the “PPTS”)

The 2019 Appeal Decision - APP/R3705/W/19/3220135

The 2020 Appeal Decision – APP/R3705/W/19/3242521

The 2021 Appeal Decision – APP/R3705/W/20/3260829

The North Warwickshire Landscape Character Assessment 2010

The Public Sector Equality Duty

The North Warwickshire Local Development Scheme 2021

7. Observations

7.1 Notwithstanding the planning history outlined in Section 4 above, the Board is advised that it should treat this application afresh on its own merits. The past appeal decisions are material planning considerations of significant weight, but that does not necessarily lead to a further refusal of planning permission. The current application is different in several ways to those past decisions and thus the weights to be attached to all of the relevant planning matters in the final planning balance will be different too.

7.2 The two substantial changes are:

- The proposal is for a single pitch at the rear of the wider site. This therefore differs from all of the three appeal cases.
- The remainder of the site is proposed to be planted with trees and there are already a number of earth bunds throughout the site

7.3 Other changes are:

- A smaller amount of tarmacadam is included – only the 15 metres associated with the access. The remainder of the track to the pitch would be constructed in a porous paving system as outlined in Appendix C (paragraph 5.15)
- there is less fencing involved.

7.4 There are however several matters that can be taken forward from the past decisions.

7.5 Firstly, the Council and three Planning Inspectors have all acknowledged that the applicant family would fall within the PPTS definition of being gypsy and travellers.

7.6 Secondly, the three refusal reasons that led to the three appeal decisions and the conclusions of the Inspectors in those cases, did not find that there would be harm caused to heritage assets, to adverse ecological impacts, to adverse surface and foul water disposal arrangements or to harm arising from noise or air quality and that there would be no impact on neighbouring residential amenity. These will have to be re-assessed given the different arrangements now being proposed, but these conclusions provide a material starting point for that review.

7.7 Thirdly, the Highway Authority did not object to the current access proposals from a highway point of view subject to conditions, when they were being considered in the appeal cases. The Board will have the up-to-date consultation response when it considers the determination report in due course.

7.8 Finally, the site is in the Green Belt and in the appeal cases, it was acknowledged that the proposal was for inappropriate development as defined by the NPPF. As Members are aware, in such a case the Board has to consider whether the planning considerations put forward by the applicant are of such weight to clearly outweigh the cumulative level of Green Belt and any other harms, so as to amount to the very special circumstances which would enable support for the proposal. As previously advised, the current proposal is different to these previous cases and thus the planning balance referred to above has to be considered afresh. As a consequence, the previous three refusals do not mean that the current case also should be refused planning permission.

7.9 A determination report will be prepared for the Board in due course. The recommendation below is thus to note receipt of the application and to recommend a site visit. This is because the current proposal is different to all three of the previous

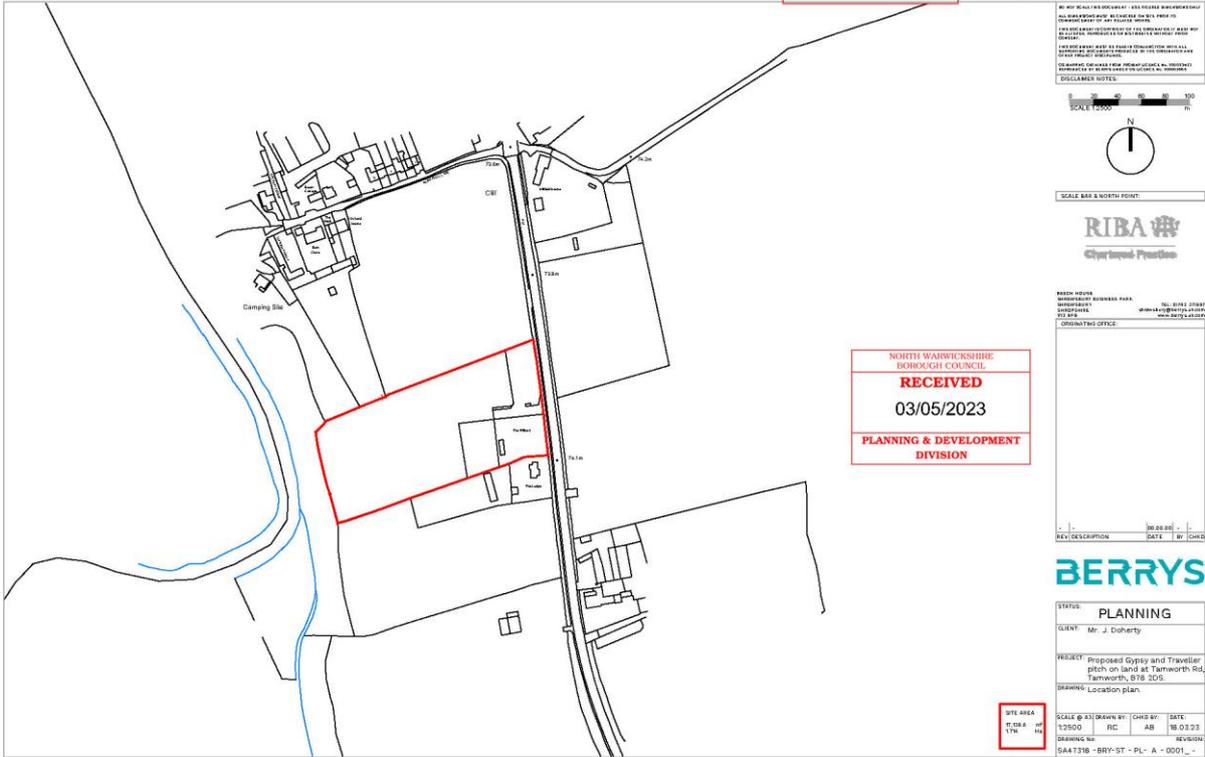
cases and it thus will have different visual and spatial impacts which are best considered on site.

Recommendation

That the receipt of the application be noted and that a site visit be arranged prior to determination of the case.

APPENDIX A

PAP/2023/0191



APPENDIX B

PAP/2023/0191



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APPENDIX C

PAP/2023/0191

Planning Application Supporting Statement

The change of use of land for a single pitch gypsy site, installation of septic tank and relocation of the access.

The Willows, Tamworth Road, Cliff, B78 2DS.

March 2023



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APPLICANTS DETAILS

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ISSUED BY

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APPROVED BY

Stuart Thomas
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Head of Planning

PROJECT

The change of use of land for a single pitch gypsy site, installation of septic tank and relocation of the access at The Willows, Tamworth Road, Cliff, B78 2DS.

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3. Planning Policy Context.....	10
4. Planning Assessment.....	16
5. Conclusion.....	26

1. Introduction

Purpose of this Statement

- 1.1 This document provides supporting information in respect of a planning application that seeks consent for the change of use of land for a single pitch gypsy site, installation of septic tank and relocation of the access at The Willows, Tamworth Road, Cliff, B78 2DS.
- 1.2 The information contained in this document is supplementary to that provided on the completed planning application forms and is to be regarded as forming part of the application. The information contained in this statement is intended to assist the Planning Authority in determination of the proposals.
- 1.3 This statement should be read in conjunction with the other documents which have been submitted as part of this full planning application submission. These include:
 - Application Forms
 - Site Location Plan
 - Existing site plan
 - Proposed site plan
 - Ecological Impact Assessment
 - Soakaway assessment

Background to the Development

- 1.4 The site comprises a rectangular area of formerly grassed land which lies in an area of countryside in the hamlet of Cliff and to the east of the River Tame. The site fronts the A51 Tamworth Road which passes over the M42 to the south of the site. The site and the surrounding area form part of the West Midlands Green Belt.
- 1.5 There are currently two accesses to the site, the one in the centre is to be retrospectively permitted as part of this application and the other blocked off. An access route has now been created with bunding through the site with a considerable amount of landscaping already erected with native tree species on the top of the bunding. The full extent of the land apart from the very section proposed to be used for the gypsy pitch will be woodland and a wild flower meadow. This will form a tranquil and well screened area for the family to live.

- 1.6 There has been some history to this site and this application seeks to put all of this behind it and move on with a much more sympathetic and effective scheme than the ones that have been before.
- 1.7 In February 2019 an injunction was granted by the High Court to remove the unauthorised development this was varied in March 2019 to enable the defendants to site one mobile home and two caravans on the land pending an appeal decision. This appeal was dismissed and subsequently the applicant moved off the land. For the last two years the land has sat unused and the applicant now wants to move ahead with doing things lawfully and wishes to work with the Local Planning Authority to enable him and his family to have a place to live, rather than living on the road.
- 1.8 There have been two appeal dismissals on this land one made in November 2019 under ref. APP/R3705/W/19/3220135 (Known from here on as '2019 appeal') and the other decided on 1st June 2020 under ref. APP/R3705/W/19/3242521 (Known from here on as '2020 appeal').
- 1.9 The 2019 appeal involved a proposal to develop a gypsy site comprising 5 pitches with dayrooms, together with equestrian use, a ménage and stables. This is considerably more than what is proposed in this application.
- 1.10 The 2020 appeal was for the use of land to equestrian use and use as a single pitch gypsy site with day room, installation of septic tank and relocation of the access. It is important to note that the 2020 appeal had the pitch right at the front of the site in clear view from Tamworth Road and included a large portion of hardstanding, two touring caravans and a day room. This is more than what is proposed in this application and in an entirely different place on the site.
- 1.11 Through the above schemes a number of points have already been agreed with the site and it does not seem worth while to repeat information or dispute points again, as such certain information will not be resubmitted but has already been accepted and resolved in the previous appeals such as highways etc.

2. Site and Proposed Development

The Application Site

- 2.1 The site is located on Tamworth road, the proposed location of the pitch is at the western edge which will somewhat join onto the existing caravan site as seen in figure 1 and the accompanying proposed site plan.

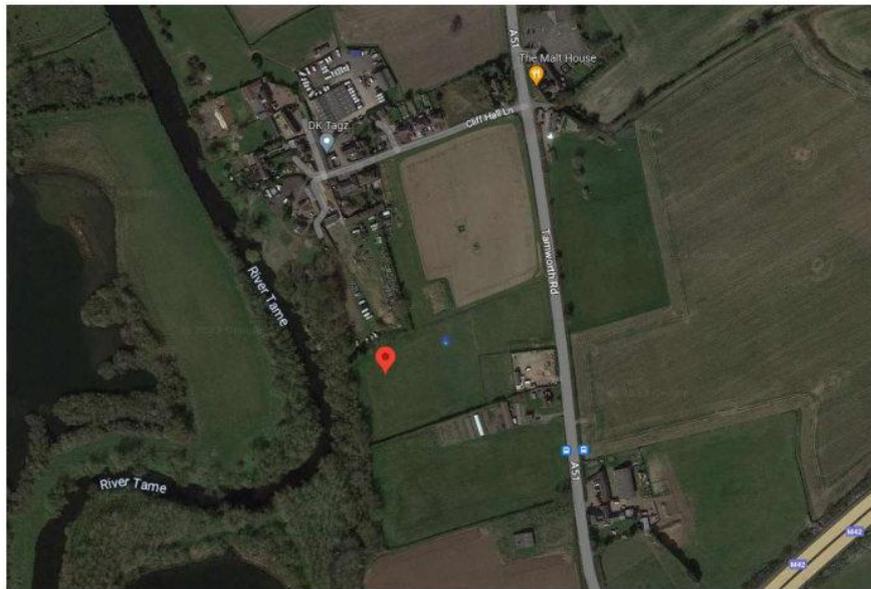


Figure 1: Extract of Google Aerial Imagery with site location identified by red pin

- 2.2 To the west of the application site lies the River Tame and a mature tree belt measuring a minimum of 25m, which forms the western boundary of the site.
- 2.3 The A51 lies to the east leading to Kingsbury 600m to the south and Dosthill just over one mile to the south. Kingsbury School is a mile away from the application site, along with the leisure centre. Library, church, public houses and Peel Surgery is 1.7 miles. The town has more than adequate services and facilities in close proximity to the site. There is also a Co-op towards Dosthill 0.7 miles from the application site.

Address/Client: John Doherty
Berrys Reference: SA47316

- 2.4 There is a footpath which runs all the way to both Kingsbury and Dosthill, this means that the applicant will not be completely reliant on a car in line with the movement towards sustainable development.

3. Common Ground established by previous appeals

- 4.1 There are numerous points that have been agreed between the applicant and the Local Planning Authority and I endeavour to set these out in this section.
- 4.2 The first point is in relation to the applicant's status as a Gypsy & Traveller. This has been discussed and accepted in both appeals and nothing has changed since then. Therefore the applicant's status would fall within the 2015 Planning Policy for Traveller Sites 2015 definition of Gypsy and Travellers.
- 4.3 In the 2019 appeal it was agreed that there would be no material harm in terms of harm to heritage assets, surface water drainage and foul water disposal, ecological impact air quality and noise impacts as well impacts on residential amenity. Although this application moves the pitch, there are still no heritage assets to be impacted in the near vicinity, the surface water drainage and foul water disposal stay using the same mechanisms. The ecological impacts were assessed back then and nothing has changed since then except a significant amount of planting has been done and will be done to have a large Biodiversity Net Gain. The pitch being further away from the road will only aid the air quality and noise impacts of the pitch and this is still not seen to be a concern. The position of the pitch further from the Lodge house will aid the residential amenity of the neighbour and the residents of the pitch.
- 4.4 It was agreed that the original Highway concern was satisfied by the amended plans in the 2019 appeal. The site plan accompanying this application has taken account of this and proposes to grub out existing hedge line and will replant a mixed native hedge on a line 2 metre inside the visibility splay. The rest could be dealt with by way of condition: There shall be no occupation of any of the pitch hereby approved until the whole of the access arrangements shown on the approved plan have been fully completed to the written satisfaction of the local planning Authority.
- 4.5 The Protected Species Appraisal concluded that:
- No features suitable to support roosting bats were noted within the site. As such, bats are not considered to pose a constraint to development of the site and no further survey for bats is required.
 - There was no evidence of the presence of badgers found within the site and its surroundings. Badgers are therefore not considered to pose a constraint to the proposed works and no further survey for badgers is required.

- There is suitable habitat within the site for nesting birds. As such, site work should avoid disturbing nesting birds where possible, and any vegetation clearance should take place outside the breeding season for birds. Where this is not possible, an experienced ecologist should survey the areas to be removed prior to work, and if nesting birds are found to be present, work should cease until the young have fledged and the nest is no longer in use.
- There are not considered to be any potential impacts from the proposed works on any other protected or notable species and habitats.

4.6 Soakaway tests were carried out in line with BRE365 on 01/07/18. Ground water was encroached at 1.4m in test hole B. Tests carried out proved the existing ground to be of a porous nature. When designing soakaways, ground water has to be a minimum of 1m from the base of the soakaways, therefore soakaways are not recommended for this site. It is not considered that anything has changed since then, therefore, soakaways are still not suitable.

4. Planning Policy Context

National Planning Policy

- 4.1 Paragraph 2 of the National Planning Policy Framework (NPPF), July 2021, identifies that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise and that the NPPF “is a material consideration in planning decisions”.
- 4.2 At the heart of the NPPF is a presumption in favour of sustainable development, which for decision-taking (paragraph 11) means:
- Approving development proposals that accord with an up-to-date development plan without delay; or
 - Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission 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 the Framework taken as a whole.
- 4.3 Paragraph 8 of the NPPF states that in achieving sustainable development the planning system has three overarching objectives, as detailed below:
- An Economic Objective

To help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - A Social Objective

To support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect

current and future needs and support communities' health, social & cultural well-being; and

- An Environmental Objective

To contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

4.4 Planning Policy for Traveller sites

4.5 Paragraph 12 of the NPPF states:

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

4.6 Paragraph 92 of the NPPF states:

Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
- b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and

- c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.
- 4.7 Paragraph 93 of the NPPF states: To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
 - b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
 - c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
 - d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
 - e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
- 4.8 Paragraph 105 states the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health.
- 4.9 Paragraph 130 of the NPPF: Planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 4.10 Paragraph 131 of the NPPF states: Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.
- 4.11 Paragraph 138 of the NPPF states the five purposes that Green Belt serves these are:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 4.12 Paragraph 149 of the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 4.13 Paragraph 149 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 4.14 Paragraph 150 of the NPPF sets out certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:
- a) mineral extraction;
 - b) engineering operations;
 - c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
 - d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
 - e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
 - f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

Local Planning Policy

- 4.15 The starting point for consideration of this application is Section 38 (6) of the Planning and Compulsory Purchase Act 2004, insofar as the determination must be in accordance with the Development Plan, unless material considerations indicate otherwise. In this instance the current adopted Local Plan for North Warwickshire comprises the following:
- 4.16 **North Warwickshire Local Plan** – The plan prepared by North Warwickshire Borough Council is designed to set out a spatial portrait for the Borough, including its main settlements and strategic infrastructure, as a framework for accommodating future planning growth; and provide planning policies to deliver the growth whilst respecting the rural nature of the Borough. The Local Plan underwent independent examination and the Final Report issued on 16th July 2021 and was formally adopted in September 2021. The formal adoption of the Local Plan by North Warwickshire Borough Council has the effect of replacing the Core Strategy (Adopted October 2014) and the saved policies from the 2006 North Warwickshire Local Plan.
- 4.17 A number of policies contained within the Local Plan have been identified as specifically relevant to the proposals to which this statement relates, namely:
- 4.18 **LP2: Settlement Hierarchy** - This policy outlines key settlements in the borough, this lists Kingsbury as a Local Service Centre.
- 4.19 **LP3: Green Belt** – This policy sets out the parameters where development is allowed in the Green Belt and the ways that it is controlled.

- 4.20 **LP5: Amount of Development** – This sets out that there has been an identified need for 19 residential permanent pitches from 2019 to 2033. This apparently takes into account a 12 pitch transit that has already permitted, this is incorrect as a transit site is by no means a permanent pitch and simply cannot be included in this supply.
- 4.21 **LP10: Gypsy & Traveller Sites** – This policy is for new gypsy and traveller sites, subject to compliance with 6no. criteria.

5. Planning Assessment

- 5.1 The key planning considerations in respect of this development are as follows:
- Policy Context and principle of development
 - Whether it is 'inappropriate development' in the Green Belt and effect on its openness
 - Effect on Landscape
 - Need for and supply of gypsy & traveller sites
 - Other considerations

Policy Context and principle of development

- 5.2 The most recent Gypsy and Travellers Accommodation Assessment (GTAA), the Report on the Examination of the North Warwickshire Local Plan and the subsequently adopted version of the Local Plan all post-date the 2019 and 2020 decision and so create a different planning context to that before the previous Inspectors in the appeals and the previous planning officers in the refusals.
- 5.3 Local Plan Policy LP10, which concerns Gypsy and Traveller provision, states sites will be permissible outside of the Green Belt. It does not expressly say that such uses would not be permitted in the Green Belt. It simply states that site suitability will be assessed against relevant policies in this Local Plan and other relevant guidance and policy. It will also be assessed against 5 criterion, these are:
1. The size of the site and number of pitches is appropriate in scale and size to the nearest settlement in the settlement hierarchy and its range of services and infrastructure;
 2. The site is suitably located within a safe, reasonable walking distance of a settlement boundary or public transport service, and access to a range of services including school and health services;

3. Avoiding sites vulnerable to flooding or affected by any other environmental hazards that may affect the residents' health and welfare;
 4. The site has access to essential utilities including water supply, sewerage, drainage and waste disposal;
 5. The site can be assimilated into the surroundings and landscape without any significant adverse effect.
- 5.4 The proposal site complies with each of these criteria. The size and number of pitches is just one, this is appropriate to the hamlet of Cliff which the site is located in.
- 5.5 The proposal site is located close to both Kingsbury and Dosthill and there is a suitable pavement which would allow the applicants to walk to both.
- 5.6 The proposal site is not vulnerable to flooding or affected by any other environmental hazards.
- 5.7 The proposal includes a package treatment plant and there is already water supply on the site.
- 5.8 The proposed pitch is at the back of the site where there will be no public views and will be adjacent to many other caravans making it assimilated to its surroundings and landscape without causing significant adverse effect.

Whether it is 'inappropriate development' in the Green Belt and effect on its openness

- 5.9 The National Planning Policy Framework (the Framework) is clear that the government attaches great importance to Green Belts and that their essential characteristics are their openness and permanence.
- 5.10 Paragraph 150 of the Framework establishes that certain forms of development are not inappropriate within the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include material changes in the use of land (criterion e).
- 5.11 Policy LP3 specifically protects Green Belt land and sets out that there is a general presumption against development that is inappropriate except in very special circumstances.
- 5.12 Openness is an essential characteristic of the Green Belt. It has a visual dimension as well as a spatial aspect.

- 5.13 This proposal is very different to the previous two appeals on this site, in respect both the visual and spatial aspect. The first appeal consisted of five static caravans, five amenity blocks and five touring caravans, with the pitches somewhat set back from the road. The second appeal consisted of hardstanding, static caravan, amenity block and touring caravan but in a clearly visible part of the site, adjacent to Tamworth Road and away from development making it somewhat out of character.
- 5.14 This new proposal will introduce the new access which is simply a like for like of what is existing, and as such would not result in any change in terms of visual or spatial aspects.
- 5.15 The new proposal will have only the bare minimum amount of tarmacadam just 15 metres into the site, the remainder of the access will be done in an EcoGrid porous paving system which will enable the site to remain green throughout and therefore, ensuring minimal visual change. The image below in figure 2 represents this.



Figure 2: EcoGrid porous paving

- 5.16 There is minimal fencing proposed, instead there is a level of bunding which runs through the site which has a significant level of planting already done to ensure there will be no views of the proposed pitch. This planting has been done under permitted development, as planting trees does not need planning permission. There is some bunding through the site which can be lowered or heightened to satisfy what the Local Planning Authority consider to be suitable. This can be controlled via a condition or during the application process with a suitable label on the proposed site plan.

- 5.17 The actual pitch will be surrounded by a wild flower meadow and more new native species tree planting. The pitch will have minimal hard standing, just where the static caravan is positioned. The level of hardstanding is what would be permitted under permitted development and both the static caravan and touring caravan will remain moveable making the proposal to be temporary in nature.
- 5.18 Neither the static caravan or touring caravan would be seen from Tamworth Road and this would mean the visual aspect of Green Belt would be entirely satisfied and would not constitute inappropriate development. In terms of its spatial aspect the proposal would see just a touring caravan and a static caravan introduced to the field, both of which are entirely temporary in nature.
- 5.19 In addition to this the pitch is located directly adjacent to an existing caravan site making the difference here negligible and will be in keeping with the character of the area in this respect.
- 5.20 For the reasons seen above the proposal would accord with paragraph 150 limb e) of the NPPF and would fit within part a) of LP3 of the Local Plan and as such should not be considered as inappropriate development.
- 5.21 Notwithstanding the substantive argument above, if the proposal is to be considered inappropriate development then on the scale of planning balance it should be seen that it is only marginally inappropriate and as such only limited very special circumstances would have to exist for the balance to be tipped in favour of this development.
- 5.22 Further to the above paragraph and subsequent the two appeal dismissals on this site there have been a number of gypsy pitches allowed in Green Belt locations. The appeal allowed on 17th October 2022 at Land rear of Ardens Rise, House Lane, St Albans, Herts., AL4 9HE (ref. APP/B1930/W/20/3259165) was for 5 static caravans and 5 touring caravans and although found to be inappropriate development this was deemed to not be enough to dismiss the appeal.
- 5.23 The Inspector took the view that Given the scale and appearance of these aspects of the use I find that the proposal would result in a moderate adverse effect on the openness of the Green Belt in spatial terms and contribute to urban sprawl but in a localised and limited way. By positioning the pitch at the back of our proposed site this would definitely be considered in the same way and due to this only being for a single touring caravan and static caravan it would appear that it would be very much looked upon favourably in this position.

Effect on Landscape

- 5.24 The proposed site is within the 'Tamworth – Urban Fringe Farmlands' area as identified in the North Warwickshire Landscape Character Assessment 2010 and forms part of a flat agricultural landscape. The site is located adjacent to The Lodge and the caravan park. There are also other examples of scattered development nearby and number of properties on Cliff Hall Lane. There are a number of intermittently located woodlands along Tamworth Road and this is what this site will loom like in time.
- 5.25 There is an access just 280 metres along Tamworth Road which is what is envisaged for the future of this site, where it is visually natural in character and there would be no evidence of the pitch itself.



- 5.26 The pitch itself would not be increasing any sense of urban character due to its location adjacent to the existing caravan site. For these reasons the proposal could be readily assimilated into its surroundings without a significant adverse effect.

Need for and supply of gypsy & traveller sites

- 5.27 Local planning authorities are required to use a robust evidence base establish accommodation needs to inform the preparation of local plans and make planning decisions (Policy A). In producing their local plans, local planning authorities should, inter alia, set pitch targets; identify and maintain a rolling 5-year supply of specific deliverable sites; and relate the number of

pitches to the circumstances of the specific size and location of the site and the surrounding population's size and density.

- 5.28 There is one public gypsy site in North Warwickshire: Alvecote Caravan Park contains 17 residential pitches. There are also 9 private gypsy sites: Fir Tree Paddock, Quarry Lane, Mancetter – 1 pitch; adjacent to Fir Tree Paddock – 2 pitches; the original site adjacent to Kirby Glebe Farm – 7 caravans (maximum of 7 pitches); 6 further sites approved adjacent to Kirby Glebe Farm containing a total of 17 pitches; and two pitches approved at Wishing Well Farm.
- 5.29 Bearing in mind that lawful and unauthorised sites at Kirby Glebe Farm, accommodating up to 35 pitches, have been occupied by families which have moved from outside of the District, it is clear that, in fact, net in-migration has occurred that has not been accounted for by the GTAA. This is currently zero in the GTAA and needs to be provided for.
- 5.30 The 2013 GTAA could not have anticipated this situation but, clearly underestimated existing and future needs. The fact that site provision had already outstripped the need identified for the period to 2028 indicates that, based on a combination of factors including the waiting list for the public site and need arising from households living in “bricks and mortar”; the 13 families currently occupying unauthorised pitches on the appeal site and at Kirby Glebe Farm; and, future household growth of at least 2% (claimed to be 1.5% in the GTAA) per year expected to occur over the next 12-13 years, indicates that there is a continuing unmet need for sites in North Warwickshire and, considerable weight should be attributed to this need.
- 5.31 The new Gypsy and Traveller Accommodation Assessment (November 2019) (GTAA) identifies a need for within the borough for 28 permanent gypsy pitches. This pitch would be a very good addition to meet this need.
- 5.32 In the Local Plan there is a commitment to bringing forward a Gypsy & Traveller Development Plan Document (DPD) that will include allocations informed by the GTAA and any subsequent review. On this basis, it is reasonable to assume that the need for gypsy and traveller sites in the Borough is not currently resolved. This scheme if granted permanently, would make a contribution to addressing such a need.
- 5.33 No specific timetable for the DPD has been given, but rather it is to be forthcoming ‘as soon as practicable’. It has already been over 2 years since this was said and it is still no further on. The vagueness of this timescale creates an uncertainty as to whether it will be in the near future, so a temporary consent on this site would not be preferable. However, if the

officers assessing this proposal believe that they will be able to deliver suitable sites within 3 years then it would seem very reasonable for a 3 year temporary permission to be permitted on this site, until a more suitable one could be delivered (should this proposal not be considered suitable for a permanent site).

Other Considerations

5.34 PPTS (Policy E) is clear that, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh the harm to the Green Belt and any other harm so as to establish very special circumstances. Clearly that does not mean that there are no circumstances in which a Green Belt site can be permitted, but the bar has been raised to a considerable height.

5.35 In *Sedgemoor DC v. Hughes* [2012] EWHC 1997 (QB) HHJ Thornton QC made the following observations about the best interests of children:

28. There is now a statutory duty on any public authority, which would include both a judge of this court and a planning inspector, to give consideration to the best interests of children and there is some evidence from the adult defendants that the best interests of these children would be put at risk if these were forced removal from this site in the near future. The considerations that must be considered by any public authority include their education, their safety, their welfare and the appropriateness of the accommodation in which they are living.

29. The defendants' evidence is...that there is no other place available to them...where they will be able to pitch their caravans and continue their life as travellers. Furthermore, whereas at present those...who are of school age are making reasonable progress in schools and the educational difficulties that have historically confronted travellers' children are well known, that progress will be hindered if not wholly disrupted since there will be no obvious schooling available to them, certainly in the immediate aftermath of their leaving this site.

5.36 In this case there are children of school age which will be on the site. These children were established in the local school and were making good progress, since being on the road for the last 2 years they have not been in school at all and this will have significantly jeopardised their education and future, providing this pitch could help them before it is too late to get an education.

5.37 It is common ground that the best interests of the child are a primary consideration, and that no other consideration can be of greater weight. This

is a substantial factor in favour of the proposal. The needs of the children attract substantial weight.

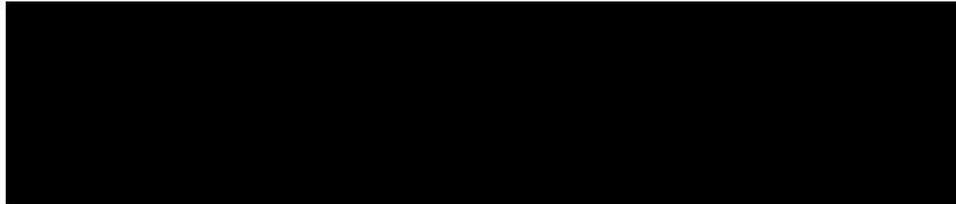
5.38 The specific personal circumstances of the children and the applicants can be seen below in Section 6.

6. Personal Circumstances

6.1 Since the applicant was evicted from this site, him and his family have been staying on roadside camps and some friends driveways.

6.2 This proposed site will occupy 4 children, the applicant and his wife.

6.3



6.4 All of the above is supported by the appendices showing medication etc.

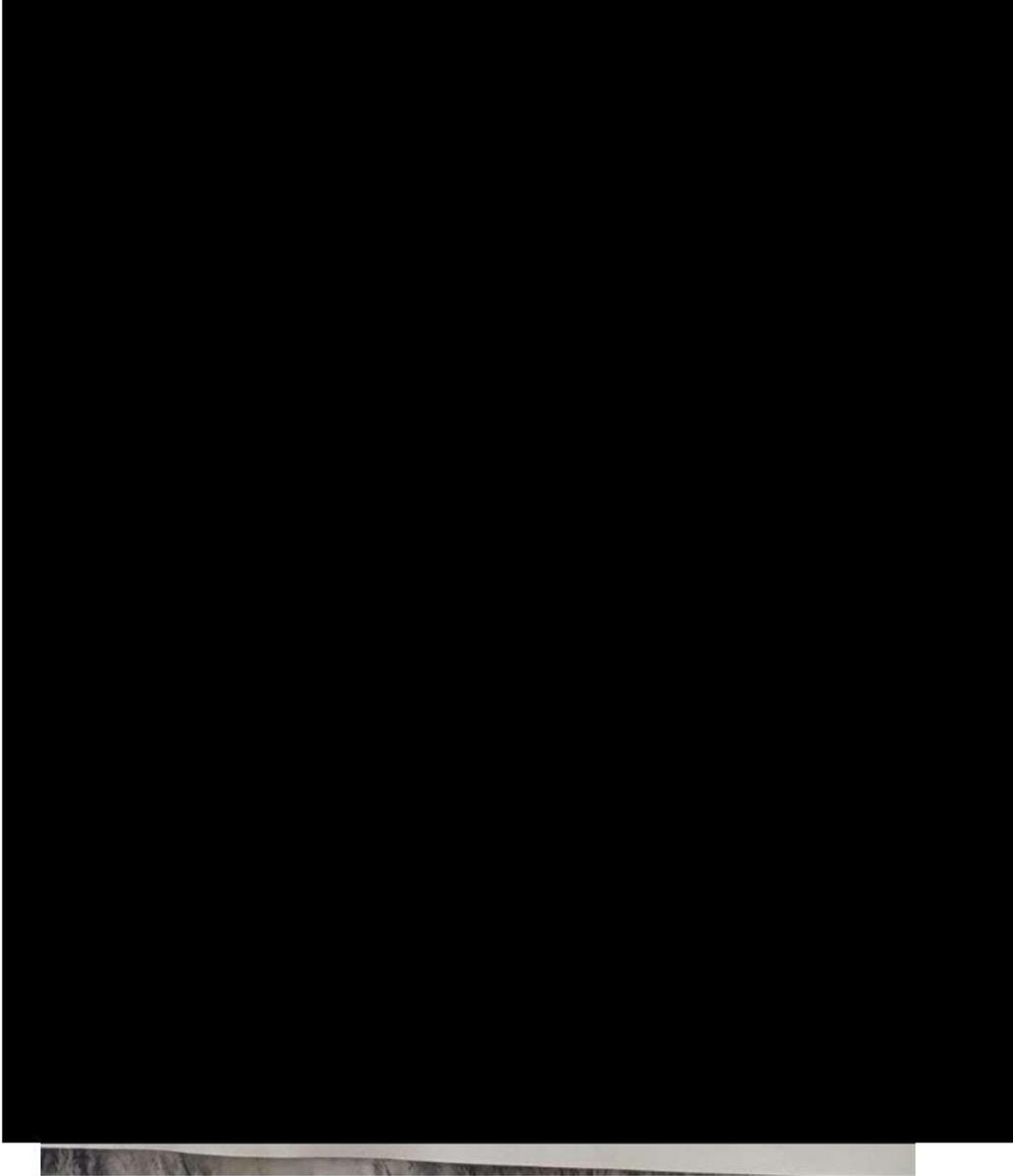
7. Planning and Green Belt Balance

- 7.1 At the start of the planning balance must be the Public Sector Equality Duty and there must be no other issue above the best interests of the children in this case.
- 7.2 The proposal for a single pitch gypsy site located in the corner next to existing development would not have a material impact on the visual aspect of the Green Belt and the spatial aspect would be negligible due to the very limited amount of development and the temporary nature of the static caravan and touring caravan.
- 7.3 For the above reason even if the proposal is to constitute inappropriate development in the Green Belt it would not have an adverse effect on the openness of the Green Belt and should a temporary be granted, the land can be very easily returned to its former condition. A substantial weight would have to be given to any harm to the Green Belt, however, this would be limited by the temporary nature of this proposal.
- 7.4 The Planning Practice Guidance makes clear that the test for temporary permissions is whether it is expected planning circumstances will change in a particular way at the end of a given period (see Paragraph: 014 Reference ID: 21a-014-20140306). It has nothing to do with the merits of the application or whether permanent consent is likely to be granted once the DPD is adopted. Having spoken to a planning officer at North Warwickshire it is understood that a call for sites is coming up and by the time this goes through and sites are allocated this would likely be 3 years later before they get consent as well and this would correlate well with this consent running its course. If this was to be granted as a temporary permission it would enable the applicant and his family for a safe, secure place to live for 3 years until a site is available in the area.

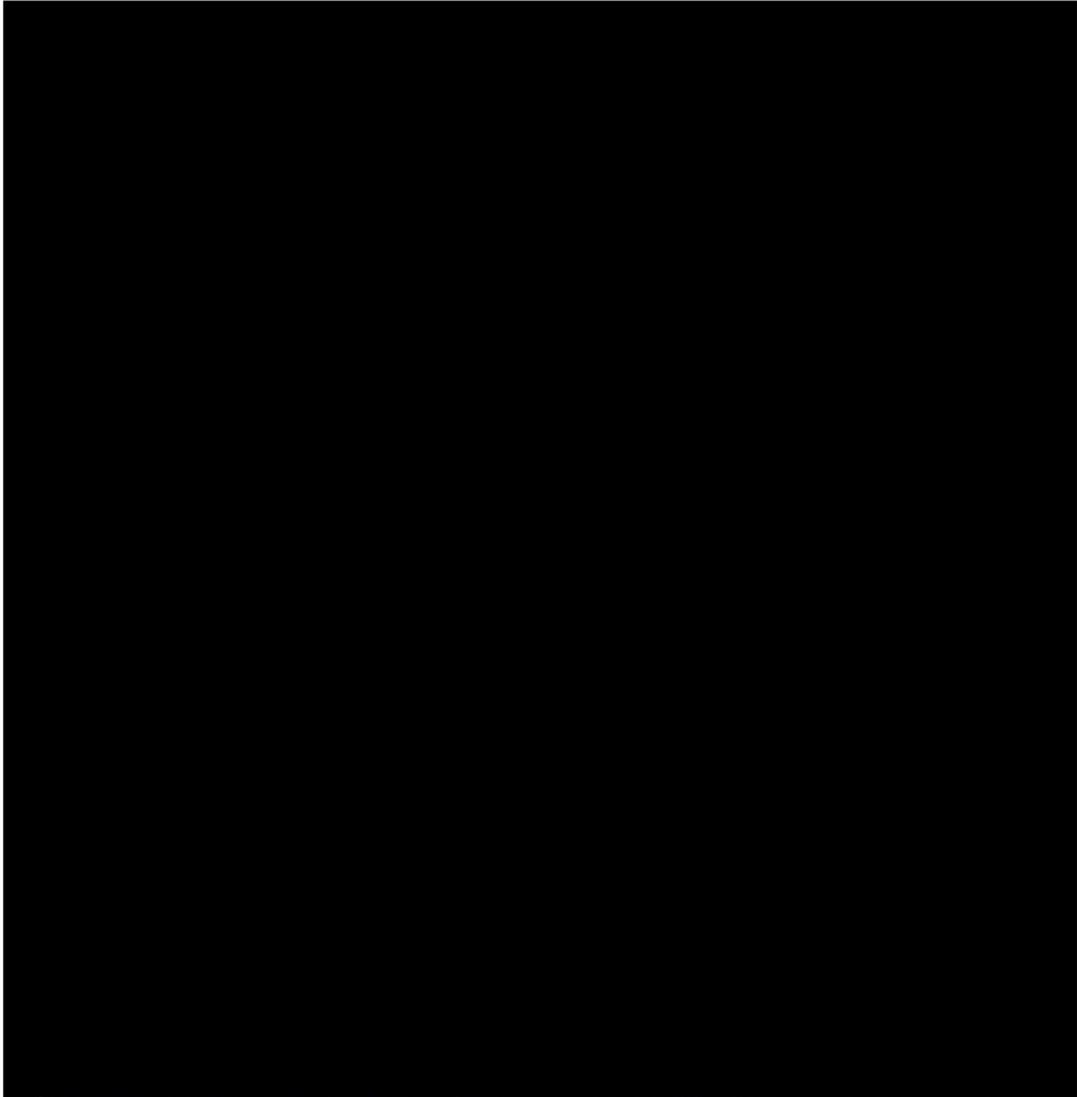
8. Conclusion

- 8.1 The National Planning Policy Framework (NPPF) sets out a clear a presumption in favour of sustainable development which this proposal reflects due to its enhancement to the environment, benefits to the local economy and social interaction with the local community. The proposal enables the family to live on the site which is within a sustainable location to contribute to the Councils strategic approach to providing additional pitches which are required by the GTAA.
- 8.2 There is little to no harm to the openness of the Green Belt and the benefits by far outweigh the harm to openness. There is substantial screening and there is be no visual impact caused by the pitch. The family have now been without an authorised home for over 6 years which is a clear demonstration of their difficulties and definitely justifies very special circumstances.
- 8.3 There have been many cases where Gypsy & Traveller sites are concluded to constitute very special circumstances and outweigh the harm to Green Belt, this is definitely the case here.
- 8.4 The proposal complies with the development in its entirety and for this reason and the above reasons the application should be approved without delay.

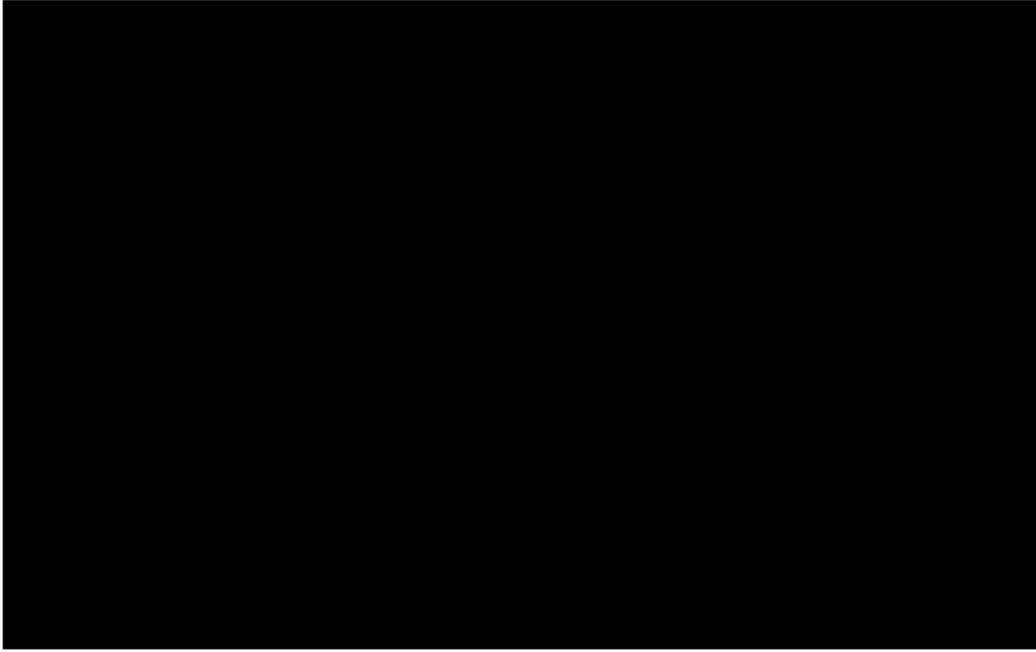
9. Appendices



Address/Client: John Doherty
Berrys Reference: SA47316



Address/Client: John Doherty
Berrys Reference: SA47316



Appeal Decision

Hearing Held on 12 November 2019

Site visit made on 12 November 2019

by Elaine Worthington BA (Hons) MTP MUED MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th November 2019

Appeal Ref: APP/R3705/W/19/3220135

Land adjacent to The Lodge, Tamworth Road, Cliff, B78 2DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mrs T Doherty against the decision of North Warwickshire Borough Council.
- The application Ref PAP/2018/0435, dated 11 July 2018, was refused by notice dated 12 December 2018.
- The development proposed is the change of use of land to equestrian use and use as a gypsy site comprising of 5 pitches with dayrooms including the relocation of access, a stables block, ménage and installation of treatment plant.

Decision

1. The appeal is dismissed.

Background

2. The appeal site is open grassed land with a road frontage to Tamworth Road and is within the Green Belt. It adjoins the adjacent dwelling and stables at The Lodge to the south. The river Tame and a mature tree belt lie to the west. A caravan park and associated caravan storage area adjoins the rear part of the site to the north and there are open fields on the other side of Tamworth Road to the east with the M42 beyond.
3. The Council accepts that the appellant and her husband meet the definition of gypsies and travellers set out in the Glossary to the Planning Policy for Traveller sites (PPTS) and it was confirmed at the hearing that they are Irish Travellers. I see no reason to come to a different view on this matter.
4. The south east corner of the appeal site has been occupied by the appellant and her family since February 2019 and a static caravan and two touring caravans are sited there. This unauthorised occupation of part the site is the subject of an injunction. A planning application¹ for the change of use to equestrian land and use of the site as a single gypsy pitch was refused on the 4 November 2019. Whilst the red line boundary for that application is the same as that for the appeal proposal, the single pitch proposed in that case only covers that part of the site currently occupied by the appellant (and shown on the appeal plans as a paddock). This being so, the parties are agreed that what is on site is a separate development that does not form part of the scheme before me.

¹ Reference PAP/2019/0427

5. The Council's decision notice includes two reasons for refusal, the second of which relates to highway safety in relation to the proposed access. However, the appellant has provided a Road Safety Stage One Report and amended plans which the Highway Authority confirms address its previous objections. On this basis, despite the continued concerns of local residents, the Council confirmed at the hearing that it did not wish to defend this reason for refusal.
6. This background has led to my identification of the main issues below.

Main Issues

7. The main issues in this case are:
 - Whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) (including its effect on openness and the purposes of the Green Belt); and
 - The effect of the proposal on the character and appearance of the surrounding area; and
 - If it is inappropriate development, 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 the development.

Reasons

Whether inappropriate development?

8. The National Planning Policy Framework (the Framework) is clear that the government attaches great importance to Green Belts and that their essential characteristics are their openness and permanence.
9. The appeal proposal includes two elements, a change of use to a gypsy site and an equestrian use. The submitted plans show five gypsy and traveller pitches to rear of the site and paddocks and stables to the front of the site closest to Tamworth Road. Policy E of the Planning Policy for Travellers Sites (August 2015) (PPTS) specifically defines traveller sites as inappropriate development in the Green Belt (paragraph 16). The appellant argues that the equestrian use proposed would not in itself be inappropriate development in the Green Belt. However, taken as a whole, the appeal proposal concerns the change of use of the land to a mixed gypsy and equestrian use.
10. Paragraph 146 of the Framework establishes that certain forms of development are not inappropriate within the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include material changes in the use of land (criterion e).
11. Policy NW3 of the North Warwickshire Local Plan Core Strategy (Core Strategy) refers to the Green Belt generally, and the supporting text at paragraph 7.1 states that within Green Belts the primary aim is to maintain the open nature of the area and that there is a general presumption against development that is inappropriate except in very special circumstances.

12. Openness is an essential characteristic of the Green Belt. It has a visual dimension as well as a spatial aspect. The proposal would introduce five residential pitches, each of which would include a static caravan, an amenity block and one touring caravan. A stable building would also be constructed and the development as a whole would be served by a new access. Boundary fences would also be erected and both the residential and equestrian use of the site would introduce associated paraphernalia and activity including the parking of vehicles. In spatial terms it would introduce a good deal of development into what is an open field.
13. The proposed paddocks would be to the front of the site closest to Tamworth Road. The stable building would be set back from the road frontage behind one of the paddocks and the five residential pitches would be beyond this to the rear of the site some 150 metres from the road. The site is adjacent to The Lodge immediately to the south for much of its southern boundary, and the caravan park adjoins the rear part of the site to the north. There is a substantial mature tree belt to the west of the site and a hedgerow to the site's frontage with Tamworth Road.
14. Even so, despite the proposed layout of the site and the existing development nearby, the site is visible in views from Tamworth Road (particularly on approach from the north) and from Cliff Hall Lane. This is so despite the existing hedgerows there, particularly in the winter months when the vegetation is not in leaf. Whilst additional landscaping is proposed, in my view the proposed development, including that towards the rear of the site, would be readily perceived from these viewpoints, as well as through the gap that would be created by the proposed access on Tamworth Road. Thus, the loss of openness resulting from the proposal would be evident.
15. As such, overall the proposal would lead to that part of the Green Belt in which the appeal site is located being much more built up than it is now. This would lead to a loss of openness. Given the currently open nature of the site, the harm caused in this regard would be considerable.
16. The purposes of the Green Belt are set out at paragraph 134 of the Framework and include to assist in safeguarding the countryside from encroachment (criterion c). The proposal would introduce built development to the countryside. In doing so, and impinging on openness as described, the proposal would not be consistent with site's role in safeguarding the countryside from encroachment. It would therefore have an adverse effect on one of the purposes of including land in the Green Belt. Given the size of the site in relation to the wider Green Belt in which it sits and the existing development nearby, the harm caused in this regard would be limited.
17. The appellant refers to the route of the proposed HS2 rail line which I understand would run to the east of the site on the other side of Tamworth Road close to the line of the nearby M42. Whilst I note the appellant's view that this would significantly diminish the status of the Green Belt, the intended route of the rail line is somewhat divorced from the appeal site and does not form part of its immediate context. Whilst the development of HS2 would inevitably alter the nature of the Green Belt in the wider area, I am not persuaded that the possibility of this future development lessens the appeal scheme's impact on the Green Belt, or serves to justify it.

18. Bringing matters together, I consider that the proposal would fail to preserve the openness of the Green Belt and would conflict with one of the purposes of including land within it. Thus, it would not meet the terms of criterion (e) of paragraph 146 of the Framework. I therefore conclude that the proposal would be inappropriate development for the purposes of national Green Belt policy as set out in the Framework. This harm attracts substantial weight as set out at paragraph 144 of the Framework. It would also be contrary to Core Strategy Policy NW3.

Openness and purposes

19. For the reasons set out above, in addition to the harm that would be caused by its inappropriateness, the proposal would also have a detrimental impact on openness and would fail to prevent encroachment and so undermine one of the purposes of the Green Belt. This harm also attracts substantial weight as set out at paragraph 144 of the Framework.

Character and appearance

20. Core Strategy Policy NW12 requires good quality development that positively improves a settlement's character and appearance together with the environmental quality of the area. Core Strategy Policy NW8 is permissive of gypsy and traveller sites outside the Green Belt and advises that such sites will be assessed using a number of criteria. The final criterion requires that the site can be assimilated into the surroundings and landscaped without any significant adverse effect.
21. The appeal site is within the 'Tamworth – Urban Fringe Farmlands' area as identified in the North Warwickshire Landscape Character Assessment 2010 and forms part of a flat agricultural landscape. As set out above, it is adjacent to The Lodge and the caravan park. There are also other examples of scattered development nearby and number of properties on Cliff Hall Lane. Nevertheless, the site adjoins a large field to the north which runs up to Cliff Hall Lane, and there are open fields on the other side of Tamworth Road to the east and beyond The Lodge to the south. As such, the appeal site has an open and undeveloped rural character and appears very much as part of the wider surrounding countryside.
22. As previously described, the residential pitches would be set well back into the site and away from Tamworth Road and would adjoin the tree belt to the west. The stables would not be on the road frontage and would be built of timber and I accept that along with the paddocks they would appear generally sympathetic to their rural surroundings. I also note the appellant's argument that the fencing and hardstanding would not in itself require planning permission. Even so, as considered above, the proposal would be appreciated in views from Tamworth Road and Cliff Hall Lane. This would be so despite the additional planting around the boundaries that is intended.
23. In this context, I consider that the proposal as a whole would be appreciated as an unwelcome pocket of urbanising development in the countryside that would fail to protect and detract from the rural character of its surroundings. Even taking into account the additional landscaping proposed, I am not persuaded that the proposal could be readily assimilated into its surroundings without any significant adverse effect.

24. I therefore conclude on this main issue that the proposal would be harmful to the character and appearance of the surrounding area. This would be contrary to Core Strategy Policies NW8 and NW12. It would also be at odds with paragraph 127 of the Framework which requires development to be sympathetic to local character including landscape setting (c), and paragraph 170 of the Framework which requires planning decisions to contribute to and enhance the natural and local environment.

Other considerations

25. According to paragraph 143 of the Framework inappropriate development is by definition harmful to the Green Belt. Paragraph 144 advises that very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The appellant has put forward a number of other considerations in this case.

The need for and supply of gypsy sites

26. The PPTS aims to promote more private traveller site provision and to increase the number of traveller sites in appropriate locations with planning permission to address under provision and maintain an appropriate level of supply. It also requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide 5 year's worth of sites against their locally set targets.
27. Core Strategy Policy NW7 identifies a need for 9 residential and 5 transit gypsy and traveller pitches from 2011 to 2028. This is based on the findings of the North Warwickshire and Nuneaton and Bedworth Gypsy and Travellers Accommodation Assessment 2013 (GTAA). The Council indicates that since 2011 some 19 residential pitches and 12 transit pitches have been permitted in the borough. The appellant does not dispute this. I accept that this exceeds the requirements set out in Core Strategy Policy NW7 and means that the Council has maintained 5 years' worth of deliverable sites against its locally set target.
28. The appellant is concerned that the need identified in Core Strategy Policy NW7 is an underestimation, and that no allocations have been made despite a number of years of the plan period remaining. However, the assessment of need that informed the Core Strategy is not before me for consideration. That said, I am mindful that the requirement set out in Core Strategy Policy NW7 is not a cap and does not prevent other appropriate sites coming forward. I am also conscious that the GTAA is a number of years old.
29. Policy LP6 of the emerging North Warwickshire Local Plan Submission March 2018 (Emerging Local Plan) contains the same targets for gypsy and traveller sites as Core Strategy Policy NW7 and is based on the same 2013 GTAA. As a result of the ongoing Examination of the Emerging Local Plan the GTAA is being updated and a new study has been commissioned. This is yet to be published and is not before me. Any updated GTAA (and any consequent modifications to Policy LP6) are in any event matters for the Examination of the Emerging Local Plan. However, as things stand, the evidence base is somewhat out of date and it is not possible to accurately estimate current levels of need.

30. The appellant considers the high numbers of planning applications for gypsy and traveller sites in the borough since 2011 to be an indication of a need for private sites. The Council accepts that there are some unauthorised encampments in the borough, and although the Council has provided no information on the availability of pitches on public sites, the appellant refers to these being overcrowded and full, with no waiting lists in operation. These factors, along with the appellant's failure to find an alternative site, add to this argument. Accordingly, although the targets in Core Strategy Policy NW7 have been met, that updated evidence will find a greater level of need for gypsy and traveller sites in the borough cannot be ruled out.

Alternative sites

31. The appellant has been looking for a suitable site within a 30/50 mile radius for around two years, but has not found any. In her experience, nearby public sites are full and overcrowded, and pitches on private sites are not for sale and are kept for family members. Whilst the Council refers to some brownfield sites in the borough that are available for purchase, it recognises that these do not have planning permission to be used as gypsy sites (and may have permission for other uses including residential development) and accepts that their cost can be prohibitive. Based on the evidence before me, no known suitable alternative sites are available for the appellant and her family.

Personal circumstances and accommodation needs

32. The appellant and her family previously lived on the County Council run site at Alvecote where the appellant has two aging aunts. However, due to the overcrowded conditions there they moved to a house in Erdington for a number of months, and from there, on to part of the appeal site.
33. The family are all registered at the Peartree Surgery in Kingsbury. The appellant has specific health conditions which were discussed at the hearing and makes regular trips to Hope Hospital every 3 to 4 weeks. The appellant has four children ranging in age from 4 to 17 years. Two of the children have specific health conditions which were outlined at the hearing and are on regular medication. The younger two children are at Kingsbury Primary School and attend after school activities there. I understand that they are doing well and have established friendships. The eldest child is considering attending college in the future, though it is unknown where at this time.
34. The appeal site would provide a settled base from which the appellant and her family could continue to access education and health care more readily. This would be advantageous to the well-being of the family and it would also be in the best interests of the children. These matters count in favour of the proposal and accord with the aims of the PPTS to enable the provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure.
35. Additionally, the proposal would allow the appellant to keep her four horses on the site. These were previously stabled at Brownhills but are now in Coventry on a temporary basis. The appeal site would allow the appellant to provide on-site care and security for her horses as part of her traditional lifestyle and I appreciate that Policy F of the PPTS encourages mixed use traveller sites. The proposal would also reduce the number of car journeys and carbon emissions that are associated with caring for the horses at distance and allow the

appellant to be close to her aunts at Alvecote and provide care for them as they grow older.

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 the development

36. The proposal would be inappropriate development in the Green Belt and as such would cause substantial harm. It would also cause considerable harm to the openness and limited harm to one of the purposes of the Green Belt. These factors also attract substantial weight against the scheme. Additionally, the proposal would cause harm to the character and appearance of the area and conflict with the development plan in these regards.
37. On the other hand, in the context of the uncertain levels of need for gypsy and traveller sites in the area, alongside the absence of any allocated sites in the borough and the lack of alternative sites for the appellant, the contribution that the proposal would make to the supply of gypsy and traveller sites is a benefit which counts in its favour. However, the currently unknown nature of the likely future need for sites, limits the weight I attach to this benefit.
38. As set out above, the appellant's personal circumstances and the provision of a settled base for the family to maintain access to education and health facilities, proximity to family members and care for her horses, are all benefits of the proposal which add a good deal of weight in its favour. However, I am conscious that the proposal is for five pitches, not just one. At the hearing the appellant clarified that all five pitches would all be occupied by family members. The appellant and her husband (and dependents) would occupy one pitch and two pitches would be earmarked for her eldest children (aged 16 and 17) when they are ready to move out. The remaining two pitches would be retained in wider family occupation (for example by the appellant's parents, or those of her husband) or would potentially be occupied by the younger children when the times comes.
39. Whilst I appreciate the appellant's wish to provide accommodation in the longer term for her family and understand that the eldest two children are likely to marry in the next few years, as things stand, the appellant's personal circumstances (and those of their family) only extend to the requirement for a single pitch. In my view, the need for further pitches for family members in the future is a matter for consideration when and if it arises and should be considered with regard to any personal circumstances at that time. As such, the personal circumstances outlined in support of this appeal cannot be reasonably used to justify the scale of the proposal for five pitches.
40. The proposal would be located relatively close to services and facilities and it has not been put to me that it would not meet the sustainability considerations set out in paragraph 13 of the PPTS. Whilst it considers the proposal to be away from existing settlements, the Council raises no particular objections to the proposal in these regards or in terms of the corresponding criteria in Core Strategy Policy NW8. The absence of harm in relation to these factors counts neither for, nor against the proposal.
41. The appellant considers that the future occupiers of the site would use local services and facilities and so support the local economy. However, whilst this is a benefit of the proposal, the proposal's contribution in this regard would be

limited by its relatively small scale. Although there would also be some use of local contractors in the construction phase, these would be relatively modest and short-lived. The appellant also argues that there would be some gains in biodiversity arising from the proposed boundary planting. Nevertheless, any such gains would need to be considered alongside the loss of a good deal of the the open site to development along with the introduction of activity there and the consequent effect of this on biodiversity. Accordingly, I attach only very moderate weight to these benefits of the proposal.

42. I confirm that I have considered the possibility of granting a temporary planning permission (since a permission with a limited period would to some extent lessen the scheme's impact on the Green Belt and the character and appearance of the area and reduce the amount of resultant harm). However, Planning Practice Guidance (the Guidance) indicates that circumstances where a temporary permission may be appropriate include where a trial run is necessary in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period. It has not been put to me that such circumstances apply in this instance.
43. The Council does not consider a time limited permission to be appropriate due to the levels of harm that would arise even on a temporary basis and given the scale and extent of the development proposed. The appellant also considers that the investment that would be required to develop the site as proposed would not be viable over a temporary period. Taking all these factors into account, I also consider that a temporary permission is not justified.
44. Since it was raised at the hearing, I have also considered whether a personal permission (to restrict the occupation of the site to the appellant and her immediate family) would be appropriate. As set out in the Guidance, planning permission usually runs with the land and it is rarely appropriate to provide otherwise. There may be exceptional occasions where development that would not normally be permitted may be justified on planning grounds because of who would benefit from the permission. However, for the reasons given, as I see it, the appellant's personal circumstances can only be reasonably applied to her aspiration for a single pitch at the appeal site. Even if these were to be accepted, an exceptional personal need for the remaining four pitches proposed cannot be demonstrated on these grounds. Accordingly, I am not persuaded that this is an exceptional occasion whereby the proposal before me is justified on the grounds of who would benefit from it.
45. The appellant considers Core Strategy Policies NW7 and NW8 to be out of date and refers to paragraph 11 of the Framework and the presumption in favour of sustainable development. However, with footnote 6 of section (d) (i) of paragraph 11 in mind, I confirm that the since the land is designated as Green Belt the application of policies in the Framework provides a clear reason for refusing the development proposed.
46. I have had regard to the requirements of Article 8 of the First Protocol to the Convention, as incorporated by the Human Rights Act 1998, and am aware that the Article 8 rights of a child should be viewed in the context of Article 3(1) of the United Convention on the Rights of the Child. However, I am mindful that the appellant's individual rights for respect for private and family life (along

with the best interests of the children) must be weighed against other factors including the wider public interest and legitimate interests of other individuals.

47. I have also considered the Public Sector Equality Duty (PSED) at section 139 of the Equality Act 2010 to which I am subject. Since the appellant is an Irish Traveller Section 149 of the Act is relevant. Because there is the potential for my decision to affect persons (the appellant and her family) with a protected characteristic(s) I have had due regard to the three equality principles set out in Section 149 (1) of the Act.
48. To dismiss the appeal would disrupt the education of two of the children and the healthcare of two of the children and the appellant. The negative impacts of dismissing the appeal arise since the family may be forced into a roadside existence and intermittent use of unauthorised sites. This would interfere with the best interests of the children and each member of the family's right for respect for private and family life and lends some additional weight in favour of the appeal.
49. However, I have found that the proposal would cause substantial harm to the Green Belt and further harm to the character and appearance of the surrounding area and am satisfied that the well-established and legitimate aim of granting planning permission in accordance with the development plan and planning policies which seek to protect Green Belts and the countryside in the wider public interest, can only be adequately safeguarded by the refusal of permission in this instance. Whilst bearing in mind the need to eliminate discrimination and promote equality of opportunity, in my view the adverse impacts of dismissing the scheme on the appellant and her family are necessary and proportionate.
50. Policy E of the PPTs advises that subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.
51. Bringing matters together, the other considerations in this case and the benefits of the proposal, even taking into account the family's Article 8 rights and the PSED considerations, do not clearly outweigh the totality of the harm identified. As such, the very special circumstances necessary to justify the development do not exist.

Conclusion

52. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Elaine Worthington

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Aida McManus	AM Planning Consultants Ltd
T Doherty	Appellant
J Doherty	Appellant's husband
T Dorey	Friend of the appellant

FOR THE LOCAL PLANNING AUTHORITY:

Jeff Brown	North Warwickshire Borough Council
Mike Dittman	North Warwickshire Borough Council

INTERESTED PARTIES

Robert Williams	On behalf of Mr G Twomlow (local resident)
Margaret Moss	Kingsbury Parish Council
Andy Jenns	Local resident

Appeal Decision

Site visit made on 11 May 2020

by **David Murray BA (Hons) DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 June 2020

Appeal Ref: APP/R3705/W/19/3242521
The Willows, Tamworth Road, Cliff, B78 2DS.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs T Doherty against the decision of North Warwickshire Borough Council.
 - The application Ref. PAP/2019/0427, dated 16 July 2019, was refused by notice dated 5 November 2019.
 - The development proposed is the change of use of land to equestrian use and use as a single pitch gypsy site with day room, installation of septic tank and relocation of the access.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are whether the proposal constitutes inappropriate development in the Green Belt, and if so, whether the harm to the Green Belt, together with any other harm, is outweighed by other factors, including the appellant's personal circumstances and the best interests of children in the household, so as to constitute the very special circumstances necessary to justify the development.

Reasons

Background

3. The appeal site comprises a rectangular area of grassed land which lies in an area of countryside to the south of the hamlet of Cliff and to the east of the River Tame. The site fronts the A51 Tamworth Road which passes over the M42 to the south of the site, and there is a caravan/camping park on land partly to the north. The site and the surrounding area form part of the West Midlands Green Belt.
4. At the time of my visit I noted that there was a residential mobile home on the land together with two touring caravans, and a wooden building. A gap appeared to have been made in the roadside hedge to form a new access to the land and the part of the overall site used for the residential pitch was partly screened by timber fencing and trellis. The remainder of the site was fenced off as paddocks.

5. I have taken account of a previous appeal decision made in November 2019 under ref. APP/R3705/W/19/3220135. This case involved a proposal by the present appellant to develop a gypsy site comprising 5 pitches with dayrooms, together with equestrian use, a ménage and stables, on the same appeal site. The appeal was dismissed.
6. The Council advises that following the unauthorised occupation of the site as a traveller's site in February 2019 an injunction was granted by the High Court to remove the unauthorised development. This was varied in March 2019 to enable the defendants to site one mobile home and two caravans on the land pending the above appeal decision. The Council says that the use as a gypsy/traveller's site has continued notwithstanding the injunction and there is contempt of the Court Order but that is a separate legal matter to this planning appeal.

Policy context and principle of development

7. The development plan comprises the North Warwickshire Local Plan Core Strategy (CS) adopted in 2014 and saved policies in the North Warwickshire Local Plan. It is apparent that the Council is also preparing a revised local plan – the Submission Local Plan 2018 (SLP) which has been submitted for Examination and the Examination in Public has now taken place. Although the Council relies on the policies in the CS, two emerging policies in the SLP are relevant and will be addressed in the relevant issue.
8. There are two main aspects to the proposal: the change of use to equestrian use and the use as a single pitch gypsy site. The equestrian use has not been shown to be contentious in principle and therefore this policy section concentrates on the proposed use as a gypsy site. The CS policies most relevant to the principle of the development are: NW3 applicable to the Green Belt; NW7 and NW8 in relation to development for gypsies and travellers; and NW12 concerning the general quality of development. However, Policy NW3 mainly indicates the extent of the Green Belt and how settlements and infill development will be treated and does not give other policy guidance on development within the Green Belt. Therefore, on this aspect greater weight should be given to guidance set out in the National Planning Policy Framework (NPPF).
9. The appellant's agent says that as the CS was adopted prior to the publication of the national 'Planning policy for traveller sites' (PPTS) in 2015, the above policies should be considered as 'out of date'. However, it is not the related timescale of the two documents that is most relevant but whether there is any substantial difference in the policy provision.
10. CS Policy NW7 deals with the overall provision of gypsy and traveller sites, which I will consider in a subsequent issue, but I note that the Council recognises that the requirements of this policy have been met in numerical terms and that paragraph 11(d) of the NPPF applies in that element of the plan.
11. Policy NW8 sets out a series of criteria for the assessment of proposals for gypsy and traveller sites and the Council submits that the proposal fails the final bullet point in respect of the effect on the landscape which I will also consider in a subsequent issue. However, the preliminary part of the policy makes clear that to be acceptable in principle proposals for gypsy and traveller

sites need to be located inside, adjoining or within a reasonable distance of a settlement boundary outside of the Green Belt, whereas the appeal site lies within the Green Belt. This policy is not materially at odds with the guidance in the PPTS particularly as set out in Policy E. Therefore, Policy NW8 should not be considered 'out of date' and section 38(6) of the Act applies¹ and the appeal should be decided in accordance with the development plan unless material considerations indicate otherwise.

12. I conclude on this issue that the principle of the proposed single pitch gypsy site and its associated development conflicts with the locational criteria set out in Policy NW8 the most relevant part in the development plan.

Whether 'inappropriate development' in the Green Belt and effect on its openness

13. Guidance in paragraphs 143-146 of the NPPF indicates that the erection of new buildings and some changes of use are 'inappropriate development' harmful to the Green Belt which should not be approved except in very special circumstances. I am satisfied that the proposed gypsy site would be 'inappropriate development' because of the nature of the use and the ancillary building and associated residential paraphernalia that would arise from the use, and it is not one of the specified exceptions put forward. The proposal therefore conflicts with the specific guidance in the NPPF.
14. In terms of the effect on openness, this has a visual as well as a spatial dimension. At the site visit I found that the mobile home, caravans and the proposed day room would be visible from Tamworth Road. The presence of these parts of the proposal together with the area of hardstanding for parking and screen fencing create a more urban physical form which detracts significantly from the otherwise mainly open rural character of the area and especially the area to the north of The Lodge.
15. I recognise that part of this visual impact stems from the loss of the roadside hedge removed for the access and the proposals seeks to introduce replacement landscaping/planting to help screen the site from the road in the long term. However, in the short to medium term I find that the proposal would have a discernible and harmful visual impact on the openness of the area when seen from the public realm of Tamworth Road. Moreover, even if the development was substantially screened from public view the development of the residential gypsy pitch would have a significant adverse impact on the openness of the Green Belt and would not preserve it. Thus, the proposal would be contrary to the guidance in paragraph 146 the NPPF even if it was regarded as mainly a change of use.

Effect on the landscape

16. Similar concerns apply regarding the effect on the general rural landscape of the area. Although I noted the scattered other development around the vicinity of the site, the dominant landscape character is one of open fields and a verdant form. The proposal to develop part of the open grassed field with a traveller site would not assimilate into the surroundings and landscape of the area even with the additional planting proposed. I assess the visual impact as significant and this adverse effect means that the proposal conflicts with the final bullet point of Policy NW8.

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

Need for and supply of gypsy sites

17. Policy B of the PPTS indicates that Councils must be able to identify and annually update a five years supply of deliverable sites for gypsies and travellers measured against locally set targets. CS Policy NW7 indicates that 9 residential and 5 transit Gypsy and Traveller sites will be provided between 2011 and 2028. This provision is based on a Gypsy and Traveller Accommodation Assessment (GTAA) undertaken in 2008. The appellant and the Council agree that since 2012 the Council has granted permission for up to 19 residential pitches and 12 transit pitches and on this basis it is demonstrated that the strategic requirements of Policy NW7 up until 2028 have already been met although the significant 'over-provision' may be an indication of more recent unmet local need.
18. I understand that emerging policy LP6 of the SLP repeats the requirements of CS Policy NW7. The appellant refers to and the Council acknowledges interim comments from the SLP Examining Inspector who questioned the figures set out in Policy LP6 as the evidence base is considered to be out of date. Accordingly, the Council has commissioned, along with neighbouring authorities, an update of the GTAA and publication of the results is awaited. These will no doubt feed into the further examination of the SLP and reflect the weight that can be given to Policy LP6 in due course. However, as the evidence stands at the moment there is nothing before me to show that the level of permissions granted for residential gypsy and traveller sites will not continue to meet the level of need identified.
19. I conclude on this issue that at the moment provision has been made by the Council though development management decisions for the supply of gypsy and traveller sites to meet and well exceed the previously identified local need but the emerging local plan will need to ensure that such provision reflects current and predicted future need.

Personal circumstances and children

20. The appellant's agent's statement sets out the background to the appellant's move to the appeal site; her medical condition and her family support who live locally. Further, the appellant has four children aged between 4 and 17 and the two youngest of these attend local schools. Moreover, they suffer from a medical condition and are registered with a local surgery. The headteacher of the school has written to say that the children attend school (or at that time pre-school) and are settled in school making friends and with good attendance.
21. Staying on the appeal site would continue to give the children a stable base in which to continue their education and social development and where both the appellant and the children would be able to obtain appropriate medical care including from the local surgery and hospital. The proposal would also enable the appellant to keep her horses on site rather than having to travel to tend them.
22. The appellant and her family are said to have been looking for an alternative site within a 30-50 mile radius for some time but that no alternative sites are available. The use of other 'brown field' sites was suggested by the Council at the previous appeal hearing but the appellant says these were not available for purchase or they may be allocated for alternative uses which are said to be cost prohibitive for the appellant. The use of other 'brown field' sites is said to

have been suggested by the Council at the previous appeal hearing but the appellant says these were not available for purchase or they may be allocated for alternative uses which are said to be cost prohibitive for the appellant.

23. The previous Inspector concluded that there were no known alternative sites for the appeal for the appellant and her family to turn to and that still appears to be the case.

Other considerations

24. Many other concerns about the proposal were put forward at application stage by the local community. I have had regard to these together with the individual letters and petition in support of the proposal submitted along with the appellant's case.
25. Some people allege conflict of the proposal with the route of the HS2² but I understand that the appeal site is not on land safeguarded for the route at the moment and therefore this is not an issue material to the decision. Concerns have also been expressed about the access to the site and the effect on highway safety, but I understand that the highway authority now raises no objection to the amended plans of the access and there is no other evidence before me to demonstrate that the proposal would harm highway safety.
26. No other factor has been shown to be of such importance that it is critical to the planning balance.

Planning and Green Belt balance

27. At the start of the planning balance I have borne in mind the requirements of the Public Sector Equality Duty and I have placed no other issue above the best interests of the children in this case.
28. Bringing my conclusions on the main issues together, I have found that the proposal for a single pitch gypsy site and equestrian use would conflict with the relevant CS Policy NW8 as the site is located in the Green Belt and would also result in a significant adverse effect on the local landscape contrary to the provisions of the final bullet point of that policy.
29. In terms of the Green Belt I have found that the proposal amounts to 'inappropriate development' and it would have a significant adverse effect on the openness of the Green Belt. Substantial weight has to be given to this harm in accordance with paragraph 144 of the NPPF.
30. This conflict with the development plan and Green Belt guidance in the NPPF has to be balanced with other factors.
31. The Council has been able to demonstrate a five year supply of new gypsy and traveller sites to meet Policy CS7 however the fact that the total provision for the plan period to 2028 has already been well exceeded may be an indication that the survey information is out of date and/or there is at present an unmet demand.
32. The appellant argues that because CS policy CS7 is spent as the allocations for gypsy and traveller sited have been met, therefore paragraph 11(d) applies to the decision process. However, I have found that Policy CS8 is still relevant to

² High Speed Rail Link 2 – London to the Midlands and the North

the main planning issues and in any event Footnote 6 related to this paragraph in the NPPF indicates that policies in the NPPF designed to protect areas of particular importance like Green Belts can provide clear reasons for refusing planning permission.

33. I have also placed considerable weight on the appellant and her family's personal circumstances. Being able to continue to live on site would enable the family to have a settled base with continued access to medical and educational facilities. I am sure that would be in the best interests of the children. Whereas a refusal of permission would be likely to lead to the family having to live a life on the roadside as no alternative site has been shown to be available.
34. Policy E of the PPTS indicates that subject to the best interests of children, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.
35. Overall, I conclude that the benefits to the appellant and her family, including the best interests of the children living on site, do not outweigh the harm to the Green Belt and the conflict with the development plan that I have identified. Very special circumstances have not been demonstrated. A permanent permission is therefore not justified as the proposal conflicts with the development plan and the NPPF when these are both read as a whole, and this finding is not outweighed by other considerations. Neither has it been demonstrated that there are relatively short term special circumstances or benefits that justify either a limited period permission or a personal permission that over-rides the specific harm that would arise particularly to the Green Belt.

Conclusion

36. I conclude that a refusal of permission is necessary. Although this would result in an interference with the rights of the appellant and her family, such a decision is proportionate and necessary in the public interest. I conclude that the appeal should be dismissed.

David Murray

INSPECTOR

APPENDIX G



Appeal Decision

Site Visit made on 13 October 2021

by **JP Sargent BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 December 2021

Appeal Ref: APP/R3705/W/20/3260829

The Willows, Tamworth Road, Cliff, Kingsbury B78 2DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs J Doherty against the decision of North Warwickshire Borough Council.
- The application Ref PAP/2020/0341, dated 1 July 2020, was refused by notice dated 6 October 2020.
- The development proposed is Material change of use of land for stationing of caravans for residential use for Gypsy-Traveller family with associated development (relocated access, hard standing and package treatment plant).

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are
 - a) whether this is inappropriate development in the Green Belt,
 - b) what its effect would be on the landscape, and
 - c) if it would be inappropriate development, whether its harm by reason of inappropriateness and other harm is clearly outweighed by other considerations so as to amount to very special circumstances.

Reasons

3. The *Planning Policy for Traveller Sites* (PPTS) states without qualification that '*traveller sites (temporary or permanent) in the Green Belt are inappropriate development*'.
4. Moreover, the *National Planning Policy Framework* (the Framework) says that keeping land permanently open is a fundamental aim of the Green Belt. It confirms that inappropriate development is, by definition, harmful. Criterion (e) of Framework paragraph 150 accepts that material changes in the use of land are not inappropriate, provided they preserve openness and do not conflict with the purposes of including land in the Green Belt. Under Policy LP3 in the *North Warwickshire Local Plan 2021* schemes will be considered in line with the Framework apart from where more specific, localised criteria are applicable, none of which have been identified as relevant in this instance.
5. It appears to be accepted that the appellants and their children accord with the definition of gypsies and travellers found in the PPTS. I understand they now

<https://www.gov.uk/planning-inspectorate>

- live immediately adjacent to the appeal site, and it is their intention to move onto it if the appeal is successful.
6. The site is part of a field that lies in the countryside outside any settlement boundary. The surrounding area has a generally rural appearance comprising fields and woodlands with a scatter of farm properties and dwellings. This proposal would be introducing a caravan with associated hardstandings and paraphernalia onto this land, a little away from other built form, and the development would be visible not just from Tamworth Road but also from in the surrounding landscape. As a result, I share the view of the Inspector who dismissed an appeal on the site for a similar development in 2020 (the 2020 decision) and consider it would erode the sense of openness currently experienced in the locality. Moreover, the site would acquire a more developed character, and so the proposal would conflict with the purpose of safeguarding the countryside from encroachment (Framework paragraph 138).
 7. Local Plan Policy LP10, which concerns Gypsy and Traveller provision, states sites will be permissible outside of the Green Belt. It does not expressly say that such uses would not be permitted in the Green Belt. However, for the reasons given above concerning openness and encroachment, in my opinion the development would also not be assimilated into the surroundings and landscape without any significant adverse effect. Therefore, I consider it to be contrary to the final bullet point of the policy.
 8. In coming to these findings, I accept that planting is to be introduced to soften the impact of the development. I also recognise that the amount of built development on the site would be reduced when compared to that proposed under the 2020 decision, as a day room is no longer intended and the static caravan would not be raised up. However, these points would not be sufficient to overcome my view that there would be a harm to openness and a sense of encroachment.
 9. Accordingly, having regard to the PPTS and paragraph 150 in the Framework, I find this scheme would be inappropriate development in the Green Belt, failing to preserve openness and conflicting with one of the Green Belt's purposes.
 10. The Framework states that inappropriate development should not be approved except in very special circumstances. These circumstances will not exist unless the development's harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In this regard I have had a number of different considerations put before me.
 11. Firstly, the appellants' personal circumstances were highlighted. I have noted their health issues as submitted, and appreciate an on-going need for regular medical care that is provided locally. Moreover, I accept that these issues would be more readily tackled if the appellants had a fixed address allowing the care to be delivered in a consistent manner. These health matters are therefore something to which I afford significant weight. I understand too that being here means the appellants can look after relatives nearby, but I have little information about the nature of this care or where they live, and so the weight it can be afforded is limited.
 12. Coupled with this is the second consideration of the effect of the COVID pandemic. I recognise that this must have significantly impacted on sectors of the Gypsy and Traveller community in a number of different ways, concerning

- employment opportunities, limited social contacts, the ability to move to new sites and the effects of living in crowded touring caravans. On the evidence before me the proposal would not alter the first 2 of these. In theory moving to new sites occupied in part by others could still be affected because, although restrictions are now less than they were, social distancing is still an issue and so moving onto somewhere another family already lives could be mutually unacceptable. As a result, with alternative sites being harder to find, increased travel would occur, meaning living in touring caravans could be more likely.
13. However, little firm evidence has been put forward to show it has in reality been a difficulty in finding other sites due to the pandemic, and I would expect that maintaining general standards of amenity would ensure social distancing was achieved to a great extent on a shared site. Moreover, if more travel results, it is reasonable to assume those living together in this way would form a 'bubble' for the purposes of social distancing. The weight I afford this is therefore not significant. Furthermore, the pandemic will pass in time, and so whilst the limited weight from these points could be used in favour of a temporary permission, it adds little in support of a permanent permission on the site.
14. A third area is the appellant's view that there is a shortfall in Gypsy and Traveller provision in the Borough. Under the *Public Sector Equality Duty* I am to have due regard, amongst other things, to the need to take steps to meet the needs of persons who share a relevant protected characteristic that is different from the needs of persons who do not share it, and in relation to this I appreciate the appellants' cultural heritage. The most recent *Gypsy and Travellers Accommodation Assessment (GTAA)*, the *Report on the Examination of the North Warwickshire Local Plan* and the subsequently adopted version of the Local Plan all post-date the 2020 decision and so create a different planning context to that before the previous Inspector.
15. In the Local Plan there is a commitment to bringing forward a Gypsy & Traveller Development Plan Document (DPD) that will include allocations informed by the GTAA and any subsequent review. Notwithstanding the Council's contentions, it is therefore reasonable to assume that the need for gypsy and traveller sites in the Borough is not currently resolved. This scheme if granted permanently, would make a contribution to addressing such a need. However, no specific timetable for the DPD has been given, but rather it is to be forthcoming '*as soon as practicable*'. The vagueness of this timescale means I cannot assume it will be in the near future, and so I am unable to treat its production as justifying a temporary permission. Rather, if persuaded by the arguments of need, I would have to favour the grant of a permanent permission.
16. Related to this point I recognise too that a Court Order requires the appellants and their children to leave their existing adjacent site if I dismiss this appeal. With such a shortfall, they say they would have nowhere to go and would face a roadside existence, and I have no reason to question this.
17. However, the PPTS in Policy E says, in relation to traveller sites,
- 'subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.'*

This policy accepts that there could be some occasions where such harm was, in fact, outweighed by personal circumstances and unmet need. However, as it anticipates such occurrences would be 'unlikely', it is reasonable to assume they would be improbable and would not be expected. Given this, although I have had full regard to the appellants' submissions, I find that their personal circumstances, the unmet need and the prospect of a roadside existence (exacerbated by the pandemic), even if taken together, are not so sufficient as to constitute one of the 'unlikely' instances where an exception to the general thrust of this guidance is justified.

18. Outside of settlements much of the Borough is designated Green Belt, but that situation is found in many authorities. Consequently, it cannot be a basis to justify a gypsy and traveller site in the light of the PPTS policy quoted above.
19. I therefore turn to be best interests of the children. At the outset I have regarded no other consideration as more important or, in advance of the assessment of the circumstances of the case, I have given none greater weight. However, these best interests will not always outweigh other considerations including those that impact negatively on the environment. I have nonetheless kept the best interests of the children at the forefront of my mind in reaching my decision.
20. I have relatively little information concerning the appellants' children. However, it can be assumed they would benefit from the opportunity this proposal offers to provide a settled base for their health, educational and social needs. This is demonstrated by the way 2 are currently doing well in their schooling, progressing with their learning and making friends. I appreciate too that a settled base can assist in home-schooling, whether that be by having easier access to tutors or by allowing time to be spent on education rather than travelling. However, such benefits of a settled base could apply to most if not all Gypsy and Traveller children. On the evidence before me, and acknowledging the appellants' children also have certain specific health issues, I am not satisfied that their needs are adequate to justify remaining in this immediate area. Given this, even if taken with the other considerations above, the best interests of these children are not sufficient to clearly outweigh the harm to the Green Belt so as to establish very special circumstances. As such, a permanent permission is not justified.
21. I now turn to consider whether a temporary permission would be acceptable. However, as there is only a vague timeframe for the production of the DPD, I cannot be confident that circumstances around this site or gypsy and traveller provision in the Borough will change in the foreseeable future to justify a permission for a shorter period. I have accepted that the granting of a temporary permission until the passing of the pandemic has the potential to be beneficial for this family given the difficulties of accessing other sites. However, there is little evidence to support this difficulty. I have been told no other sites are available anyway but, even if there was, this need not be a problem that would prevent occupancy. Consequently, I can only afford this limited weight. I therefore find that, again when taken with the other considerations listed above, a temporary permission would not be justified.
22. I accept that dismissing this appeal would cause some interference with the appellants' rights and those of their children under Article 8 of the First Protocol to the *European Convention on Human Rights*, as incorporated by the *Human*

Rights Act 1998. This is because this site would not provide the home they would need having been required to vacate their existing settled base under the Court Order. However, such rights are qualified, and interference may be permissible when the rights of the individual are balanced against those of the community. In this instance such interference on the rights of the adults and the best interests of the children would be proportionate given the public aim of safeguarding the Green Belt.

Conclusion

23. Accordingly, I conclude that this would be inappropriate development in the Green Belt that would harm openness, conflict with one of the purposes of the Green Belt, and would not be assimilated into the surroundings and landscape without any significant adverse effect. In the absence of any other considerations that clearly outweigh the harm by reason of inappropriateness, and any other harm, very special circumstances to approve this inappropriate development do not exist, and the proposal is contrary to Policies LP3 and LP10 in the Local Plan, the PPTS and the Framework. The appeal is therefore dismissed.

JP Sargent

INSPECTOR

General Development Applications

(5/c) Application No: CON/2023/0011

Land at the former Newdigate Colliery, Astley Lane, Bedworth

Construction and operation of a solar farm and battery storage system, associated infrastructure, access and landscaping, for

Sirius Renewable Energy

Introduction

This application has been submitted to the Nuneaton and Bedworth Borough Council which has in turn invited this Council to submit representations to it as part of the consultation process.

The Site

This is some 15 hectares of grassland being the site of the former Newdigate Colliery. It ceased operations in 1982 and has been subsequently restored to low grade agricultural land. It is surrounded by mature woodland plantations to the north and south with a series of well-established hedgerows along its other boundaries.

This is a predominantly rural area, but the edge of Bedworth is just to the south-east.

A location plan is at Appendix A with a photograph at Appendix B.

The Proposals

This is for the construction of a solar farm and battery storage system with a proposed point of contact with the Grid at the substation off Woodlands Lane to the north-east of the site. This would generate electricity to power 1600 homes each year. The proposal would be for a 40-year development. The proposed layout is shown at Appendix B. This shows the access to be off Astley Lane and the battery storage area towards the western boundary.

The site is situated within a designated Local Wildlife Site and directly adjoins two others. The applicant has included a Conservation Management Plan and a dedicated management fund for the life of the project in order to enable bio-diversity gain and its management over the Newdigate Colliery Local Wildlife Site. The enhancement proposals include additional strengthening of all boundary hedgerows, three new broad leaved woodland blocks, retention of the former spoil mound as open land to allow skylarks to continue to nest there, together with the provision of three new wildlife ponds.

The site is also presently used unofficially by the local community and this would be managed through as new footpath network with local connections

Background

Members will be aware of a similar proposal in North Warwickshire around a kilometre to the west of the site and south of Astley Lane at Sole End. The Board has resolved to support that proposal.

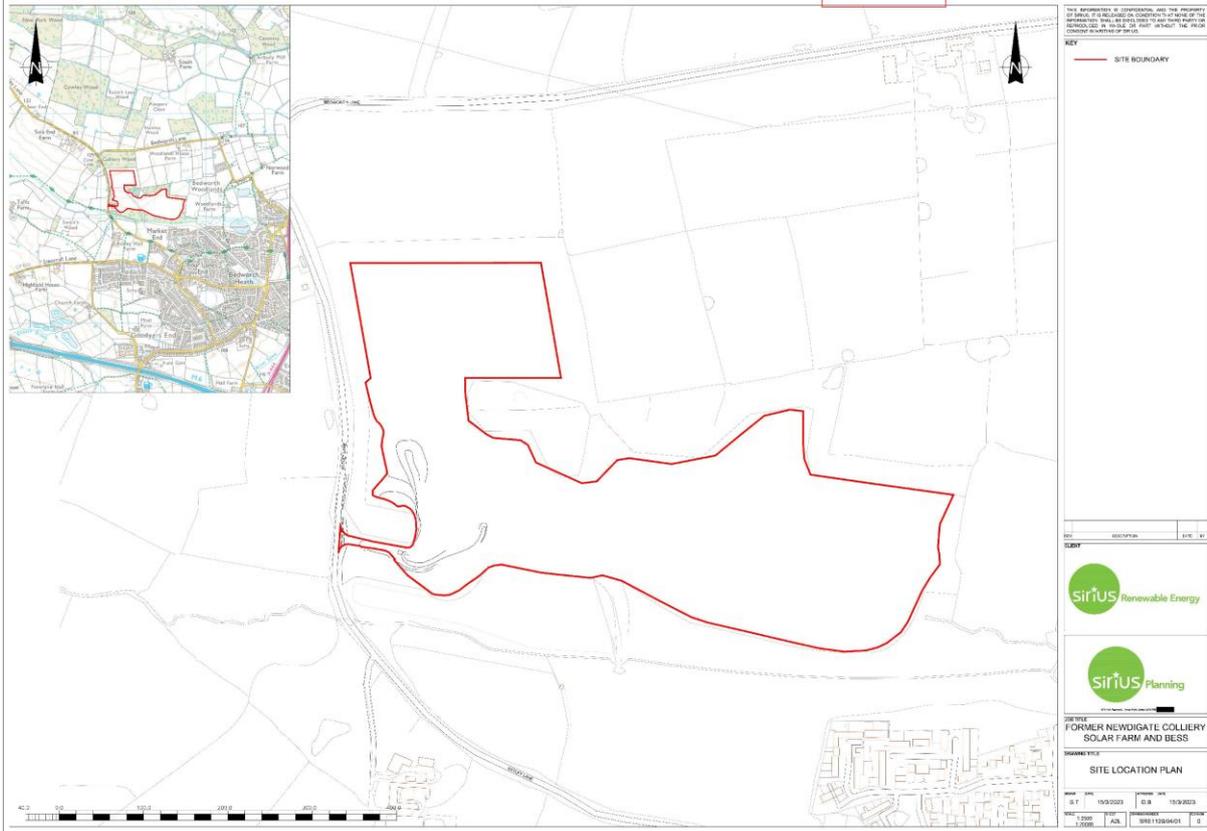
Observations

The site is not in the Green Belt, but in an area of “countryside” as defined by the Nuneaton and Bedworth Borough Council Borough Plan 2011-2031. That Council will assess the proposal against the policies in that Plan together with all other material planning considerations. From this Council’s perspective it is considered that there would be unlikely to be any adverse impacts. The site is very well screened and there are few residential properties in North Warwickshire that are located close to the site. Traffic generation even during the construction period will not be significant. The biodiversity and ecology enhancements will be of benefit as there are “green” corridors extending from the site into North Warwickshire.

Recommendation

That the Nuneaton and Bedworth Borough Council be advised that this Council has no objection to the proposal.

APPENDIX A



APPENDIX B



General Development Applications

(5/d) Application No: PAP/2022/0606

22, Church Lane, Middleton, B78 2AW

Erection of single storey ancillary outhouse to rear garden, for

A Coates

Introduction

This application was referred to the February Board meeting, but determination was deferred in order to see whether there were alternative schemes that could provide the accommodation proposed. A site visit was also agreed.

The previous report is attached at Appendix A with a note of the visit at Appendix B

Updated Information

The design of the proposal first shown to Members in February is at Appendix C. The applicant has submitted an amended plan which shows a different design of fenestration to the outhouse's front elevation. This is attached at Appendix D. He has also submitted a short statement setting out the position. This is at Appendix E.

The revised plan has been circulated to those who submitted representations to the original scheme.

A total of 26 objections have been received in respect of this application - 22 about the original proposal and 4 in respect of the amended scheme.

The matters raised by these include the following planning matters:

- Loss of privacy and additional noise and disturbance
- Loss of light to neighbouring gardens
- Poor design not being in keeping
- The building is too big
- This is over-development in a rural village
- It will create a precedent for further backyard development
- There is no parking provision.
- Building works will cause disruption

A number of matters were raised that are not planning matters – anti-social behaviour and queries about how the Council manages its finances and its housing stock.

The additional four objections repeat the matters raised above.

The Parish Council also objects as set out in Appendix F.

Observations

The additional statement explains why an extension to the house would not be practical and thus why the proposal remains as a separate building. The amended fenestration is welcome.

The Board is reminded that the amended application before Members should be determined on its planning merits alone. All other matters raised through the representations should be given no weight in assessing the planning balance here.

There are four planning matters to consider.

- The site is in the Green Belt, but it is also within the “infill” boundary defined for the village within the Local Plan. Policy LP3 of the Plan says that “limited infilling in settlements washed over by the Green Belt will be allowed within the infill boundaries as defined on the Policies Map”. As a consequence, there is no objection in principle to this proposal.
- There are a number of factors involved with the impact of the proposal on the residential amenity of neighbouring occupiers. These would include shadowing, loss of light and loss of privacy. The building would stand on slightly higher ground at the rear and the existing garden is small. However, the setting is open with fields at the rear and as such there is limited loss of light or over-shadowing. The change in the amended plan to the front elevation will remove any grounds based on the loss of privacy. There is also limited scope for adding screening along any shared ownership boundaries and this would adversely affect the amenity of those neighbours. There are already fences and hedgerows along these boundaries.
- Members will be aware of the “fall-back” position here in respect of Permitted Development. This building requires the submission of a planning application because it would be three metres in height and located within two metres of the curtilage boundary. A reduction in height to 2.5 metres on the same footprint would thus be “permitted development”, thus requiring no reference or application to the Council. It is not considered that the additional 0.5 metres in height would result in material harm.
- Notwithstanding these matters, the conditions that are recommended in Appendix A, include one – number 4 - which limits the occupancy of the building. This could be extended so as to require the removal of the building once that occupation ceases.

As indicated before there are not considered to be any material planning reasons that would be supported by planning policy and the receipt of the amended plan re-enforces this position.

Recommendation

As set out in Appendix A, but with condition 2 updated to refer to the amended plan and an addition being included in Condition 4, requiring removal of the building after this occupancy ceases.

General Development Applications

(10/b) Application No: PAP/2022/0606

22, Church Lane, Middleton, B78 2AW

Erection of single storey ancillary outhouse to rear garden, for

A Coates

Introduction

This application is reported to Board due to the property in question being in the ownership of the Council.

The Site

The application site is a two storey, semi-detached property on the north side of Church Lane within a frontage of similar properties. The rear of the property backs on to an open farmland.

A site location plan is shown at Appendix A

The Proposal

The proposal is to construct an ancillary outbuilding at the rear of the garden.

This is illustrated at Appendix B with the proposed plans and elevations at Appendix C.

The outbuilding would be single storey with a flat roof and have a maximum height of 3 metres, a width of 5 metres and a length of 6 metres. The proposed brickwork will match that of the existing property.

The building would be used as an annex to the main house as accommodation for a disabled family member.

Representations

At the time of writing this report, one representation had been received expressing concern about potential overlooking. The Board will be updated at its meeting should additional representations be received.

Development Plan

The North Warwickshire Local Plan (2021) – LP3 (Green Belt); LP29 (Development Considerations), LP30 (Built Form) and LP34 (Parking)

Other Relevant Material Considerations

10b/5

National Planning Policy Framework 2021 - (the "NPPF").

Supplementary Planning Guidance: A Guide to the Design of Householder Developments, adopted September 2003.

Observations

The site is in the Green Belt where the construction of new buildings is defined as being inappropriate by the NPPF. However, in this case Middleton has an "infill boundary" as defined by the Policies Map in the Local Plan. As such, the proposal would accord with Policy LP3 of the Local Plan.

Local Plan Policy LP30 requires that all development in terms of its layout, form and density should respect and reflect the existing pattern, character and appearance of its setting. The design of the proposed annex is considered to be sympathetic to the host dwellinghouse and the surrounding properties. The height and proposed materials mean that the outbuilding would not be out of place here.

Policy LP29 (9) states that developments should amongst other things, avoid and address unacceptable impacts upon neighbouring amenities through overlooking, overshadowing, noise, light, air quality or other pollution. It is considered that given the size, scale and location of the proposed outbuilding that there will be no material adverse impact on the amenities of the neighbouring properties. It is acknowledged that the annex will provide living accommodation and that the front openings will face the rear elevations of neighbouring properties. There is thus the potential for overlooking. However, the rear gardens here are already overlooked, there too would be some overlooking of the building from existing properties and an outbuilding could be constructed here under permitted development rights with such a building being regularly used household members. It is in these circumstances that any impact is considered to be immaterial.

Policies LP29(6) and LP34 require development proposals to have particular regard to highway safety, service requirements and the capacity of the local road network and the adopted parking standards set out of the Local Plan. It is not considered that the proposed annex will increase traffic flow to and from the site, with on street parking already provided to the front of the property.

A planning condition is considered reasonable here to prevent the annex being used as a separate residence.

10b/6

Recommendation

That planning permission be **GRANTED** subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby approved shall not be carried out otherwise than in accordance with the site location plan, the existing and proposed floor plans and sections, titled Site Location Plan and NAB021/22CL/001 (Proposed Plans and Elevations) all received by the Local Planning Authority on 17 November 2022.

REASON

To ensure that the development is carried out strictly in accordance with the approved plans.

3. The new works shall be carried out with facing brickwork of a similar style, colour and texture to those present on the host dwelling.

REASON

In the interests of the amenities of the area and the building concerned.

4. The accommodation hereby approved shall be occupied solely in connection with, and ancillary to the main dwelling at 22 Church Lane, Middleton, B78 2AW, and shall not be sold off, sub-let or used as a separate unit of accommodation.

REASON

To prevent unauthorised use of the property

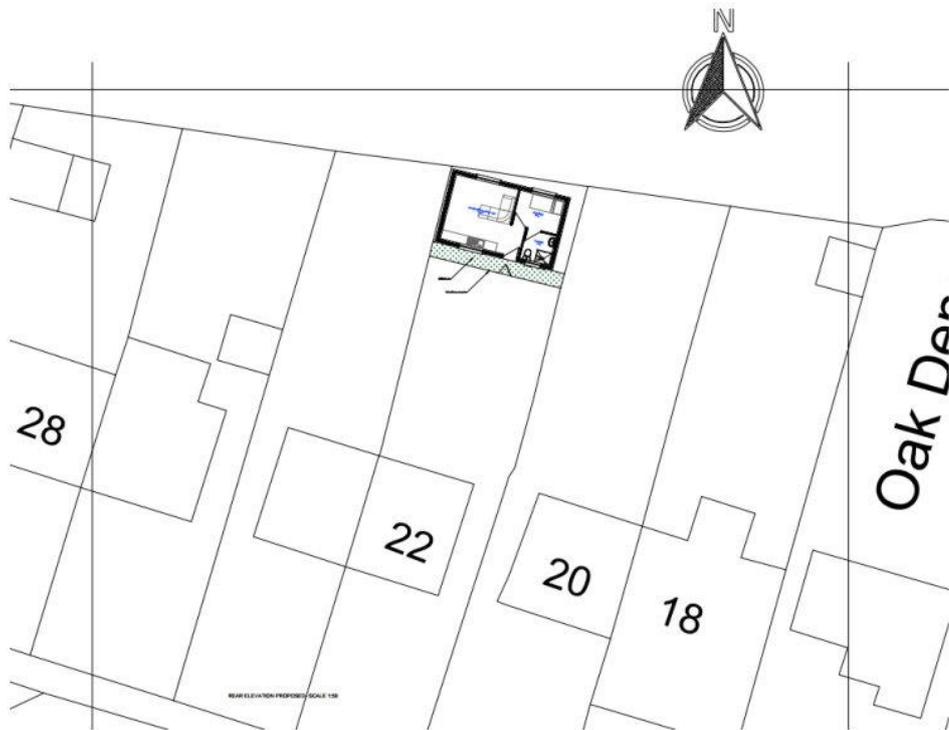
Appendix A



10b/8

5d/81

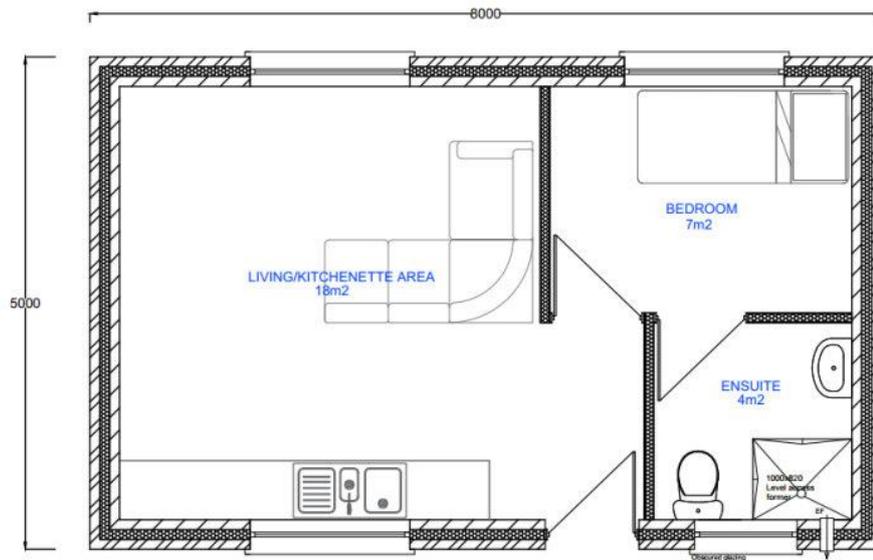
Appendix B



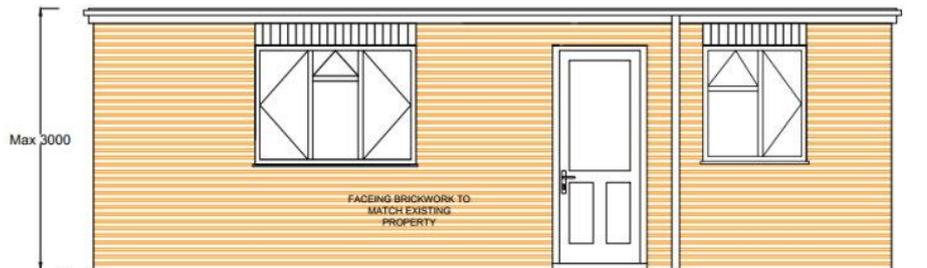
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Appendix C



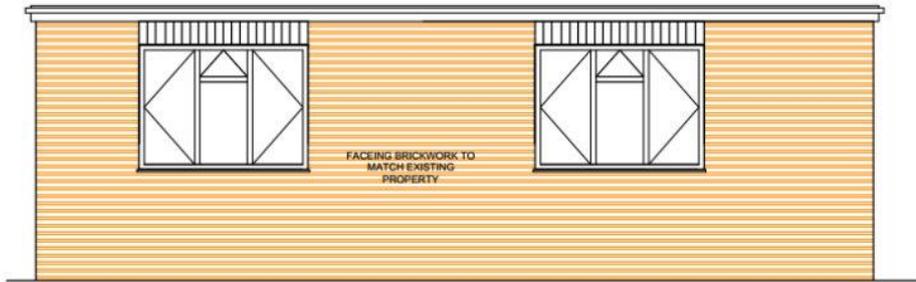
FLOOR PLAN PROPOSED- SCALE: 1:50



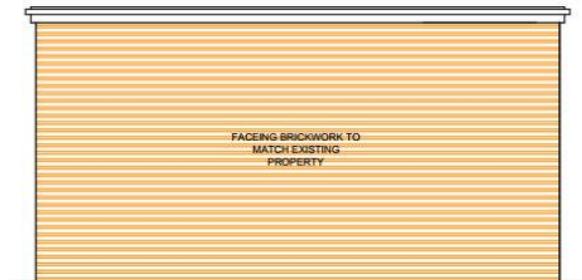
FRONT ELEVATION PROPOSED- SCALE 1:50

10b/10

5d/83



REAR ELEVATION PROPOSED- SCALE 1:50



SIDE ELEVATION PROPOSED- SCALE 1:50

10b/11

5d/84

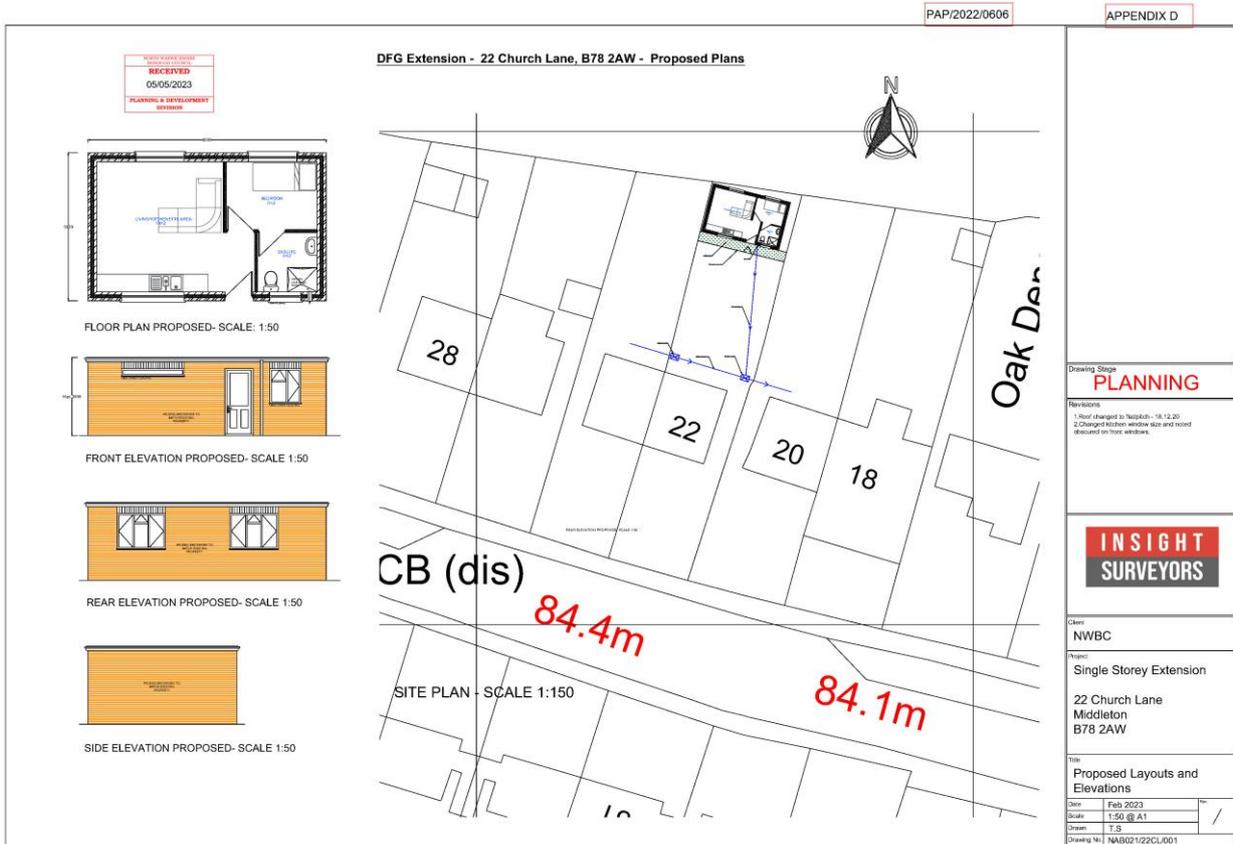
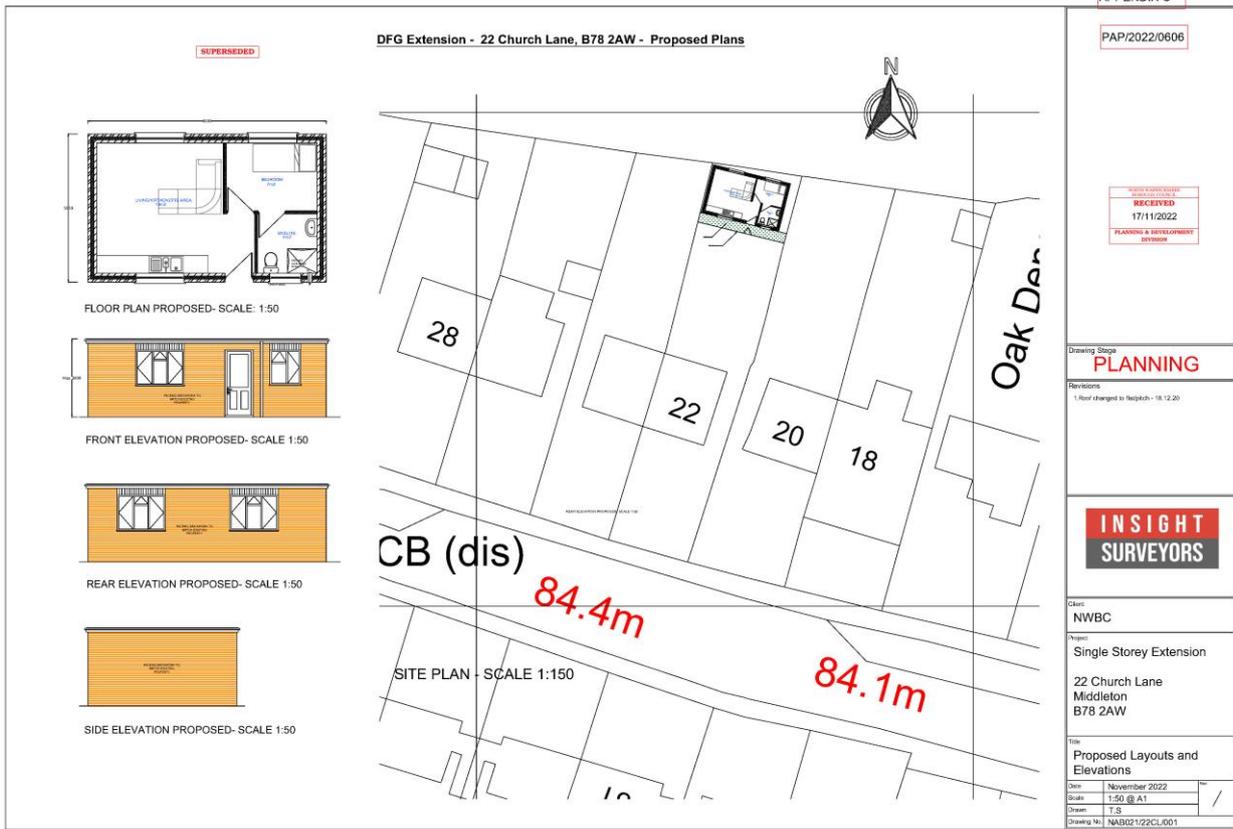
PAP/2022/0606

22 Church Road, Middleton – Board Site Visit

Tuesday 20 June 2023 at 1200

Present: Cllr's Bell, Humphries, Parsons and Reilly together with the occupier and J Brown

1. Members met outside the property and walked to the rear.
2. Here they were shown plans of the building as originally submitted together with the amended ones, which are now the subject of the case.
3. The differences were pointed out
4. Members could see the ground levels, the boundary treatments as well as the relationship with the neighbouring properties.
5. Members walked to the rear of the garden so that could overlook the rear hedgerow as well as look back at the house and its neighbours, noting the position of the windows on those rear elevations.
6. On the way out, Members saw the present wooden shed that is currently being used as sleeping accommodation.
7. The site visit ended at around 1215



APPENDIX E PAP/2022/0606
~~Planning~~ Supporting
Statement

Project:

Erection of single storey ancillary
outhouse to rear garden.

Address:

22 Church Lane
Middleton
B78 2AW



On Behalf Of:

North Warwickshire Borough Council

Prepared by:

Tom Saunders BSc (Hons) MRICS
of Insight Surveyors Ltd

Email:

tom.saunders@insightsurveyors.co.uk

Date:

April 2023

REF:

21

**INSIGHT
SURVEYORS**

Friars House, Floor 1, Manor House Drive,
Coventry, CV1 2TE

<https://insightsurveyors.co.uk>



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5	Design and Access Statement.....	2
6	Conclusion.....	3

1 INTRODUCTION

- 1.1 The proposal is to create an additional separate habitable space to assist with overcrowding in the main property.
- 1.2 An application has been made under planning reference number PAP/2022/0606.
- 1.3 The site is a two-storey, semi-detached property on the north side of Church Lane within a frontage of similar properties. The rear of the property backs on to an open farmland.
- 1.4 The outhouse will consist of one bedroom with ensuite and a small kitchen-diner.
- 1.5 The proposed location for the ancillary building is separate to the main dwelling, to be at the rear of the garden, but within and linked to the main curtilage. The extension is to be ancillary to the existing dwelling and not a separate dwelling.
- 1.6 Following the proposal going to planning committee, feedback was given that the extension poses an overlooking risk to the neighbouring properties, and consideration should be given to the extension being linked to the main house.
- 1.7 This statement evaluates the potential options.

2 SUPPORTING DOCUMENTS

- 2.1 Full plans have been submitted for approval, which indicate the extent of the proposed development, documents are list as:
 - Church Lane - Area Plan
 - NAB021_22CL-001 - 22 Church Lane-B78 2AW-Layouts and elevations_Rev.A
 - Board Report - 6 February 2023

3 ALTERNATIVE OPTIONS CONSIDERED

- 3.1 To come to a solution for the requirement a number of options were considered as noted below:
 - 3.1.1 **Loft Conversion (Rejected)**

Consideration was given to utilise a roof extension to convert the loft space allowing for a bedroom, ensuite and small kitchenette.

Due to the construction of the roof and the work required, the property would need to be vacated for the duration of works, this would pose difficulties to find alternative accommodation.

The type of works required would be at a significant cost for the conversion making it un-economical.

The layout required to provide the space needed could not be met by a loft conversion due to space constraints.

This option is not feasible.
 - 3.1.2 **Rear Extension to the rear of premises (Rejected)**

Options to extended from the existing property were reviewed, to provide a bedroom with ensuite, with separate living and kitchenette. The layout of the existing property made this difficult to achieve.

A single storey extension to the rear and side were considered but this could not be achieved

without moving the gas storage tanks located to the rear and blocking light and ventilation to the existing kitchen and bathroom located at the rear of the dwelling.

There was no logical or safe storage area to move the gas bottle supply to.

It was not acceptable from the regulations, or building use point of view to block light and ventilation to the existing rooms.

As such this option is not feasible.

3.1.3 Separate Extension, closer to the premises (Rejected)

An alternative option was to keep the proposed design, but move closer to the property.

This would create significant overlooking issues and potentially block light to the existing and neighbouring properties, making this option not feasible.

4 OPTION PROPOSED

4.1.1 Rear Separate Extension to End of Garden (Proposed)

The proposal meets all requirements and is the most economical option. It also poses minimal effect on the surrounding area and neighbouring properties, as is located to the end of the garden.

The board report states the support for this option, and recommends permission be granted.

Following feedback from neighbouring properties amendments have been made as below:

- Changed the window size and location to the kitchen area to prevent overlooking.
- Changed all glazing to be obscured glazing to the front elevation.

5 DESIGN AND ACCESS STATEMENT

5.1 Existing Use

The site is currently a residential dwelling consisting of two storey semi-detached house.

5.2 Background to the Requirement

The proposal will assist with overcrowding at the premises and meeting the needs of the building users.

5.3 Materials being used

Element	Proposed
Roof	Flat roof - felted finish with UPVC fascia and guttering
External Walls	Facing brickwork to match existing property
External Doors	UPVC double glazed
Windows	UPVC double glazed

5.4 Landscaping and Paths

Minimal changes to landscaping is proposed. The design includes the addition of a rear garden pathway to access the outhouse and a picket fence to front.

5.5 Disabled Access

Not applicable.

5.6 Traffic

Neither pedestrian nor vehicular traffic will be increased by the proposal. There are no proposed changes.

5.7 Architectural and historic Importance

Not applicable.

5.8 Wildlife

It is not anticipated that the proposal will affect any wildlife. The current area is simply turfed, and does not attract significant wildlife.

5.9 Flooding

Checks have been made with the Environment agency with regards to the risk of flooding on the site. These show that there is no risk of significant flooding on the site.

6 CONCLUSION

The proposal is required to improve the quality of life of the building users. Other options to extend have been exhausted and are not viable as noted within this statement. The applicant has identified that the proposal is highly beneficial to the property as it will:

- Provide the required alteration to reduce over crowding
- Improve the quality of life of the building user.
- Offer the most economical option.

The chosen area for the annex has taken into consideration alternative locations and options and how it would impact the setting of the site and surrounding areas, deciding that the solution proposed is the best available.

Tom Saunders BSc (Hons) MRICS



For Insight Surveyors Ltd

Middleton Parish Council will oppose this planning application and has tremendous local support in doing so. Our Chair or Vice chair would welcome an opportunity to address the planning committee as and when the opportunity arises. Please be in no doubt about the strength of feeling in our community regarding this application and we will fight this application with all and any avenues at our disposal.

This is an internally generated NWBC planning application from within your housing department who we feel have not consulted with or taken note of the very strong local feeling about this issue which will greatly impact how NWBC is regarded within our community should this application succeed. We fear this could be the needs of one overriding the needs of the many, in over 6 years working in the Parish we have never known an issue to have angered so many Parishioners including the unanimous objection of all MPC Councillors.

Tony Harris
MPC Clerk