

**Please ask for:** Mrs. W. Rowe  
**Extension No:** 4584  
**E-Mail:** [wendyrowe@cannockchasedc.gov.uk](mailto:wendyrowe@cannockchasedc.gov.uk)

3 November, 2020

Dear Councillor,

**PLANNING CONTROL COMMITTEE**  
**3:00 PM, WEDNESDAY 11 NOVEMBER, 2020**  
**MEETING TO BE HELD REMOTELY**

You are invited to attend this remote meeting for consideration of the matters itemised in the following Agenda. The meeting will commence at 3.00pm via Zoom. Details on how to access the meeting will be issued separately.

Instructions on how the public can watch the meeting will be posted on the Council's website.

Yours sincerely,



**T. McGovern**  
**Managing Director**

To Councillors:-

Cartwright, Mrs. S.M. (Chairman)

Startin, P. (Vice-Chairman)

Allen, F.W.C.	Pearson, A.R.
Dudson, A.	Smith, C.D.
Fisher, P.A	Stretton, Mrs. P.Z.
Fitzgerald, Mrs. A.A.	Thompson, Mrs. S.
Jones, Mrs. V.	Todd, Mrs. D.
Layton, A.	Witton, P.
Muckley, A.	

## AGENDA

### PART 1

#### 1. Apologies

#### 2. Declarations of Interests of Members in Contracts and Other Matters and Restriction on Voting by Members

To declare any personal, pecuniary or disclosable pecuniary interests in accordance with the Code of Conduct and any possible contraventions under Section 106 of the Local Government Finance Act 1992.

#### 3. Disclosure of details of lobbying of Members

#### 4. Minutes

To approve the minutes of the meeting held on 21 October, 2020 (enclosed).

#### 5. Members' Requests for Site Visits

#### 6. Report of the Development Control Manager

Members wishing to obtain information on applications for planning approval prior to the commencement of the meeting are asked to contact the Development Control Manager.

#### Finding information about an application from the website

- On the home page click on planning applications, listed under the 'Planning & Building' tab.
- This takes you to a page headed "view planning applications and make comments". Towards the bottom of this page click on the text View planning applications. By clicking on the link I agree to the terms, disclaimer and important notice above.
- The next page is headed "Web APAS Land & Property". Click on 'search for a planning application'.
- On the following page insert the reference number of the application you're interested in e.g. CH/11/0001 and then click search in the bottom left hand corner.
- This takes you to a screen with a basic description - click on the reference number.
- Halfway down the next page there are six text boxes - click on the third one - view documents.
- This takes you to a list of all documents associated with the application - click on the ones you wish to read and they will be displayed.

## PLANNING APPLICATIONS

<u>Application Number</u>	<u>Application Location and Description</u>	<u>Item Number</u>
1. CH/20/305	<i>Land at Lime Lane, Pelsall WS3 5AT</i> – Change of use of the land to a Gypsy and Traveller residential site with the siting of up to ten caravans of which no more than five would be static caravans, the construction of a utility block and the creation of a new vehicular access and the laying of hard standing	6.1 – 6.49
2. CH/20/247	<i>Land on North-East side of A5 (Turf Roundabout) Watling Street, Cannock WS11 9ND</i> – Planning application for the retention of gates, fencing and groundworks	6.50 – 6.66
3.	Report of the Development Control Manager - Changes to the Enforcement Protocol	6.67 – 6.69

**CANNOCK CHASE COUNCIL**  
**MINUTES OF THE MEETING OF THE**  
**PLANNING CONTROL COMMITTEE**

**HELD ON WEDNESDAY 21 OCTOBER 2020 AT 3:00 P.M.**

**VIA REMOTE ACCESS**

**PART 1**

PRESENT: Cartwright, Mrs. S.M. (Chairman)  
Councillors Startin, P. (Vice-Chairman)

Allen, F.W.C.	Layton, A.
Crabtree, S.K. <i>(substitute for A. Muckley)</i>	Pearson, A.R.
Dudson, A.	Smith, C.D.
Fisher, P.A. <i>(not in attendance when the meeting commenced)</i>	Stretton, Mrs. P.Z.
Fitzgerald, Mrs. A.A.	Thompson, Mrs. S.L.
Jones, Mrs. V.	Todd, Mrs. D.M.
	Witton, P.

(The Chairman advised that the order of the agenda would be amended and Application CH/20/197 would be considered as the first item).

**47. Apologies**

An apology for absence was received from Councillor A. Muckley.

Notification had been received that Councillor S. K. Crabtree would be acting as a substitute for Councillor. A.M. Muckley.

**48. Disclosure of Lobbying of Members**

Nothing declared.

**49. Minutes**

RESOLVED:

That the Minutes of the meeting held on 30 September, 2020 be approved as a correct record.

Arising from this Councillor Pearson referred to the previous meeting when he was heard to say an expletive. He explained that he was having issues connecting to the remote meeting and was not aware he could be heard. He offered an apology for any embarrassment caused to any Councillors or any member of the public.

## **50. Members requests for Site Visits**

The Committee was aware that site visits were not currently being undertaken due to the on-going situation with the Coronavirus Covid-19 pandemic and the restrictions in place regarding public gatherings.

In view of this, it was requested that more detailed information and additional photographs be provided to the Committee in relation to Application CH/20/336, construction of self contained development of 4 no. 2 bedroom houses and 4 no. 1 bedroom apartments including revised access to Main Road and car parking, 98 Main Road, Brereton. The reason for the additional information was in order to assess any highway implications and whether there would be any adverse impact on the area.

## **51. Application CH/20/197, 114-116 Cannock Road, Chadsmoor, Cannock, WS11 5BZ – Change of use of ground floor from retail unit to A5 hot food takeaway including installation of extract flue**

Consideration was given to the report of the Development Control Manager (Item 6.125 – 6.142 of the Official Minutes of the Council).

The Development Control Manager showed photographs and plans of the proposals and outlined the amended car park layout.

Prior to consideration of the application representations were made by Councillor Mrs. C. Mitchell, the Ward Councillor, speaking against the application. Further representations were made by Jim Malkin, the applicant's agent, speaking in support of the application.

RESOLVED:

That the application be approved subject to the conditions contained in the report for the reasons outlined therein.

*(Councillor Mrs V. Jones lost connection during consideration of this application. As she was not present for the whole of the discussions, she did not take part in the vote).*

*(At this point Councillor P. Fisher joined the remote meeting).*

## **52. Application CH/16/267, Land to North of Wyrley Common and South of A5 Watling Street, Norton Canes – Proposed change of use to outdoor go-karting facility and associated operational development including formation of track (1200m), car park and associated landscaping and works**

Consideration was given to the report of the Development Control Manager (Item 6.1 – 6.124 of the Official Minutes of the Council).

The Development Control Manager advised that an update had been circulated to Members in advance of the meeting along with further information that had been received from the applicant following publication of the agenda. The update was as follows:

“Further to the completion of the agenda a submission has been received by the applicant’s agent. This contains several plans and illustrative drawings and what purports to be a rebuttal to the reasons for refusal outlined in the officer report.

Officers have considered the information and have concluded that there is nothing within that submission that has not been discussed within the officer report.

#### Habitat Regulations Assessment and Drainage

However, for the purposes of clarity officers reiterate that they have undertaken an ‘appropriate assessment’ as required under the Habitat Regulations 2017, in respect to the impacts of the proposal on the Cannock Extension Canal SAC. This has been considered by Natural England who has commented: -

“Natural England notes that your authority, as competent authority, has endeavoured to undertake an appropriate assessment of the proposal, in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England’s advice.

Your authority concludes that not enough information has been provided to ascertain that the proposal will not result in adverse effects on the integrity of Cannock Chase Extension Canal SAC.

Having considered the information available and the advice of the Council’s ecologist and local lead flood authority Natural England concurs with the conclusion you have drawn, that it is not possible to ascertain that the proposal will not result in adverse effects on site integrity.

**If the information sought is not provided to your authority to undertake a full appropriate assessment of the proposal then Natural England advises your authority should not grant planning permission at this stage [officer emphasis]”.**

Therefore the applicant’s assertion that Natural England has accepted the drainage strategy and therefore does not object is not correct.

Officers also advise that where there is ambiguity as to impacts on a SAC those matters cannot be lawfully dealt with by condition.

#### Landscape

The Extract of the Local development framework Interactive policies Map Plan included under the Heading “Landscape on page 8 should be interpreted with great care. As an interactive map, layers can be shown or hidden. It also includes layers showing the results of the call for sites for employment and housing. Such information does not mean that any particular site is designated, merely that a land owners has submitted a site to be considered as part of the plan making process. This has no bearing on the merits of the current case.

All other issues raised are dealt with in detail in the officer report and require no

further comment in this update.

Conclusion

Having considered all of the additional information provided officers conclude that the recommendation to refuse for the reasons provided still stand”.

He then provided a presentation to the Committee outlining the application showing photographs and plans of the proposals.

Prior to consideration of the application representations were made by Reba Danson, an objector, Councillor J Bernard (Parish Councillor) who was in support the application and Christopher Timothy, the applicant’s agent, who was speaking in favour of the application.

RESOLVED:

That the application be refused for the reasons outlined in the report.

**53. Clawback Provisions under Schedule 7 of the Section 106 Agreement attached to outline approval CH/11/395 in respect of the payment of monies towards mitigation of impacts on Cannock Chase Special Area of conservation under Planning Permission CH/18/121, Residential Development comprising 52 no. dwellings at Common Farm, Pye Green Road, Hednesford**

Consideration was given to the report of the Development Control Manager (Item 6.143 – 6.145 of the Official Minutes of the Council).

RESOLVED:

It was agreed that:-

SAC mitigation for 13 social units of £2,873  
Top slice of CIL (£221 x 39 market units) £8,619  
Total £11,492

be approved as clawback to be transferred to the land owners who entered into the Section 106 Agreement attached to outline consent CH/11/0395 dated 24 June 2014 subject to them providing the Council with indemnity to protect the Council against any claims made against it in respect of that sum, by any other owners of the land bound by the terms of the Section 106 Agreement.

*(Councillor F.W.C. Allen lost connection during consideration of this application and did not take part in the vote).*

The meeting closed at 4:25pm.

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CHAIRMAN

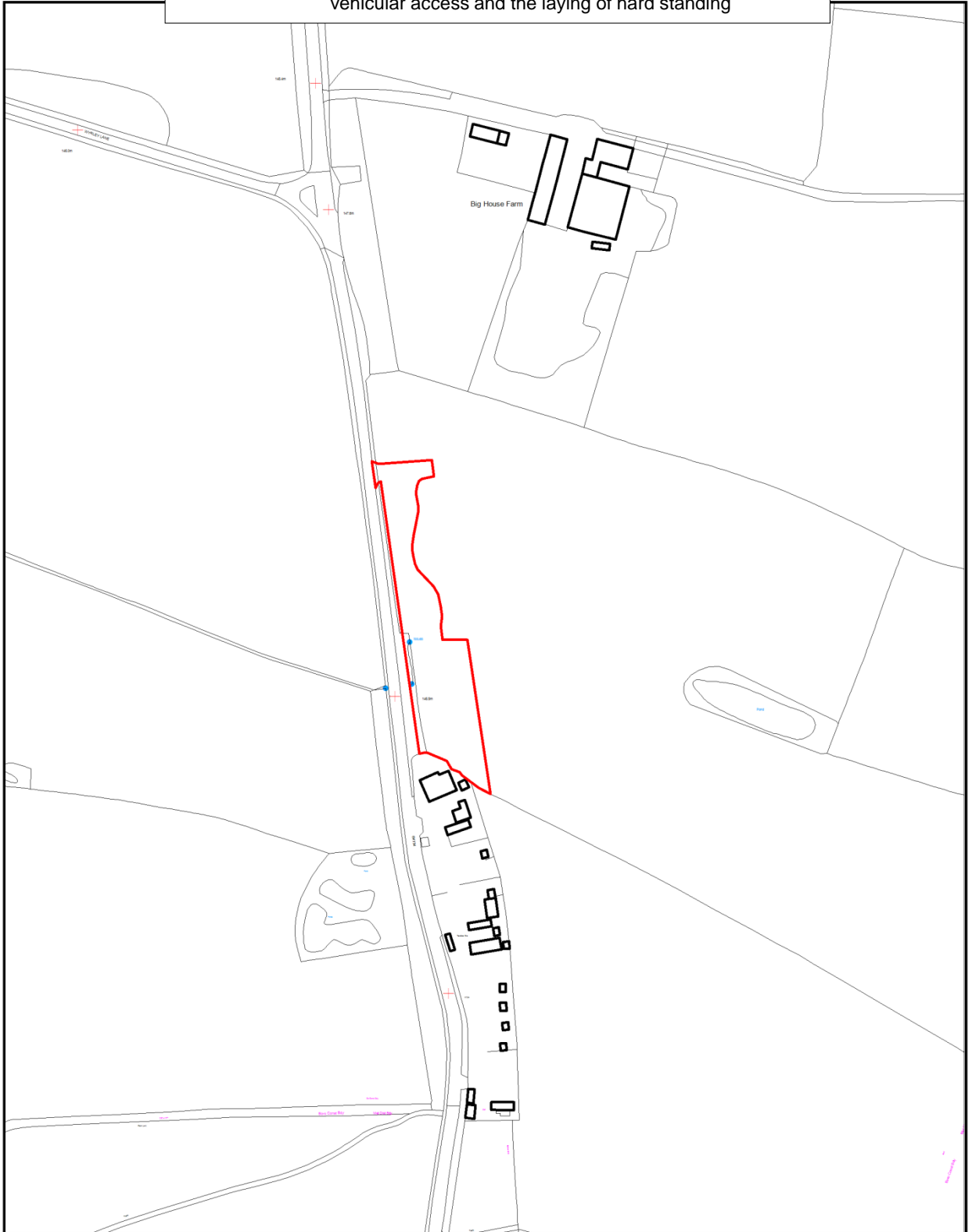


**Application No:** CH/20/305

**Location:** Land at Lime Lane, Pelsall, WS3 5AT

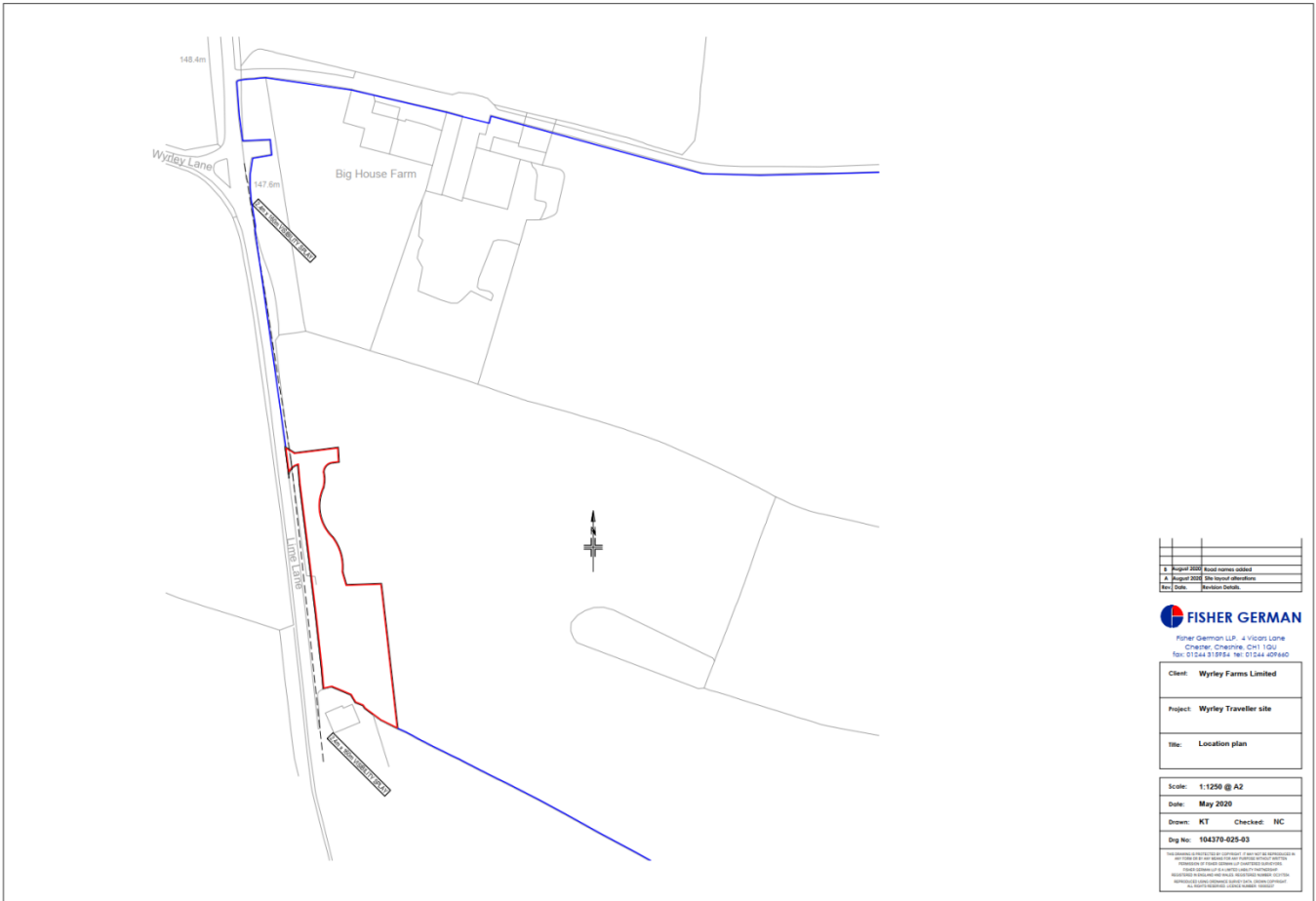
**Proposal:** Change of use of the land to a Gypsy and Traveller residential site with the siting of up to ten caravans of which no more than five would be static caravans, the construction of a utility block, and the creation of a new vehicular access and the laying of hard standing

Item no. 6.1





# Location Plan



# Site Plan



A	September 2020	Paving alterations
F	September 2020	Additional parking
A	April 2020	Original alterations
C	July 2020	Site reduced
F	June 2020	Site reduced
F	June 2020	Site reduced
C	June 2020	Original alterations
C	June 2020	Site reduced
F	June 2020	Site reduced
A	May 2020	Local alterations
Rev	Date	Revision Details

**FISHER GERMAN**  
 Fisher German LLP, a Vicar, Lone  
 Chester, Cheshire, CH1 1DU  
 Tel: 01244 91894; Fax: 01244 407660

Client: **Wyntley Farms Limited**  
 Project: **Wyntley Traveller site**  
 Title: **Proposed site plan**

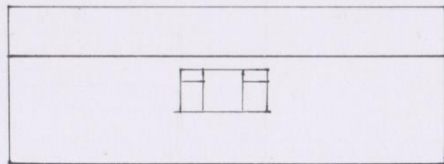
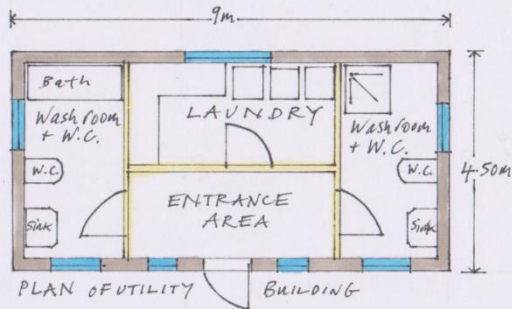
Scale: **1:500 @ A2**  
 Date: **August 2020**  
 Drawn: **KT** Checked: **HC**  
 Dig No: **104370-025-01**

We warrant only to the extent of our liability as stated in our terms and conditions of business. We do not warrant that the information contained in this plan is complete, accurate or up to date. We accept no liability for any loss or damage, whether direct or indirect, arising from the use of this plan. This plan is for the use of the client only and is not to be used for any other purpose. It is the client's responsibility to ensure that the plan is used in accordance with the relevant legislation and regulations.

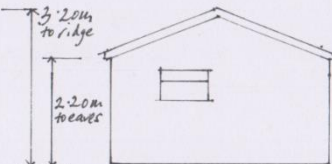
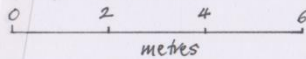
# Proposed Utility Building Plans and Elevations



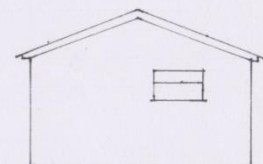
FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION



SIDE ELEVATION

Wyrley Traveller Site, Proposed Utility Building
21.5.2020
Scale 1:100 at A4
Drawn by C J Tyler
MICHAEL HARGREAVES PLANNING
5 HIGH STREET SWAFFHAM PRIOR
CAMBRIDGE CB25 0LD

<b>Contact Officer:</b>	<b>Richard Sunter</b>
<b>Telephone No:</b>	<b>01543 464 481</b>

**Planning Control Committee**

**11 November 2020**

<b>Application No:</b>	CH/20/305
<b>Received:</b>	02-Sep-2020
<b>Location:</b>	Land at Line Lane, Pelsall, WS3 5AT
<b>Parish:</b>	Norton Canes
<b>Description:</b>	Change of use of the land to a Gypsy and Traveller residential site with the siting of up to ten caravans of which no more than five would be static caravans, the construction of a utility block, and the creation of a new vehicular access and the laying of hard standing
<b>Application Type:</b>	Full Planning Application

**Recommendation:**

Approve subject to no objections received from Natural England, the attached conditions and completion of a unilateral undertaking to secure mitigation against the impacts of visitor pressure on Cannock Chase SAC.

**Reason(s) for Recommendation:**

In accordance with paragraph 38 of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development, which accords with the Local Plan and/ or the National Planning Policy Framework.

**Conditions (and Reasons for Conditions):**

- 1 The occupation of the 5 residential pitches shown on the approved site layout plan shall be carried out only by the following persons and their resident dependents: Mr Raymond Clee and his wife Mrs Dorcas Clee; Jermaine Clee and his wife Mrs Kayleigh Clee , Mr Sean Clee and his wife Mrs Chantelle Clee; and Mr John Cameron and his wife Mrs Donna Marie Cameron.

## Reason

The granting of this planning permission is based on, at least in part, on the personal circumstances of the Clee family.

- 2 There shall be no more than 5 permanent residential pitches, as shown on the approved Site Layout Plan. On each of those pitches there shall be no more than 2 caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 stationed at any time and no more than 1 caravan on each of those pitches shall be a static caravan.

## Reason

For the avoidance of doubt as to what hereby has been permitted.

- 3 The proposed Amenity building shall be built in accordance with the submitted drawing called "Wyrley Traveller Site Proposed Amenity Building" and dated 21 May 2020 and in accordance with details of external materials to be submitted to and approved in writing by the Local Planning Authority before construction commences.

## Reason

In the interest of protecting the character and form of this rural location in accordance with Policy CP3 of the Cannock Chase Local Plan.

- 4 No commercial activities shall take place on the land, including the storage of materials.

## Reason

In the interest of protecting the character and form of this rural location in accordance with Policy CP3 of the Cannock Chase Local Plan.

- 5 No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.

## Reason

In the interest of protecting the character and form of this rural location in accordance with Policy CP3 of the Cannock Chase Local Plan.

- 6 Notwithstanding the details of the approved plans, the site shall not be occupied until a scheme showing the following details, namely: -

- (i) the internal layout of the site, which shall broadly accord with the approved Site Layout Plan drawing,
- (ii) fencing, gates, hedges and other means of enclosure;
- (iii) external lighting on the site, boundaries and within the site;
- (iv) the means of foul and surface and surface water drainage of the site;
- (v) tree, hedge and shrub planting (including plant species, plant sizes, number, density, seeding or turfing and measures for replacing plants which die, are removed or become diseased);
- (vi) provision for the day to day storage of domestic waste and recyclables;

has been submitted to and approved in writing by the Local Planning Authority and the works comprising the approved scheme have been implemented. Thereafter the works comprising the above scheme shall be retained and maintained for the lifetime of the development.

## Reason

In the interest of protecting the character and form of this rural location in accordance with Policy CP3 of the Cannock Chase Local Plan.

- 7 No development shall begin until the following elements of a surface water drainage design have been submitted to and approved by the Local Planning Authority in consultation with the Lead Local Flood Authority. The design must demonstrate:

Surface water drainage system(s) designed in accordance with the Non-technical standards for sustainable drainage systems (DEFRA, March 2015).

SuDS design to provide adequate water quality treatment, in accordance with the CIRIA SuDS Manual Simple Index Approach and

SuDS treatment design criteria.

Limiting the discharge rate generated by all rainfall events to no more than 5l/s.

Provision of surface water runoff attenuation storage to achieve the limited discharge.

An assessment of the culvert underneath the B4154 and of the ordinary watercourse channel, in relation to anticipated flows.

Detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any

attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations.

Plans illustrating flooded areas and flow paths in the event of exceedance of the drainage system.

Provision of an acceptable management and maintenance plan for surface water drainage to ensure that surface water drainage systems

shall be maintained and managed for the lifetime of the development.

## Reason

To reduce the risk of surface water flooding to the development and properties downstream for the lifetime of the development

- 8 The development hereby permitted shall not be brought into use until the access to the site, within the limits of the public highway, has been completed.

## Reason

In the interests of highway safety and to comply with S.C.C. requirements for access.

- 9 The development hereby permitted shall not be brought into use until the access drive within the site has been surfaced in a bound material as indicated on submitted Drg. No.104370-025-01 Rev. J.

## Reason

In the interests of highway safety and to comply with S.C.C. requirements for access.

10 The development hereby permitted shall not be brought into use until visibility splays of 2.4m x 160m have been provided. The visibility splays shall thereafter be kept free of all obstructions to visibility over a height of 900 mm above the adjacent carriageway level.

Reason

In the interests of highway safety.

11 The development hereby permitted shall not be brought into use until the parking and turning areas have been provided in accordance with submitted Drg. No.104370-025-01 Rev. J the subject of this consent and shall thereafter be retained at all times for their designated purposes.

Reason

In the interests of highway safety

12 The caravans shall be sited in accordance with Drawing No: 104370-025-01

13 The development hereby permitted shall be carried out in accordance with the following approved plans: -

Site Plan 104370-025-01 rev J

Wyrley Traveller Site Proposed Amenity Building

Reason

For the avoidance of doubt as to what hereby has been permitted.

#### Notes to the Developer:

Staffordshire County Council Highway Authority has advised: -

With reference to Condition 1 above the proposed site access works shall require a Highway Works Agreement with Staffordshire County Council. The applicant is requested to contact Staffordshire County Council in order to secure the Agreement. The link below is to the Highway Works Information Pack, including an application form. Please complete and send to the address indicated on the application form or email to [road.adoptions@staffordshire.gov.uk](mailto:road.adoptions@staffordshire.gov.uk). The applicant is advised to begin this process well in advance of any works taking place in order to meet any potential timescales.

[www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx](http://www.staffordshire.gov.uk/Highways/highwayscontrol/HighwaysWorkAgreements.aspx)

Any proposed soakaways/septic tank shall be located a minimum of 5.0m and 10.0m respectively rear of the highway boundary.

The Environmental Health Officer has advised the following: -

1. If planning approval is granted, the occupier of the land will be required to obtain a Caravan Site Licence for Permanent residential use under the provisions of the Caravan Sites and Control of Development Act 1960, which would be granted subject to conditions being met. Approval does not authorise use of the land as a caravan site by any persons other than gypsies and travelers, as defined in paragraph 15 of ODPM Circular 01/2006

2. There is a requirement to register small domestic sewage discharges from septic tanks and small sewage treatment plants with the Environment Agency. This includes complying with specified standards. More information regarding this can be found through the following link.

[/www.environment-agency.gov.uk/homeandleisure/118753.aspx](http://www.environment-agency.gov.uk/homeandleisure/118753.aspx)

## Consultations and Publicity

### *External Consultations*

#### Norton Canes Parish Council

No objection.

#### Staffordshire Fire and Rescue Service

I refer to the planning application dated 3rd September 2020 and the proposed development at the above address.

#### Vehicle Access

Appropriate supplies of water for fire fighting and vehicle access should be provided at the site, as indicated in Approved Document B Volume 1 requirement B5, section 11.

I would remind you that the roads and drives upon which appliances would have to travel in order to proceed to within 45 metres of any point within the property, should be capable of withstanding the weight of a Staffordshire firefighting appliance (G.V.W. of 17800 Kg).

#### Automatic Water Suppression Systems (Sprinklers)

I wish to draw to your attention Staffordshire Fire and Rescue Service's stance regarding sprinklers.

#### Domestic Sprinklers

In the interest of preventing deaths and injuries from fires within domestic dwellings Staffordshire Fire and Rescue Service strongly recommend the provision of a sprinkler system to a relevant standard.

Early consultation with the Fire Service when designing buildings which incorporate sprinklers may have a significant impact on reducing fire deaths and injuries in domestic premises and financial implications for all stakeholders.

Further information can be found at [www.bafsa.org.uk](http://www.bafsa.org.uk) - the website of the British Automatic Fire Sprinklers Association Ltd.



NSDG Group Manager

Natural England

Members will be updated at the meeting of Planning Committee.

Staffordshire County Council School Organisation

I would advise that the above planning application would not result in an education contribution and is therefore acceptable from an education perspective.

The response is based on the information contained within the planning application and should the number and/or mix of dwellings change we would wish to be consulted so that a revised contribution can be calculated.

The proposal is for the Change of Use of the land to a Gypsy and Traveller residential site with the siting of up to 10 caravans of which no more than 5 would be static.

The majority of Staffordshire schools include residence in the school's catchment area as a high priority within their admission arrangements. Even where this is not the case schools still give high priority to children who live in the local area.

The location of a housing development in relation to schools in the local area is taken into consideration when assessing the mitigation required for education provision.

Based on the location of the proposed development we have considered the impact on school places at the following school(s):

Landywood Primary School, Cheslyn Hay & Great Wyrley 1 Primary Cluster

Cheslyn Hay Academy, Great Wyrley Academy

To understand the impact of this development on education infrastructure analysis has been undertaken using:

- Pupil Number on Roll;
- Net capacity/funding agreement of the schools;
- Pupil projections which include committed developments

In determining whether there is a need for the developer to mitigate the impact of this development it was calculated that 5 static caravans would require 1 primary school place and 1 secondary place. These are based on a pupil product ratio (PPR) 0.03 per dwelling per year group. Using 7 year groups for Primary, 5 for secondary and 1 for Post 16 places.

There are projected to be a sufficient number of school places to mitigate the impact of this development at both primary and secondary phases of education.

Staffordshire Police Crime Prevention Officer

Whilst we have no objections to this application, it is important that a high level of physical security is incorporated in these proposals and that the following minimum recommendations are complied with.

The following comments have been made with reference to the DCLG Document Designing Gypsy and Traveller sites Good Practice Guide 2008 and Hertfordshire Constabulary, Gypsy and Traveller Community guidance. Crime prevention should be viewed as a “material consideration” in this application.

The Secured by Design Website ([www.securedbydesign.com](http://www.securedbydesign.com)) provides valuable information regarding police and home office recognised standards and licensed component manufacturers.

Number of Caravan Pitches.

Consultation in other areas with the Gypsy and Traveller community along with other consultation documents supports the view that the size of sites should be small (five to ten pitches) and, where possible occupied by one extended family group (Menter Briefing Paper, John Day, April 2007).

DCLG Good Practice Guide ‘Designing Gypsy and Traveller Sites’ (May 2008) states that there is no one ideal size of site or number of pitches, although experience of site managers and residents alike suggest that a maximum of 15 pitches is conducive to providing a comfortable environment which is easy to manage. Smaller sites of 3-4 pitches can also be successful, particularly where designed for one extended family.

There should be one family per plot, because more than this causes disruption and disputes between the families. The families can be very large but it is not always the amount of families on a site but how they get on. Another comment highlighted that the total number of people is a more important issue. Hertfordshire Constabulary, Gypsy and Traveller Community guidance.

With the above guidance in mind, I recommend that 10 caravans is the limit to the size of this site, and that the residents are limited to one extended family group.

Site Location.

The right location for a site is the key issue, with easy access to major roads or public transport services to enable the residents on the site to gain employment, attend school or other type of training, and access health services and shopping facilities. Sites should also provide a safe environment for the residents.

Severn Trent Water Ltd

No comments received.

Staffordshire Wildlife Trust

No comments received.

South Staffordshire Water Plc

I have viewed the application and from our existing asset records we appear to have no water mains assets affected by this scheme so would look to install new water assets to supply the development through the normal application for new connections process.

Please note that we do not keep records of individual water services so this site may well require the existing water service to be disconnected prior to the development being undertaken.

County Highways

No objection subject to conditions.

Environment Agency

No comments received.

Lead Local Flood Authority

We have reviewed the submitted information, including the Flood Risk Assessment and Drainage Management Strategy report (Betts Hydro, dated August 2020). The report demonstrates that a sustainable drainage strategy is possible. We have no objection to the application at this stage, subject to conditions.

We would recommend that the pre-commencement condition below should be attached to any planning permission.

Additional Comments Received 26 October 2020

I've reviewed the submission below and I agree that the watercourse does not interact with the canal and therefore the surface water drainage from the proposed site will not affect the Cannock Extension Canal SAC.

Canal & River Trust

No comments received.

CPRE

No comments received.

Staffordshire County Council Planning

No objections.

The Ramblers Association

No comments received.

Highways England

No objection.

Inland Waterways Association

The site is some distance away from the Cannock Extension Canal and also the Wyrley & Essington Canal, and is unlikely to be prominently visible from either. Therefore, IWA has no further comment on or objection to this application.

Walsall Metropolitan Borough Council

No comments received.

Friends of Cannock Chase

Thank you for notifying The Friends of Cannock Chase about the above planning application. As it falls outside of our area of concern we have no comments to make on the proposal.

***Internal Consultations***Development Plans and Policy Unit

The site lies within the adopted Green Belt and within the area of influence of the Cannock Chase SAC and the impact risk zone for the Cannock Extension Canal SAC. It lies within the Area of Search for gypsies, travelers and traveling show people accommodation and within the Forest of Mercia as shown on the key diagram on page 7 of the adopted local plan. The site is within the Norton Canes designated neighbourhood area.

National Planning Policy Framework (NPPF) and the presumption in favour of development

In terms of national guidance, the NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development. It identifies that there are three overarching objectives – economic, social and environmental which are interdependent and need to be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.

The NPPF at paragraph 11 includes a presumption in favour of sustainable development. For decision taking this means:

- c) approving development proposals that accord with an up to date development plan without delay. d) 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 policies in the Framework that protect areas or assets of particular importance (e.g. Green Belt, AONB, habitats sites) provide 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.

With regard to Habitats Sites, such as the Cannock Chase SAC and SSSI, the presumption does not apply where the project is likely to have a significant effect either alone or in combination with other plans or projects, unless an appropriate assessment has concluded that the proposal will not adversely affect the integrity of the habitats site. It will therefore be necessary to review an Appropriate Assessment before making this judgement. However as the site lies within the Green Belt the presumption in favour of development does not apply.

National planning policy in relation to Green Belts is set out within the NPPF. The NPPF advises that the government attaches great importance to Green Belts and their fundamental aim is to prevent urban sprawl by keeping land permanently open; their essential characteristics are their openness and their permanence. The NPPF sets out the 5 purposes that Green Belt serves in para 134.

The NPPF at para 143-147 considers proposals affecting the Green Belt. It states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. It further advises that when considering planning applications local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.'

The proposal involves the construction of new buildings. At para 145 it lists the exceptions when the construction of new buildings is not inappropriate.

In terms of relevance to this proposal, paragraph b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

Para 146 advises that other forms of development are also not inappropriate in the Greenbelt provided they preserve its openness and do not conflict with the purposes of including land within it and this lists para e) material changes in the use of and (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds).

Should openness not be preserved, then the development should be considered as inappropriate development within the Green Belt and it would need to demonstrate 'very special circumstances'.

In terms of openness, this is not defined in any national planning policy documents or guidance, but the NPPF (para 133) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness is a matter of planning judgment for the decision-maker. Impacts upon openness can be assessed in spatial (quantum of development) and visual impact terms

In terms of 'very special circumstances' the NPPF (para 144) outlines that these 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.

National planning policy for travelers is within The Planning Policy for Travelers August 2015. At paragraph 16 it states that: 'Traveler sites (temporary or permanent) in the Green Belt are inappropriate development. 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.'

Planning Policy for Travelers (2015) provides an overarching set of aims in respect of traveler sites (para 3-4) for plan making and decision making to ensure fair and equal treatment for travelers, in a way which facilitates the traditional and nomadic way of life for travelers while respecting the interests of the settled community. It contains a section entitled 'Decision-taking' containing Policy H which includes Paragraph 24 and

outlines a number of issues that the local planning authority should consider amongst other relevant matters when considering applications for traveler sites. This includes

- a) the existing level of local provision and need for sites,
- b) the availability (or lack) of alternative accommodation for the applicants;
- c) other personal circumstances of the applicant [in conjunction with Paragraph 16 (outlined above)].
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- e) that they should determine applications for sites from any travelers and not just those with local connections

Paragraph 25 states that sites in rural areas should respect the scale of, and not dominate, the nearest settled community and should avoid placing undue pressure upon local infrastructure. Paragraph 26 provides a series of factors to which weight can be given, including the redevelopment of brownfield land. Paragraph 27 provides that a lack of 5 year supply of sites should be a significant material consideration; however this is not the case where the application relates to Green Belt (and other designated) land. Paragraph 28 outlines situations where conditions or planning obligations may be appropriate in order to overcome planning objections to proposals.

#### Development Plan

The development plan for Cannock Chase District consists of the Local Plan (Part 1) and the Staffordshire County Council Waste and Minerals Local Plans. These policy comments are restricted to matters concerning the Local Plan (Part 1).

CP1 and CP 14 set out the policy in relation to Green Belt and with regard to that which is applicable to this proposal defer to the NPPF as outlined above.

As per national planning policy, the Council is required to plan for the future needs of travelers via its Local Plan policies. The Cannock Chase District Local Plan (Part 1) sets this out in CP 7. Policy CP7 identifies a need for 41 gypsy and traveler pitches from 2012-2028, although more up to date evidence is available (see below). The provision of sites was due to be delivered via the allocation of sites in the Local Plan (Part 2) focusing upon an 'Area of Search' which is identified on the Local Plan (Part 1) key diagram (p50).

No Part 2 to the Local Plan exists and the Council has begun the preparation of a review of the Local Plan. The review of the Plan has completed a consultation in May 2019 on an Issues and Options version of the Plan, where a number of policy options are considered. This plan is not considered to be at an advanced stage for the purposes of weight which can be accorded to it.

Adopted policy CP7 refers to a broad area of search for such sites, matching travel patterns and based along the A5 road corridor [which] is identified in the Key Diagram. The Key Diagram is at p7 below the Cannock/Lichfield Road (A5190) and includes areas of Green Belt land.

Policy CP7 also provides a series of criteria for the consideration of gypsy and traveler sites and planning applications, which should be taken into account i.e. the proximity of existing settlements with access to shops, schools and other community facilities; providing adequate space for vehicles; providing appropriate highway access.

In terms of other relevant Local Plan (Part 1) policies, the proposal is in close proximity to nationally protected sites. In accordance with Policy CP12 the proposal should demonstrate that there would be no adverse impacts upon the internationally protected sites; guidance from Natural England should be sought. CP10 and CP16 require schemes to ensure they mitigate any impacts upon the transport network and contribute to sustainable transport. As the proposal lies within an area of open landscape, Policy CP14 should be considered with regards to landscape character.

The Design SPD provides guidance on the design of new traveler sites (page 27-28). The approach to be taken to each site depends upon its size and intended occupants; however there are common features across all sites to be considered too e.g. provision of appropriate utility buildings and space around the caravans.

#### Five Year Supply

The Authority Monitoring Report (2018) which monitors Local Plan policies outlines that only 2 pitches have been provided to meet the Local Plan (Part 1) requirements to date and that the Council does not have a five year supply of sites.

In September 2019 planning permission CH/20/198 was granted for the Change of use of land to use as a residential caravan site for 4 gypsy families each with 2 caravans (1x static), layout of hardstanding, erection of a dayroom, 3 no. utility buildings. Whilst this increases the total provision made to an additional 6 pitches, this does not meet the requirements within the adopted policy CP7.

#### Local Plan Review

Core Policy states that provision for gypsies, travelers will be made through the allocation of sites in a Local Plan Part 2. Due to the extent of more recent changes to the national and local policy context the Council has since ceased work on the Local Plan (Part 2) and is now undertaking a review of the Local Plan.

The Local Plan Review (Issues and Options) was consulted upon in May 2019 and acknowledges the difficulties that have been faced in terms of identifying sites for gypsy and traveler uses since the adoption of the Local Plan (Part 1). This is largely due to a combination of the inability of existing gypsy and traveler sites in the District to expand further (due to physical and landownership constraints) and a lack of new sites being available i.e. landowners are promoting alternatives uses of their land (paragraph 7.77).

As part of the Local Plan Review in March 2019 the Council has published a new Gypsy and Traveler Accommodation Assessment (GTAA 2019) which provides an up to date assessment of need within the District. This identifies a need for an additional 14 pitches during 2019-2024 and a further 11 pitches between 2024-2038 arising from existing households falling within the definition within the District and potentially a further 4 more from undetermined households to 2038. It uses 2018 as the base date and excludes any shortfall from the previous plan period to avoid double counting. It is considered a robust piece of evidence. As noted above planning permissions since 2019 have provided an additional 4 gypsy and traveler pitches.

The GTAA 2019 offers an opinion on the broad area of search in the adopted plan. It states that the majority of traveler sites within the District and identified need continues to remain within this broad area and that the preference for most households that were interviewed was to meet current and future need on or near existing sites. The study also states that the strategy for allocating new provision will also be informed by other factors such as deliverability (i.e where land is actually available for this use) and wider sustainability considerations. (Para 8.18 GTAA May 2019)

A number of our neighbouring local authorities have already advised that they would be unable to help meet our needs as they too are either unable to meet their own current needs or have an existing need of their own which already requires Green Belt site options to be considered.

A Green Belt Review was undertaken in 2016 which looked at 5 broad areas of Green Belt and 65 smaller parcels of land which included 6 locations for gypsy and traveler sites, the application site is included within the assessment and is within parcel LL1 GTS and lies within the Broad area 5 which is a large area between Norton Canes, Great Wyrley, Brownhills and Walsall.

Broad area 5 has been assessed with regard to its contribution to the 5 purposes of Green Belt. It is considered to play a role in preventing the merging of Norton Canes, Great Wyrley, Brownhills and Walsall. Safeguarding the countryside, including the Cannock Extension Canal SAC and assisting in the urban regeneration by encouraging the recycling of derelict land and other urban land across the West Midlands (as is all of the Green Belt in the Cannock Chase District council area).

Parcel LL1 (GTS) was assessed with regard to its contribution to the 5 purposes of Green Belt. Parcel LL1 is located to the north and south of the existing gypsy and traveler site and the fields to the east of Lime Lane.

The study found that with regard to purpose 1-to check the unrestricted sprawl of large built up areas. As with regard to ribbon development it sits to the north and south of a gypsy site along Norton Road. The Green Belt is playing some role in preventing the northwards and southwards sprawl of this site. With regard to openness the assessment states the parcel lies to the east of a gypsy and traveler site. It contains two large agricultural fields, a small pocket of woodland in the north eastern corner and a small pocket of scrubland in the south western corner. The parcel is open, containing no development and retaining good views of the surrounding countryside. It is scored as 3 from a possible 4.

With regard to purpose 2-to prevent neighbouring towns merging into one another, this looks at the location of the parcel and distance between neighbouring settlements. The assessment states that whilst the wider Green Belt does contribute to preventing neighbouring towns from merging, in isolation, this parcel does not. It scores 0 from a possible 4.

With regard to purpose 3- to assist in the safeguarding of the countryside from encroachment, this looks at the significance of existing urbanising influences and the significance of boundaries/features to contain development and prevent encroachment. The assessment makes the point stated previously and adds that there are no urbanising influences within that parcel that would constitute encroachment of the countryside. The parcel contains no significant boundaries likely to protect the countryside within and outside the parcel from encroachment from the gypsy and



traveler site to the west. Therefore, it is the designation of the land as Green Belt which contributes to protecting this piece of intact and open countryside from encroachment. The parcel is scored at 4 from a possible 4.

With regard to purpose 4- to preserve the setting and special character of historic towns. The parcel does not sit within or adjacent to a conservation area within a historic town and does not have views in to a historic town's historic core. Therefore, the parcel is not considered to contribute to the setting and special character of a historic town. It scores 0 from a possible 4.

With regard to purpose 5- to assist in urban regeneration by encouraging the recycling of derelict and other urban land. All parcels make an equally significant contribution to this purpose and so have been scored as 4 from a possible 4.

Overall the score for this parcel is 11 out of a possible 20.

The parcel is not one of the high performing parcels of Green Belt.

#### Habitat Regulations and Contributions

As the proposals are for change of use and there is no additional floorspace constituting a dwelling (C3 use class) the scheme is not CIL liable.

Any site specific requirements may be addressed via a Section 106/278 if required, in accordance with the Developer Contributions and Housing Choices SPD (2015) and the Council's most up to CIL Infrastructure list. Permanent traveler pitches are regarded as residential development for the purposes of the Habitat Regulations (see 'Cannock Chase SAC Partnership FAQs', updated Jan 2020). As per the Cannock Chase SAC Guidance to Mitigate the Impact of New Residential Development (2017), the development would therefore be required to mitigate for its impact upon the Cannock Chase SAC via the current standard charge of £221 per dwelling. This charge would be applied to each permanent pitch proposed by the development.

#### Other comments

The views of Staffordshire County Council as the waste and minerals planning authority and highways authority should be considered, as necessary.

#### Conclusion

Subject to the applicants meeting the definition of traveler and the findings of the appropriate assessment the proposed change of use would constitute inappropriate development within the adopted Green Belt and should not be approved except in very special circumstances.

It is for the applicant to demonstrate that 'very special circumstances' exist and I shall leave this judgement and that in regard to the matters raised above to the case officer.

However I would add that in line with recent case law, should the personal circumstances of the applicants constitute a significant part of any necessary case for 'very special circumstances' then a personal planning permission should be considered and secured via condition.

## Parks & Open Spaces

I have the following comments:-

As noted, the site is designated as Green Belt for which there is a presumption against development unless very special circumstances are relevant. Part of the decision will be based on impact, for which the applicant has submitted a detailed Landscape Statement.

Whilst this is desk based it has covered all the relevant points regarding the landscape character designations and assessments of.

In terms of visual impact, this will be restricted to the local area given the surrounding land form and existing vegetation. Until the proposed planting has established and grown sufficiently, views into the site from the road and to a lesser extent from the north will remain. The use/introduction of any non-native/conifers, as per the adjacent site, would highlight the development site and creating an urban feel to the locality and thus be detrimental to the local character. (Those should have been replaced with native hedging.)

The proposed site is linear in shape which with the proposed location and being behind a hedge (albeit future) and preferably hedges on the eastern/field side would aid its fit into the local landscape. It may however when viewed in conjunction with the existing site to the south, be seen as a form of ribbon development along Lime Lane, which the designation of Green Belt was intended to prevent.

Of concern is the statement within Para 9.2 of the Planning support statement 'The site has the potential for further expansion in a planned manner.....'. The present proposal would not unduly affect the openness of the green belt due to its form however, any expansion particularly eastwards would by its nature create a larger settlement area that with the existing site would have a far greater impact on the character and openness of the Green Belt and local area.

Of the proposed Landscape details:-

The refuse, recycling and bin store needs to be set back behind the main road hedge line otherwise it becomes an incongruous feature in the landscape and simply emphasises the development for which the overall aim is to reduce its visual presence and impact.

The use of native species planting would be appropriate however the use of Oak in place of Beech would be more appropriate for the location. Also it would have lesser of a future impact on the use of the site via shade and canopy extent.

Hornbeam is chiefly a native of SE England although it is planted throughout mostly in parks and gardens. In terms of changing climate then it may be useful.

The use of 16-18cms trees would not be recommended. Strongly suggest that all trees sizes used are no greater than 12-14cms especially if they are to be rootballed, if not smaller. Smaller trees whilst not having such an initial impact will establish far quicker particularly if maintenance is lacking.

There are four trees indicated within the adjacent grass area to the native planting but the labels only refer to the use of two. One to the north and south within the grass area but set away from the proposed caravan plot would be acceptable or within the potential hedge extensions as noted below.

Similarly the eastern hedgerow shows numerous trees but these are not all identified, where two are shown reference is made to one only. All need to be identified and numbers not reduced.

Hedgerow species are generally acceptable. The inclusion of hedge row trees along the road frontage would be beneficial. Likewise addition of a hedge row along the northern boundary with the trees noted would be better to improve the screening of the site from the north.

The native shrub area within the site has little value in terms of site use. It would prevent appropriate/ easy management of the adjacent area of hedge. If the intention is to create seclusion around the central plot then it would be preferable to extend the hedgerow planting as offshoots into the site to the north and south of the plot.

Given the increasing use of inappropriate conifers/ hedging on the adjacent site which increases its visual incongruity within the rural setting, a condition should be attached to any consent preventing the use of such inappropriate species.

If screening from the road site is required instantly then the use of temporary wattle style fencing set to the rear of the existing hedge would be appropriate. Such details would need to be supplied and approved for a short time period (eg 5 years) then removed so as to ensure that the intended character and visual quality of the area is achieved.

No construction details of the fencing, gates or paving materials have been supplied – all required.

Whilst a drainage strategy has been proposed full details would need to be provided as well as details of any other service provision. This to avoid any conflicts with proposed landscaping especially tree planting.

## Summary

- Proposal is contrary to Green Belt policy.
- Modifications to the landscape scheme require as noted above.
- Full details of ground preparation, planting and establishment and maintenance are required and should have been submitted as part of the scheme, as clearly set out in application requirements.
- Construction details also require for fencing, gates and hard surfaces.
- Service details required.
- Bin store needs relocating and adequate screening from passing views.

- Condition required prohibiting the use of inappropriate conifer species hedging with any consent- for the life of the development.

CIL Officer

No comments received.

Waste and Engineering Services

No comments received.

Council's Ecologist

No comments received.

Environmental Health

Conditions are recommended to deal with any unforeseen ground contamination:

1. If potential ground contamination is detected during subsequent intrusive investigation or site works, then this should be assessed by suitably qualified personnel. If specific remediation works will be required to deal with these findings, then the Local Planning Authority should be informed, and a Remediation Method Statement submitted for approval, which details the required works in full.
2. The development shall not be occupied until a Validation/ Phase 3 report has been submitted to and approved in writing by this Department. A Validation Report is required to confirm that all remedial works have been completed and validated in accordance with the agreed Remediation Method Statement.
3. Any soil materials imported to site shall be chemically analysed to demonstrate they are suitable for use. These details, along with information on the material source, volume imported and depth of placement shall be included within a Validation Report. This submission shall require approval by the Local Planning Authority before the development can be occupied.

Environmental Health (Housing)

The above planning application was reviewed by Environmental Health (Housing).

The following conditions should be included is the proposed development is approved.

- 1 The residential use hereby permitted shall be restricted to the stationing of no more than 10 caravans at any time (of which no more than 5 shall be static caravans or mobile homes.
- 2 The caravans shall be sited in accordance with Drawing No: 104370-025-01
- 3 Development shall not commence until drainage works have been carried out in accordance with details to be submitted to and approved by the Local Planning Authority.

(for newly proposed systems or when additional drainage will be laid to connect building control will assess suitability and capacity against Building Regulations Part H; Drainage and waste disposal.

- 4 Prior to the commencement of development, full details of the proposed water supply, including the source, flow rate, assessment of sufficient to supply the development, details of measures to protect the source from contamination, existing properties supplied from the same source, and the proposed distribution system including storage and intermediate tanks, shall be submitted to and agreed in writing by the Local Planning Authority in consultations with Environmental Health.. Thereafter the water supply must be completed and maintained in perpetuity in accordance with such details as are approved.

Reason:

To ensure the proposed water supply is adequate to supply the development hereby approved without adversely affecting any existing properties served by existing private water supplies.

- 5 The communal bathroom and laundry building should be constructed to incorporate the following specification:
  - Hot water taps to baths with a thermostatically controlled supply
  - Adequate screening and wall tiling provided where showers are provided over baths
  - A worktop-cooker-sink-worktop sequence that is not broken by doors, passages or tall units
  - A 1.2 metre run between the cooker and sink
  - A 500 millimetre minimum clear work top each side of the cooker, and wall units set back minimum 100 millimetres
  - A space for additional equipment such as a microwave
  - Walls in bathrooms and WCs must be designed to take support aids
  - Smoke/fire detectors.

### Strategic Housing

National planning policy requires the Council to plan for the future needs of travellers and there is an identified need for an additional 14 pitches during 2019-2024. The change of use of this land would contribute to meeting this need.

### ***Response to Publicity***

The site has been advertised by site notice, neighbour letter and by newspaper advertisement. No letters of representation have been received.

## Relevant Planning History

There is no recorded planning history to this site.

## 1 Site and Surroundings

- 1.1 The application site is part of a wider arable field, located off Lime Land in the Parish of Norton Canes, towards the southern edge of Cannock District.
- 1.2 The western edge of the site is denoted by a traditional hedgerow, but to the north and east is the remaining part of the arable field. To the south is an existing site offering accommodation for gypsy and traveller families.
- 1.3 The site is in a relatively open area of countryside with no amenities in the immediate vicinity. However, the site is approximately 922m from the junction of Norton Road and Lichfield Road in Pelsall. Pelsall has a reasonable variety of shops, public houses, schools and other services to meet the day to day needs of the community.
- 1.4 The site is located within the West Midlands Green Belt and a minerals conservation area.
- 1.5 The Cannock Extension Canal Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) is located approximately 300m to the west of the site.

## 2 Proposal

- 2.1 The applicant is seeking consent for change of use of land to use land to a Gypsy and Traveller residential site with the siting of up to ten caravans of which no more than five would be static caravans, the construction of a utility block, and the creation of a new vehicular access and the laying of hard standing
- 2.2 The applicant's Design and Access Statement states: -
 

“The Proposed Site Plan shows the locations of the static caravans, which would be sited on concrete pads within the hardstanding but would not be physically attached to the land. Eight of the caravans are required to provide accommodation for the immediate needs of the Clee family. The ninth and tenth are needed for longer term needs by the family, and in the interim would be available as transit accommodation for friends and relations. Reflecting Romany cultural traditions, the Proposed Utility Building will provide bathroom and clothes washing facilities separate from the cooking facilities in the static caravans. The grass areas on the west and east sides of the residential pitch will provide garden areas including play areas for the children”.
- 2.3 The proposed utility building would measure 9m by 4.5m and have a height to eaves of 2.2m and to ridge 3.2.
- 2.4 Access would be directly off of Lime Lane.

- 2.5 The application is supported by a Landscape Plan and Landscape Appraisal.
- 2.6 In support of the application the applicant has made the following comments in respect to the personal circumstances of the wider Clee family.

“The site will be occupied by Mr Raymond Clee and his wife together with their daughter and two sons, their spouses and seven grandchildren, all of whom are Romany Gypsies.

Mr Clee grew up on his father’s Traveller site at Burnsnips Road, Essington. He and his wife brought up their children on a site at Bloxwich. They later bought a house with a large garden at Cheslyn Hey but found it difficult to live in, and often slept in a caravan in the garden. They had problems with South Staffordshire Council planning enforcement because of complaints from residents about their children’s families staying in caravans in the garden.

As a consequence, they were forced to move the caravans off the property and sold the house.

After they sold the house in mid-2017, Mr and Mrs Clee rented a pitch on The Woodlands, the privately owned Gypsy caravan site south of the applications site. Their younger son, Jermaine and his wife, and their two children aged 6 and 7 also rent a pitch on the Woodlands.

Their elder son, Sean Clee and his wife and three children aged 6, 7 and 9 occupy a pitch at the private traveller site at Burnsnips Road, Essington, owned by Ray Clee’s father. Sean Clee makes the point that he has many cousins, and that there is intense demand for pitches on the site.

Mr Clee’s daughter, Donna Marie and her husband John Cameron have children aged a three and eighteen months. When Mr Clee sold the house at Cheslyn Hay they applied to South Staffordshire Council for a house but were told they were unlikely to be offered anything. Until mid-2019 they occupied a single caravan in the yard behind a house in Wilenhall, owned by Gypsy people. The yard was shared with two other caravans occupied by members of the owners’ family. They had to leave because the owner needed it for more space for his own family, and at that point moved onto the Woodlands.

As well as not having security of tenure on the Woodlands, each of the pitches only provides the space for a single touring caravan, plus a very small, basic utility block. This means the accommodation is overcrowded and inadequate, particularly for families with growing children.

Mr Clee and family were looking to buy an appropriate property for the two years between leaving Cheslyn Hey and agreeing to purchase the former Grove Colliery office site from Cannock Chase Council, but until the colliery came up had been unable to find anything that was affordable or remotely likely to be granted planning permission. On a number of occasions, they felt agents were not welcoming their interest in purchasing properties because they were Gypsies.

Sean Clee's children attend Landywood School, Great Wyrley. If they are able to move to the application site the family intend that the other children would also attend that school.

While they have had bases from which they have travelled, the family have led and continue to lead a significantly nomadic way of life.

Reflecting Mr Clee's business selling bathrooms and their health limitations (Mr Clee is diabetic, Mrs Clee has heart problems) Mr and Mrs Clee do not travel as much as they did in the past when they would be away for 4 or 5 months every summer. However, they travel to evangelical Gypsy rallies across the country through the summer months with their touring caravan with Mr Clee regularly organising the catering. They are also away for around three weeks each summer travelling to a major evangelical Gypsy convention in France.

Sean Clee works in landscaping and gardening, much of it travelling from his base on the Burnship Road site to locations in Birmingham, Walsall, Stafford, Derby, but also around Swansea, where his wife's family are based. At this stage in their lives he and his family travel less than in the past because of the need for the children to attend school without interruption. He is away for around three months of the year, leaving his wife at home with the children, although they are away for much of the school summer holidays.

Jermaine Clee works in landscaping and gardening. Reflecting the young age of their children they are away for 3-4 months during the summer, part of the time based at his in-laws place near Scunthorpe, part of the time at conventions and missions from where he will seek work, and part of the time stopping where they can on waste ground etc.

John Cameron has two roles. He works in ground work and landscaping. He is also a pastor in the Light and Life Gypsy church. Reflecting their children's young age, they travel for extended periods in the summer staying with John's family in Aberdeen and at Montrose. They also travel extensively to Church missions and conventions, such as in 2018 at Worcester, Leeds, Doncaster, and Blackpool. Every year he is away for around two weeks at church conventions in Ireland, and in 2019 he travelled to missions in Romania.

Their nomadic habit of life means the family come within the definition of Gypsy and Traveller for planning purposes in the Annex to Planning policy for Traveller sites (PPfTS). In the context of the colliery office application the Council agreed that the family met the definition."

### **3 Planning Policy**

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015 – 2030). Relevant policies within the Local Plan include: -



- CP1: - Strategy – the Strategic Approach
- CP3: - Chase Shaping – Design
- CP7: - Housing Choice
- CP13: - Cannock Chase Special Area of Conservation
- CP14: - Landscape Character and Cannock Chase Area of Outstanding Natural Beauty.
- CP16: - Climate Change and Sustainable Resource Use

### 3.3 National Planning Policy Framework

- 3.4 The NPPF (2019) sets out the Government’s position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be “presumption in favour of sustainable development” and sets out what this means for decision taking.
- 3.5 The NPPF (2019) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

### 3.6 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Planning Applications
59, 73, 74, 78, 79,	Delivering a Sufficient Supply of Homes
124, 127, 128, 130:	Achieving Well-Designed Places
133, 134, 143, 144, 145, 146:	Green Belt
163	Flood Risk
170; 175,	Countryside and Biodiversity
178-180	Ground Conditions and Pollution
212, 213	Implementation

### 3.7 Other relevant documents include: -

Planning Policy for Traveller Sites, 2015, Department for Communities and Local Government.

Design Supplementary Planning Document, April 2016.

Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.

## 4 Determining Issues

4.1 The determining issues for the proposed development include: -

- i) Principle of development in the Green Belt
- ii) Design and impact on the character and form of the area
- iii) Impact on highway safety.
- iv) Impact on residential amenity.
- v) Crime and the fear of crime
- vi) Drainage and flood risk
- vii) Mineral safeguarding
- viii) Waste and recycling
- ix) Ground conditions and contamination
- x) Impact on natural conservation Interests
- xi) Education
- xii) Sustainability
- xiii) Other issues raised by objectors
- xiv) The applicant's case that very special circumstances exist
- xv) Assessment of the applicant's case
- xvi) The weighing exercise to determine whether very special circumstances exist

### 4.2 Principle of the Development

4.2.1 Both the NPPF and the Local Plan contain a presumption in favour of sustainable development, the latest version of which is contained within the NPPF (2019) and states: -

“For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) 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 this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

4.2.2 The first stage in the determination of this application is to determine whether it is in accordance with the development plan. In this respect it is noted that the application site lies within West Midlands Green Belt, wherein there is a presumption against inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and any such development should be considered a departure from the development plan.

4.2.3 In respect to whether a proposal constitutes inappropriate development in the Green Belt the starting point should be the Local Plan. Local Plan Policy CP1 states that development 'proposals in the Green Belt will be assessed against the NPPF and Policy CP14. Local Plan Policy CP14 (and bullet point 11 of Policy CP3) relates to impacts on landscape character rather than to whether a proposal constitutes appropriate or inappropriate development.

4.2.4 Whether a proposal constitutes inappropriate development is set out in Paragraphs 145 & 146 of the NPPF. Paragraph 145 relates to new buildings whereas Paragraph 146 relates to other forms of development, including the making of material changes in the use of land.

4.2.5 It is common ground between the applicant and officers that the proposal does not fall within any of the typologies of development identified as being allowed in the Green Belt as set out in paragraphs 145 and 146 of the NPPF. It is also common ground that the proposal would cause harm to the Green Belt by reason of inappropriateness and through loss of openness and therefore constitutes inappropriate development in the Green Belt. This is consistent with Policy E of the Planning Policy for Traveller Sites (PPfTS) which makes it clear that "Traveller sites (temporary or permanent) in the Green Belt are inappropriate development".

4.2.6 Given that the proposal constitutes inappropriate development in the Green Belt the proposal cannot be considered to be in accordance with the development plan.

4.2.7 The next test which arises from the 'presumption in favour of sustainable development' requires the decision taker to determine where there are any relevant development plan policies or not, or whether the policies which are most important for determining the application are out-of-date.

4.2.8 The requirements of the development plan in this respect are set out in Paragraph 10 of the Government's Planning Policy for Traveller Sites (2015) which states: -

"Local planning authorities should, in producing their Local Plan:

- a) identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets
- b) identify a supply of specific, developable sites, or broad locations for growth, for years 6 to 10 and, where possible, for years 11-15
- c) consider production of joint development plans that set targets on a cross-authority basis, to provide more flexibility in identifying sites, particularly if a local planning authority has special or strict planning constraints across its area (local planning authorities have a duty to cooperate on planning issues that cross administrative boundaries)
- d) relate the number of pitches or plots to the circumstances of the specific size and location of the site and the surrounding population's size and density
- e) protect local amenity and environment."

4.2.9 Given the above context it should be noted that the development plan is now 6 years old, relies on an evidence base for traveller accommodation need that was published in 2012, only refers to broad locations that may be suitable for traveller sites and defers to the Local Plan (Part 2) to make allocations for traveller sites. Work on the Local Plan Part 2 has now ceased and work has commenced on a new local plan. Furthermore, the local planning authority cannot demonstrate a five year supply of deliverable (that is deliverable now) and developable sites in suitable locations (to meet the accommodation needs of the travelling community).

4.2.10 It can therefore only be concluded that the policies which are most important for determining the application are out-of-date.

4.2.11 Having regard to the above; and in accordance with the 'presumption in favour of sustainable development', the decision taker is required to determine whether there any policies in the National Planning Policy Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed. Footnote 6 of the NPPF sets out the policies that this applies to which include policies relating to [amongst other things] "Green Belt". As such it is necessary to consider Green Belt policy.

4.2.12 In the Green Belt it should be noted that paragraph 143 of the NPPF makes it clear that inappropriate development should not be approved except in "very special circumstances". Furthermore, paragraph 144 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" adding "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".

4.2.13 Therefore in accordance with paragraph 144 it is considered that substantial weight should be given to the harm to the Green Belt by reason of inappropriateness as identified above.

4.2.14 This report will now go on to consider what other harms may or may not arise as a consequence of the proposal before going on to consider what 'other considerations' exist in support of the proposal and the weight to be attached to these and then finally proceeding to weigh up those considerations to determine whether they clearly outweigh the harm to the Green Belt and any other harm such that very special circumstances have been demonstrated that would justify approval of the application.

### 4.3 Design and the Impact on the Character and Form of the Area

4.3.1 In respect to issues in relation to design Policy CP3 of the Local Plan requires that, amongst other things, developments should be: -

- (i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials; and
- (ii) successfully integrate with existing trees; hedges and landscape features of amenity value and employ measures to enhance biodiversity and green the built environment with new planting designed to reinforce local distinctiveness.

4.3.2 Relevant policies within the NPPF in respect to design and achieving well-designed places include paragraphs 124, 127, 128 and 130. Paragraph 124 makes it clear that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

4.3.3 Paragraph 127 of the NPPF, in so much as it relates to impacts on the character of an area goes on to state: -

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);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

4.3.4 Finally Paragraph 130 states planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision taker as a valid reason to object to development.

4.3.5 In respect to the above policy framework it is noted that the proposal would entail the positioning of up to 10 caravans on five pitches with associated utility buildings, car parking, access, turning and circulation areas immediately behind an existing hedge on Lime lane and adjacent to an existing gypsy accommodation site within an otherwise open countryside setting. As such it would result in an urbanising of the site which would be seen, at least in part (and particularly during the landscape establishment phase) from Lime Lane itself.

4.3.6 In support of the application the applicant has stated: -

“The proposal would involve extensive soft landscaping to help the site to blend and assimilate with its surroundings. It would not be as extensive as the existing site to the south, forming a minor visual extension of the existing site”;

and has submitted a Landscape Statement and Landscape Plan.

4.3.7 In considering the impact on the character of the area the comments made by the Parks and open Spaces Team are noted, In particular that the Landscape Statement “has covered all the relevant points regarding the landscape character designations and assessments” and that “In terms of visual impact, this will be restricted to the local area given the surrounding land form and existing vegetation”.

4.3.8 However, it is also noted that until the proposed planting has established and grown sufficiently, views into the site from the road and to a lesser extent from the north would remain and that the site when viewed in the context of the adjoining site could be seen as a form of ribbon development along Lime Lane.

4.3.9 In respect to the comments made by the Landscape Officer on the detailed landscape scheme that has been submitted it is considered that these constitute minor technical points which could be readily and adequately resolved through the use of a condition requiring the submission of a revised landscape scheme, including detail of how the site will be screened in the establishment period of new planting.

4.3.10 However, even if the above landscape scheme was conditioned and implemented it is considered that some residual harm to the rural character of the area would remain due to the encroachment of urban form into the countryside, albeit this harm would be localised.

4.3.11 Therefore, it is considered that the proposal, due to its urbanisation and consequent erosion of the rural character of the area is contrary to Policy CP3 of the Local Plan and the above mentioned paragraphs of the NPPF and further that moderate weight should be afforded to that harm.

#### 4.4 Impact on Residential Amenity

4.4.1 Policy CP3 of the Local Plan states that the following key requirements of high quality design will need to be addressed in development proposals and goes on to include [amongst other things] the protection of the “amenity enjoyed by existing properties”. This is supported by the guidance as outlined in Appendix B of the

Design SPD which sets out guidance in respect to space about dwellings and garden sizes.

- 4.4.2 Paragraph 127(f) of the NPPF states that planning policies and decisions should ensure that developments [amongst other things] create places with a high standard of amenity for existing and future users.
- 4.4.3 The submitted layout plan shows a well laid out site with areas denoted for the parking of static and touring caravans and parking places an amenity building and some open amenity areas, which would be within a self contained and screened site. Although the distances between the proposed static caravans is less than what would normally be expected for 2 storey dwellings, it should be borne in mind that caravans roughly equate in height to single storey dwellings and that the proposal is to provide accommodation for an extended family. As such it is considered that the proposal would provide a high standard of amenity for any future residents.
- 4.4.4 In respect to impacts on the amenity of neighbouring residential properties it is noted that there is an existing residential caravan site immediately adjacent to the application site. However, again this site is self contained with well kept hedges around its perimeter. As such the proposal would not result in any significant level of overlooking or overshadowing of dwellings on this site. Furthermore any noise created on either the existing and the proposed site would be domestic in nature and hence should not give rise to significant disturbance to existing or future residents.
- 4.4.5 It is therefore concluded that the proposal in respect to the high standard of residential amenity it would attain would not be contrary to Policy CP3 of the Cannock Chase Local Plan and paragraph 127(f) of the NPPF.

#### 4.5 Impact on Highway Safety

- 4.5.1 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.5.2 The layout plan shows that the site would be served by a single access at the northern point of the site which would give access onto Lime Lane. In addition the layout plan shows that each pitch would be served by 2 car parking spaces with a further 5 spaces for cars and vans.
- 4.5.3 The Highway Authority has considered the proposal and has stated that it does not have any objections to the proposal subject to the attached conditions.
- 4.5.4 It is therefore considered that subject to the attached conditions the proposal has not resulted in an unacceptable impact on highway safety and that the residual cumulative impacts on the road network have not been severe.

#### 4.6 Crime and the Fear of Crime

- 4.6.1 Section 17 of the Crime and Disorder Act 1998 places a duty on each local authority 'to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can do to prevent crime and disorder in its area to include anti-social behaviour, substance misuse and behaviour which adversely affects the environment'.
- 4.6.2 In addition to the above paragraph 127(f) of the NPPF states planning policies and decisions should ensure that development create places which [amongst other things] create places that are safe and where crime and disorder, and the fear of crime, do not undermine quality of life, social cohesion and resilience.
- 4.6.3 In this respect it is noted that the site would be self contained, with a single access which would be gated and which also would have a high degree of natural surveillance.
- 4.6.4 Staffordshire Police Force has confirmed that whilst they have no objections it is important that a high level of physical security is incorporated in these proposals, that 10 caravans is the limit to the size of this site, and that the residents are limited to one extended family group. Officers can confirm that the occupancy of the site can be restricted both in terms of the number of caravans and to whom they are occupied by through the use of an appropriately worded condition.
- 4.6.5 As such, subject to the attached condition it is considered that the proposal would be acceptable in respect crime and disorder and the fear of crime and disorder and meet the requirements of paragraph 127(f) of the NPPF.

#### 4.7 Drainage and Flood Risk

- 4.7.1 Paragraph 155 of the NPPF states 'inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)' adding 'where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.
- 4.7.2 In order to inform the application the applicant has submitted a Flood Risk Assessment and Drainage Strategy, prepared by Betts Hydro Consulting Engineers, which states:

Review of the Flood Zone Maps indicates that the site is located within Flood Zone 1. Flood Zone 1 is an area considered to be at little or no fluvial (or tidal) flood risk. More Vulnerable development is acceptable within Flood Zone 1 providing any residual flood risks to it or others can be safely mitigated. Review of the local flood risk publications and consultations with the key statutory consultees has been carried out has been carried out and at this time no records of historical flooding at or near to the site have been identified. The key flood risk publications

from all statutory authorities have been reviewed and have not identified any historical flood incidents at the development site.”



#### 4.7.3 The strategy goes on to state: -

“Surface water management options have been assessed in accordance with the national and local policy to follow the sustainable drainage hierarchy. The primary method to deal with surface water run-off is to drain to ground where at all practical. Based on the ground conditions published online, infiltration is unlikely to provide a full viable means of managing run-off generated, due to the underlying cohesive strata.

Should infiltration not provide a full or part drainage solution, then the proposal is to discharge surface water run-off generated to the adjacent Ordinary Watercourse mimic the pre-development regime. Detailed design would be required to confirm whether a gravity system can be achieved although given levels naturally fall towards the watercourse at present this is anticipated. Consent and relevant agreements for works to the Ordinary Watercourse will be required from the Lead Local Flood Authority (LLFA) and any Riparian Landowners where offsite works are required. Early discussion is therefore advised with all parties, to ensure there are no other constraints.

In accordance with the SuDS Manual (CIRIA 753) and the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) all sites should endeavour to achieve as close to pre-development greenfield rates as is viable. As the pre-development greenfield rate is too low (given the size of the site) the proposals will be to restrict the rate of run-off from the site to 5l/s to minimise blockage occurrence and maintenance liabilities on the proposed drainage infrastructure in accordance with adoption standards.

The restricted discharge rate will generate a requirement to provide onsite attenuation during the extreme storm events. It would be beneficial to implement SuDS features such as a pond or swale, near to the proposed outfall location(s), to aid with attenuation (if designed and located appropriately). In terms of design the sustainable drainage systems proposed onsite should be sized to ensure that exceedance up to and including the 1 in 100-year return period event with allowance for climate change is contained within site.”

- 4.7.4 The application form states that the method of disposal of foul water is currently unknown. However, officer can confirm that there are several means of disposal for more remote sites requiring non drains solutions including package treatment plants and septic tanks. Details of these could be secured by condition.
- 4.7.5 The Local Lead Flood Authority (LLFA) and Environmental Health Officer have no objections to the above subject to condition requested that details of the drainage system be submitted for approval to ensure that no harm would be caused to the aquatic environment and to public health.
- 4.7.6 The LLFA has also conformed that there is no linkage or outfall from the water course abutting the application site and the Canal Extension Canal.

4.7.7 Therefore subject to a condition for the approval of the means of disposal of foul water it is considered that the proposal would be acceptable in respect to flood risk, drainage and protection of the aquatic environment

#### 4.8 Mineral Safeguarding

4.8.1 The site falls within a Mineral Safeguarding Area (MSAs) for bedrock sand. Paragraph 206, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), both aim to protect mineral resources from sterilisation by other forms of development.

4.8.2 Policy 3.2 of the new Minerals Local Plan states that:

‘Within a Mineral Safeguarding Area, non-mineral development except for those types of development set out in Appendix 6, should not be permitted until the prospective developer has produced evidence prior to determination of the planning application to demonstrate:

- a) the existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and
- b) that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.

4.8.3 However, it is noted that the County Planning and Minerals Authority has no objections to the proposal and it is therefore concluded that the proposal would not result in the sterilization of mineral deposits.

#### 4.9 Waste and Recycling

4.9.1 Policy CP16(1) (e) 'Climate Change and Sustainable Resource Use' of the Cannock Chase Local Plan states that development should contribute to national and local waste reduction and recycling targets according to the waste hierarchy'. One of the ways of achieving this is by ensuring development can be adequately serviced by waste collection services and that appropriate facilities are incorporated for bin collection points (where required).

4.9.2 It is clear that there is sufficient space within the site for waste and recycling facilities and there is sufficient space at the entrance to accommodate a collection point. The current layout plan shows that there is a bin store at the entrance of the site. However, although this is suitable as a bin collection point it is not suitable as a day to day bin store which should be located further into the site where it would be less visually intrusive. This could be secured through the use of an appropriately worded condition. As such, subject to the attached condition, the proposal is considered acceptable in respect to Policy CP16(1) (e) of the Cannock Chase Local Plan.

#### 4.10 Ground Conditions and Contamination

##### 4.10.1 Paragraph 170 of the NPPF states: -

“Planning policies and decisions should contribute to and enhance the natural and local environment by [amongst other things]:

- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

##### 4.10.2 In addition to the above paragraph 178 of the NPPF states: -

“Planning policies and decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.”

##### 4.10.3 Finally paragraph 179 of the NPPF makes it clear that where 'a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'.

##### 4.10.4 In respect to the above it is noted that the site is not located within an area known or suspected to be contaminated. As such there is no evidence to suggest that ground contamination could be present on site. Notwithstanding this the Environmental Health Officer has asked for condition to be attached to any permission granted in respect to unforeseen contamination and in respect of imported soils. However, officers are not aware of any proposal, or indeed need to import soils on to the site or any evidence that there may be contamination on the site. Whilst these suggested conditions may seem as a desirable precaution the use of conditions is subject to strict tests, including that they should be necessary and reasonable. The EHO has provided no evidence to demonstrate that the suggested conditions are reasonable in all respect or necessary and as such it is recommended that these conditions are not attached to any permission granted.

4.10.5 In addition to the above it is noted that the site is not located with Coal Mining Risk area and as such risk of ground movement from underground workings is not considered to be a constraint on the development of the site.

#### 4.11 Impact on Natural Conservation Interests

4.11.1 Policy and guidance in respect to development and nature conservation is provided by Policy CP12 of the Local Plan and paragraphs 170 and 174 of the NPPF.

4.11.2 Policy CP12 of the Local Plan states that the District's biodiversity and geodiversity assets will be protected, conserved and enhanced via

'the safeguarding from damaging development of ecological and geological sites, priority habitats and species and areas of importance for enhancing biodiversity, including appropriate buffer zones, according to their international, national and local status. Development will not be permitted where significant harm from development cannot be avoided, adequately mitigated or compensated for”.

4.11.3 Paragraph 170 of the NPPF states [amongst other things]: -

“Planning policies and decisions should contribute to enhance the natural and local environment by:

- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); [and]
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;”

4.11.4 Paragraph 174 goes on to state: -

“When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”

#### Site Specific Impacts on Ecology

4.11.5 In order to inform the application the applicant has submitted an Ecological Assessment dated May 2020 which notes that the site comprises arable land with an improved grassland margin and species-poor hedgerow. In respect to on site impacts the report states: -

- (i) Standard pollution prevention and dust control measures should be set out in a Construction Environmental Management Plan (CEMP) and implemented during site clearance and works. The CEMP will ensure the unlikely potential for indirect impacts on designated sites and retained habitats, including S41 hedgerow, within and adjacent to the site are reduced to a reasonable minimum.
- (ii) Retained trees adjacent to the site should be protected from accidental damage during site clearance and construction, in accordance with BS5837:2012 Trees in relation to design, demolition and construction.
- (iii) The arable land and <10m section of hedgerow will be lost to development. The arable land has limited ecological value.
- (iv) The proposed planting of an additional ~110m of new hedgerow and grassland creation will compensate for the minor loss of habitats and enhance the limited habitats present within the site.
- (v) There is no potential bat roosting habitat present within the site. The soft landscaping proposals will increase potential foraging and commuting habitat for bats within the site post-development. Potential indirect impacts caused by increased light spill on retained potential bat foraging and commuting habitat within and adjacent to the site, and potential bat roosting habitat adjacent to the site, should be addressed through the implementation of a sensitive lighting strategy during site clearance and construction works, and post-development.
- (vi) Reasonable Avoidance Measures Method Statement (RAMMS) should be implemented during site clearance to avoid impacts on protected or notable species, including badgers, reptiles, amphibians, brown hare, hedgehog and polecat.
- (vii) Precautionary working measures during site clearance have been recommended to avoid impacts on local wildlife and a variety of enhancement measures have been identified to benefit biodiversity in line with National Planning Policy Framework (NPPF) requirements.

4.11.6 The conclusions and recommendations set out in the report are accepted and it is considered that subject to the attached conditions and implementation of a suitable amended landscape scheme there would be no significant impact on the existing ecological value of the site and over time a small improvement in the biodiversity value.

#### Impacts of Cannock Chase Special Area of Conservation

4.11.7 Under Policy CP13 development will not be permitted where it would be likely to lead directly or indirectly to an adverse effect upon the integrity of the European Site network and the effects cannot be mitigated. Furthermore, in order to retain the integrity of the Cannock Chase Special Area of Conservation (SAC) all development within Cannock Chase District that leads to a net increase in dwellings will be required to mitigate adverse impacts. The proposal would lead to a net increase of 4 dwellings and therefore is required to mitigate its adverse impact on the SAC. Such mitigation would be in the form of a contribution towards the cost of works on the SAC and this is provided through CIL. However, given that the combined floor area of buildings on the site would be less than 100m<sup>2</sup> the proposal would not be CIL liable. As such the mitigation would be secured through a commuted sum via the alternative means of a unilateral undertaking under section 106.

4.11.8 The LPA has undertaken a Habitats Regulations Appropriate Assessment which has been accepted by natural England and which concludes that subject to a payment towards mitigating impacts on the SAC the proposal would be acceptable.

#### Impacts on Cannock Extension Canal SAC

4.11.9 The site is within 300m of the Cannock Extension Canal Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI) and evidence provided by the drainage strategy submitted by the applicant suggest that the site would drain towards the canal. The proposal therefore has the potential to affect its interest features, especially as the site is directly linked via watercourses to the Canal. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations').

4.11.10 The Cannock Extension Canal Special Area of Conservation/ SSSI is an example of anthropogenic, lowland habitat supporting floating water-plantain *Luronium natans* at the eastern limit of the plant's natural distribution in England. A very large population of the species occurs in the Canal, which has a diverse aquatic flora and rich dragonfly fauna, indicative of good water quality. The low volume of boat traffic on this terminal branch of the Wyrley and Essington Canal has allowed open-water plants, including floating water-plantain, to flourish, while depressing the growth of emergents.

4.11.11 Members are advised that as a competent authority under the provisions of the Habitat Regulations, the Local Planning Authority should have regard for any potential impacts that a plan or project may have, as required under Regulation 63 of the Habitats and Species Regulations 2017.

4.11.12 The potential impacts on the SAC are therefore intrinsically linked to the drainage system to be adopted in the proposal. In this respect it is noted that additional information in respect to drainage has been submitted demonstrating that the water course adjacent to the site does not connect into the Cannock Extension Canal and hence the two systems are not linked. This has been corroborated by the Lead Local Flood Authority.

4.11.13 Officers have undertaken an appropriate assessment as required under the Habitat Regulations and have submitted to Natural England. It is anticipated that Natural England will accept the findings of the appropriate assessment and members will be updated on the day of Planning Committee.

4.11.14 Therefore subject to Natural England confirming that they have no objections in respect to impact on the canal SAC and a contribution towards mitigating impact on Cannock Chase SAC been secured via the mechanism of a unilateral undertaking the proposal would be acceptable in respect to the requirements of Policy CP13 and the Habitats Regulations.

#### 4.12 Education

4.12.1 Policy CP2 states that all housing developments will be required to contribute towards providing the infrastructure necessary for delivery of the Local Plan informed by viability assessment. It goes on to state that contributions will be secured primarily via (i) rates set out in a community Infrastructure Levy (CIL) charging schedule and (ii) Section 106 planning obligations.

4.12.2 The Education Authority has advised that the planning application would not necessitate an education contribution.

4.12.3 As such it is considered that the proposal is acceptable in respect to Policy CP2 without an education contribution.

#### 4.13 Sustainability

4.13.1 Paragraph 13 of the Planning Policy for Traveller Sites (PPfTS) states that

“Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:

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

any travellers that may locate there or on others as a result of new development.

- f) avoid placing undue pressure on local infrastructure and services
- g) do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans
- h) reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.

4.13.2 Paragraph 25 of the PPfTS goes on to state: -

“Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.”

4.13.3 In this respect it is noted that the site is somewhat isolated being some 0.9km from Pelsall centre and some 0.65km from the Finger Post Public House. Furthermore Lime Lane does not benefit from a bus service. This restricts the ability of future occupiers from using transport other than the private car to access local goods and services to meet their day to day needs. This factor lends weight against the proposal. However, such factors should be balanced against the potential possibility of the family requiring at some stage to reside on an unlawful encampment and all the environmental harm such circumstances can entail.

4.13.4 However, in terms of the social aspects of sustainability it is noted that the site would provide a settled base that would enable children to attend school on a regular basis and the family to gain access to medical services as well as reducing harm to health by alleviating existing issues of overcrowding on existing sites.

4.13.5 Nevertheless it is concluded that some, limited, harm to the objective of promoting sustainable development would arise from the remote siting of the proposal and the reliance on the private car that would entail

#### 4.14 The Applicant's Case for Very Special Circumstances

4.14.1 It is common ground between the applicant and officers that the application proposal constitutes inappropriate development in the Green Belt. As such in support of the application the applicant has provided the following statement to demonstrate that very special circumstances exist that would justify approval of the application: -

“There is clear evidence that there is a need for Gypsy and Traveller development in the area. A need for 41 pitches was identified over the currently adopted plan period and it is clear from monitoring the local plan process that need is not being met through planning applications. Although that need might be reduced as a result of the 2019 GTAA, it will



remain significant and any prospect of a plan-led approach is still some way off. The application site has been presented through the Local Plan process, but the need exists now, and it would not be justified to refuse the current application on the basis of a prematurity argument taking into account paragraph 49 of the NPPF.”

The Plan states the requirement for pitches to be within the identified search area comprising the A5 corridor, which this site proposed is within, and it would essentially represent an extension to an existing site (albeit operating as a separate entity), which local policy work suggests is preferable to new entirely isolated sites.

The evidence recognises a large area of the District is Green Belt, including the area in greatest need and this means there is a very high probability that meeting this need will require Green Belt incursions. Indeed, current policy explicitly recognises that Green Belt development to meet the identified need is likely to be unavoidable and seeks to promote a pragmatic approach whilst recognising the high bar to overcome the classification of such development as inappropriate. As stated earlier, it is far healthier from a planning and community perspective if these sites come forward in a planned manner.

Failure to plan for the identified need will most likely result in an increase in unauthorised development and encampments and simply from a planning perspective such ad hoc arrangements run contrary to the principles of good planning and the plan-led system.

Subject to any relevant impacts and material considerations, the proposed development would sit squarely within the form of development deemed to be the most acceptable in Green Belt and environmental terms under current policy and background research to support the new Local Plan process.

Coupled with the argument in support relating to wider aspects of need is the circumstances and needs of the family, which were set out in detail in application CH/19/048. The proposed development represents an alternative option for that family, which has come about as a result of negotiation between the applicant and the family and their representatives.

It is presented as a result of positive collaboration, and it is contended that the proposal will enable a more acceptable form of development than the site at the Grove subject to CH/19/048, in addition to enabling a better standard of accommodation for the site's occupants in a more suitable location for human habitation, being able to provide a dedicated access and suitable amenity facilities. The proposal would also enable work on wider regeneration aspirations for the Grove site as promoted by the applicant and the Norton Canes Parish Council to be crystallised, with wider social and economic benefits for the wider district. The refusal of CH/19/048 is in the process of appeal, and represents a realistic fallback position should this current application not succeed, but it is argued that the benefits of developing the application site rather than the Groves outweigh any identified harm arising from developing essentially a

greenfield site. The acceptance of the family's needs in consideration of application CH/19/048 should be noted and is an important material consideration; however, it is important for the case to be set out in detail to support the notion that the wider needs argument is a crucial element of the case and should carry significant weight in the planning balance.

In this case there are a group of factors that together clearly outweigh the harm and represent the very special circumstances to justify granting permission. They include:

- The substantial level of unmet need in Cannock Chase, which needs to be seen in the context of the severe shortage in the surrounding area;
- The lack of a five-year supply of deliverable sites;
- The personal needs of the applicants, given the overcrowding and insecurity of their current accommodation;
- The fact that their moving on to the site will free up provision for other families in need;
- The Local Plan area of search, which reflects the constraints imposed by the extent of urban development and the Cannock Chase AONB and almost inevitably means any sites approved will be in Green Belt;
- The failure of the Council over many years to make any provision either through allocations or decisions on applications and the lack of any current allocations or robust policy for addressing need through the plan period. Appeals have held that these factors can carry considerable weight in favour.

The site has been presented to LP process and is logical location, albeit in the countryside, as it is a logical extension of an existing established site and is reasonably close to Pelsall, whilst promoting peaceful and integrated co-existence between the site and the local community.

The LP recognises that GB sites are inevitable, and unless and until an alternative strategy comes forward this has to weigh in favour. In any event that probability is highly unlikely.

Although the preference is always for sites to come forward following an allocation, the need exists now, and the site is available and can be delivered relatively quickly. The site also has potential for further expansion in a planned manner, which of course would be subject to a separate planning application process. The potential for further expansion could be an issue for further consideration through the Local Plan process. However, the applicant is more than happy to continue to engage with the council in that regard.”

#### 4.14.2 The applicant also goes on to assert that

“The limited landscape impact, siting in conjunction with an existing established site and reasonably sustainable location are factors that weight moderately in favour. The site will also enable additional capacity in the future, which will help the Council to meet its identified longer-term needs. Whilst that is subject to the Local Plan process and a future planning application, it should also be given moderate weight in favour.”

#### 4.14.3 In conclusion the applicant summarises that in this case “there are a group of factors that together clearly outweigh the harm and represent the very special circumstances to justify granting permission. They include:

- The substantial level of unmet need in Cannock Chase, which needs to be seen in the context of the severe shortage in the surrounding area;
- The lack of a five-year supply of deliverable sites;
- The personal needs of the applicants, given the overcrowding and insecurity of their current accommodation;
- The fact that their moving on to the site will free up provision for other families in need;
- The Local Plan area of search, which reflects the constraints imposed by the extent of urban development and the Cannock Chase AONB and almost inevitably means any sites are approved will be in Green Belt;
- The failure of the Council over many years to make any provision either through allocations or decisions on applications and the lack of any current allocations or robust policy for addressing need through the plan period. Appeals have held that these factors can carry considerable weight in favour.

#### 4.15 Appraising the Applicant’s Case

##### 4.15.1 This report will now go on to consider each of the above issues in turn.

##### Substantial Level of Unmet Need in Cannock Chase and Lack of a 5 Year Land Supply

##### 4.15.2 The applicant has stated that

“It should be noted that the 2019 GTAA and its suggested reduction in need has yet to be tested at a Local Plan Inquiry. Michael Hargreaves suggests that because of some of the assumptions it makes that it is likely to underestimate needs. The policy position at this moment in time (which has been subject to Inquiry testing and is part of the adopted Development Plan) confirms a need of 41 pitches. However, even if the 2019 GTAA is robust and sound, it still identifies a significant need and will still warrant a strategy and site allocations in a new Local Plan to deliver the identified need.”

- 4.15.3 In response Officers note that the Authority Monitoring Report (2018) which monitors Local Plan policies outlines that only 2 pitches have been provided to meet the Local Plan (Part 1) requirements to date and that the Council does not have a five year supply of sites; and that a further 4 pitches have recently been approved near Five Lanes Roundabout, Heath Hayes (subject to planning permission CH/20/198).
- 4.15.4 Policy CP7 of the Local Plan states that provision for gypsies, travelers will be made through the allocation of sites in a Local Plan Part 2. However, due to the extent of more recent changes to the national and local policy context the Council has since ceased work on the Local Plan (Part 2) and is now undertaking a review of the Local Plan.
- 4.15.5 The Local Plan Review (Issues and Options) was consulted upon in May 2019 and acknowledges the difficulties that have been faced in terms of identifying sites for gypsy and traveller uses since the adoption of the Local Plan (Part 1). This is largely due to a combination of the inability of existing gypsy and traveller sites in the District to expand further (due to physical and landownership constraints) and a lack of new sites being available, that is landowners are promoting alternative uses of their land (paragraph 7.77).
- 4.15.6 As part of the Local Plan Review in March 2019 the Council has published a new Gypsy and Traveller Accommodation Assessment (GTAA 2019) which provides an up to date assessment of need within the District. This identifies a need for an additional 14 pitches during 2019-2024 and a further 11 pitches between 2024-2038 arising from existing households falling within the definition within the District and potentially a further 4 more from undetermined households to 2038. It uses 2018 as the base date and excludes any shortfall from the previous plan period to avoid double counting. However, the applicant's assertion that the above GTAA has not been subject to examination in public and that standing policy is provided by Policy CP7 is accepted. Either way, taking the 2019 GTAA or Policy CP7 as the starting point it can only be concluded that there is still a significant unmet need for traveler pitches in the District.
- 4.15.7 In addition to the above it is noted that a number of Cannock's neighbouring local authorities have advised that they would be unable to help meet Cannock District's needs as they too are either unable to meet their own current needs or have an existing need of their own which already requires Green Belt site options to be considered.
- 4.15.8 Given the above it is considered that there is a clear unmet need for suitable sites to accommodate the housing needs for gypsies and travellers in Cannock District and therefore a lack of a five year land supply of sites for gypsy and traveller accommodation.

#### Personal needs of the Applicants

- 4.15.9 The comments put forward by the applicant's agent and outlined in paragraph 2.6 of this report are noted. No substantive evidence has come forward to challenge any of the assertions made on behalf of the family. It is quite clear that there are no sites available that would enable the family to live together as an extended family group where they provide mutual help and support, and from

which they would be able to access education and health facilities. Kit is also noted that the family group is expanding and suffers from overcrowding on existing sites.

4.15.10 Officers consider that the above is not surprising given that there is such a chronic shortage of available sites both within the District and in neighbouring districts and a demonstrable need that exceeds the current supply of suitable sites.

4.15.11 It is therefore clear that the extended family have a need for accommodation to provide a safe and secure home for the children, and a permanent base from which the children can gain access to education and the wider family can gain access to medical care.

#### Local Area of Search and Lack of Alternative to Green Belt Sites

4.15.12 Adopted policy CP7 refers to a broad area of search for Gypsy and Traveller sites, matching travel patterns and based along the A5 road corridor which is identified in the Key Diagram. The Key Diagram is provided at page 7 of the Local Plan (Part 1) and covers a swathe of land which includes the settlement of Norton Canes, a swathe of the countryside west of Norton, south of the Cannock/ Lichfield Road (A5190) and east of the Poplars Landfill site and Kingswood Lakeside Industrial Estate; and a second swathe of countryside comprising most if not all of the land within the District that falls south of the A5.

4.15.13 The open land with the settlement of Norton Canes is either designated as Green Space Network or has been granted planning permission in recent years for residential development or is used in connection with existing businesses such as the Norton Canes Service Station, local schools and business premises. It is difficult to identify any specific parcel of land that does not fall into any of the above and it is therefore unlikely that a site would come forward for the accommodation of gypsies and travellers that falls within the urban area.

4.15.14 It is also worthy of note that the only proposals to come forward as planning applications since the adoption of the plan were at Grove Colliery and Stokes Lane, both of which are in the Green Belt.

4.15.15 As such on basis of the available evidence it is concluded that most, if not all pitches that will come forward within this identified area of search are likely to be within the Green Belt.

#### Failure of the Council over Many Years to Make any Provision either Through Allocations or Decisions on Applications and the Lack of any Current Allocations or Robust Policy for Addressing Need through the Plan Period

4.15.16 The Local Plan (Part 1) was adopted in 2014. Policy CP7 of the Plan stated

“The Cannock Chase Gypsy and Traveller Accommodation Needs Assessment 2012 will be used as a basis for levels of provision within the District requiring 41 additional residential pitches and four Travelling Showpeople plots over the plan period and five transit pitches as follows:

## Residential Pitches

2012-18    22

2018-23    10

2023-28    9

**2012-28    41**

4.15.17 In the six years from the adoption of the Local Plan (Part 2) it is clear that it has failed to deliver any of the 22 pitches that were identified to be delivered by 2018. The last permissions for a gypsy and traveller site was planning permission CH/09/0137 which was granted in 2009 and the one for four pitches at Stokes Lane, Heath Hayes (CH/20/198) granted in 2020.

4.15.18 It is also clear that at the present time the Council has no firm plan to deliver any identifiable, deliverable or affordable site in the immediate future, either in the form of a planning permission or indeed a planning application. As such it can only reasonably be concluded that the Development Plan has failed to bring forward sufficient suitable land for traveller sites in a timely manner to meet the objectively assessed need.

4.16 Assessment as to whether the Harm to the Green Belt and Any Other Harm is Clearly Outweighed By Other Circumstances Such that Very Special Circumstances Exist to Justify Approval

4.16.1 Inappropriate development in the Green Belt should only be approved where 'very special circumstances' have been demonstrated to exist. The term 'very special circumstances' is not defined in the NPPF, which merely states that they will not exist unless the harm to the Green Belt and any other harm is clearly outweighed by other considerations.

4.16.2 The Planning Policy for Traveller Sites, at paragraph 16 states 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. However, it should be made clear that the paragraph 16 uses the word "unlikely". This should not be construed to mean that in all cases the "best interests of the child, personal circumstances and unmet need" will not clearly outweigh harm to the Green Belt and any other harm. Ultimately, each case has to be judged on its own merits with weight given to all relevant considerations according to their relative gravity.

4.16.3 In this respect it is considered that, consistent with paragraph 144 of the NPPF substantial weight should be afforded to the harm to the Green Belt, including the harm to the openness of the Green Belt and the purposes of including land within it. In addition it is considered that moderate weight should be afforded to the harm to the character of the area.

4.16.4 Turning now to the issue of other considerations which weigh in favour of the proposal. It is considered that substantial weight should be afforded to the personal need of this extended family for a settled site, the lack of any realistically available alternative sites, personal circumstances with regard to health and education and the effect on the human rights if the extended family is required to leave the site. The best interests of the children living on existing overcrowded sites with the current uncertainties regarding their accommodation are a primary consideration and therefore should also be given substantial weight in favour of the proposal. Furthermore, the current uncertainty regarding the future provision of sites for travellers in the district and the neighbouring districts, that the site falls within the general area of search for travellers sites as identified in the Local Plan (Part 2) and the strong likelihood that should future sites come forward in this area that they will also be located in the Green Belt, the sustainability benefits of providing a settled site, including adequate accessibility to a range of services and facilities, each carries moderate weight in the appellant's favour.

4.16.5 It is therefore concluded that, subject to the attached conditions and the completion of a unilateral undertaking, the harm to the Green Belt and to the character of the area is clearly outweighed by the above considerations such that very special circumstances exist that would justify approval of the application

## **5 Human Rights Act 1998 and Equalities Act 2010**

### ***Human Rights Act 1998***

5.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to approve the application accords with the adopted policies in the Development Plan which aims to secure the proper planning of the area in the public interest.

### ***Equalities Act 2010***

5.2 It is acknowledged that age, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation are protected characteristics under the Equality Act 2010.

By virtue of Section 149 of that Act in exercising its planning functions the Council must have due regard to the need to:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;  
Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.

Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case, officers consider that the proposal would not conflict with the aim of the Equalities Act and would be a positive step in advancing the equality of opportunity in respect to accommodation provision for the traveller community.

## **6 Conclusion**

- 6.1 The applicant is seeking consent for a change of use of the land to a Gypsy and Traveller residential site with the siting of up to ten caravans of which no more than five would be static caravans, the construction of a utility block, and the creation of a new vehicular access and the laying of hard standing
- 6.2 The application site lies within West Midlands Green Belt, wherein there is a presumption against inappropriate development. Inappropriate development is by definition harmful to the Green Belt and any such development should be considered a departure from the development plan.
- 6.3 The proposal constitutes inappropriate development in the Green Belt. Paragraph 143 of the NPPF makes it clear that inappropriate development should not be approved except in “very special circumstances”.
- 6.4 It is concluded that, subject to the attached conditions and the completion of a unilateral undertaking, the harm to the Green Belt and to the character of the area is clearly outweighed by the above considerations such that very special circumstances exist that would justify approval of the application
- 6.5 It is recommended that subject to no objections been received from Natural England in respect of Cannock Extension Canal SAC the attached conditions and the completion of a unilateral undertaking the application be approved.
- 6.6 Given the overwhelming unmet need for traveller accommodation it is considered that any permission granted should be on a permanent basis. However, given that the personal circumstances of the family and the best interest of the child have added substantial weight in favour of the proposal it is recommended that approval should be subject to a condition that the site can only be used for accommodation by the named adults and their dependents.



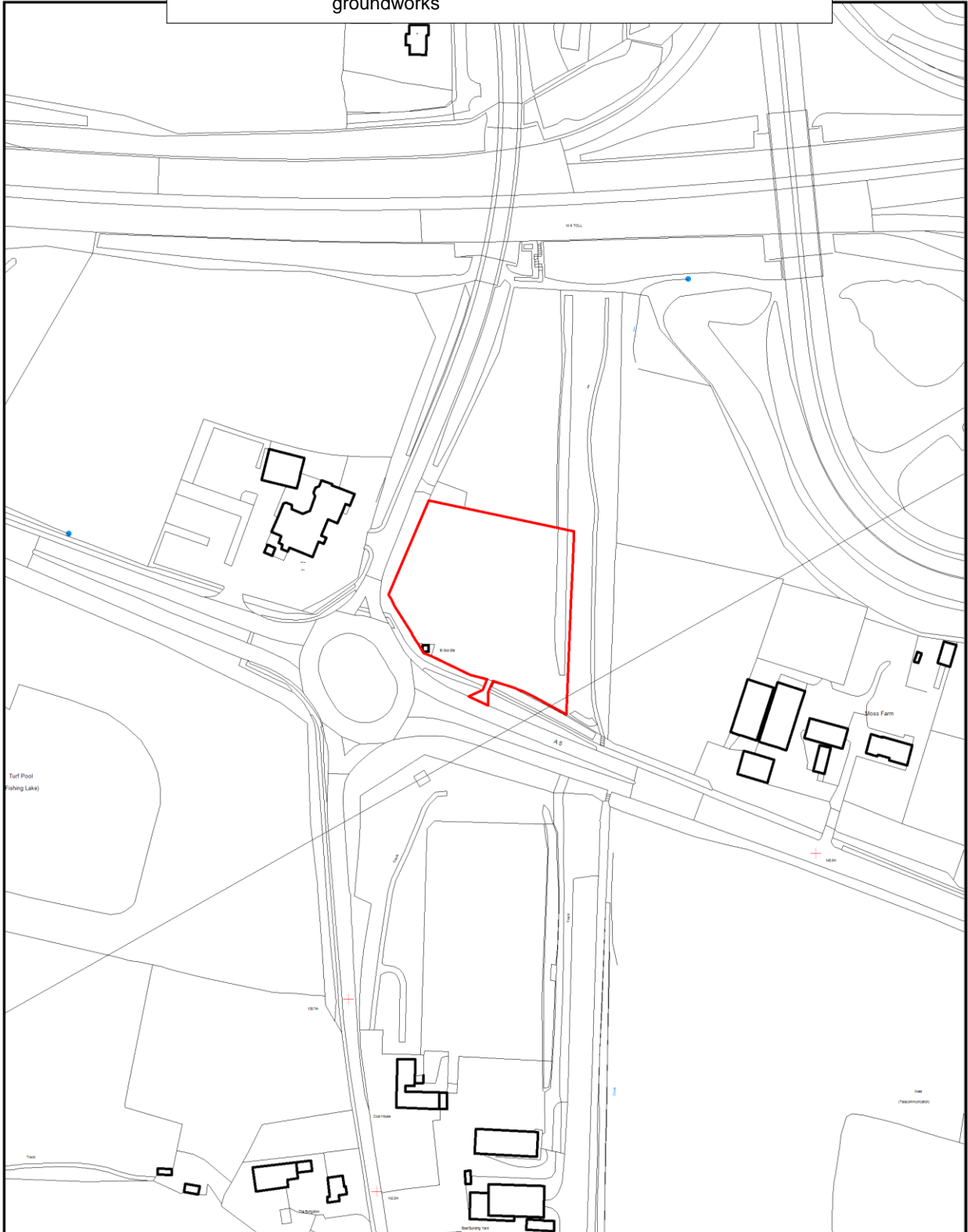


**Application No:** CH/20/247

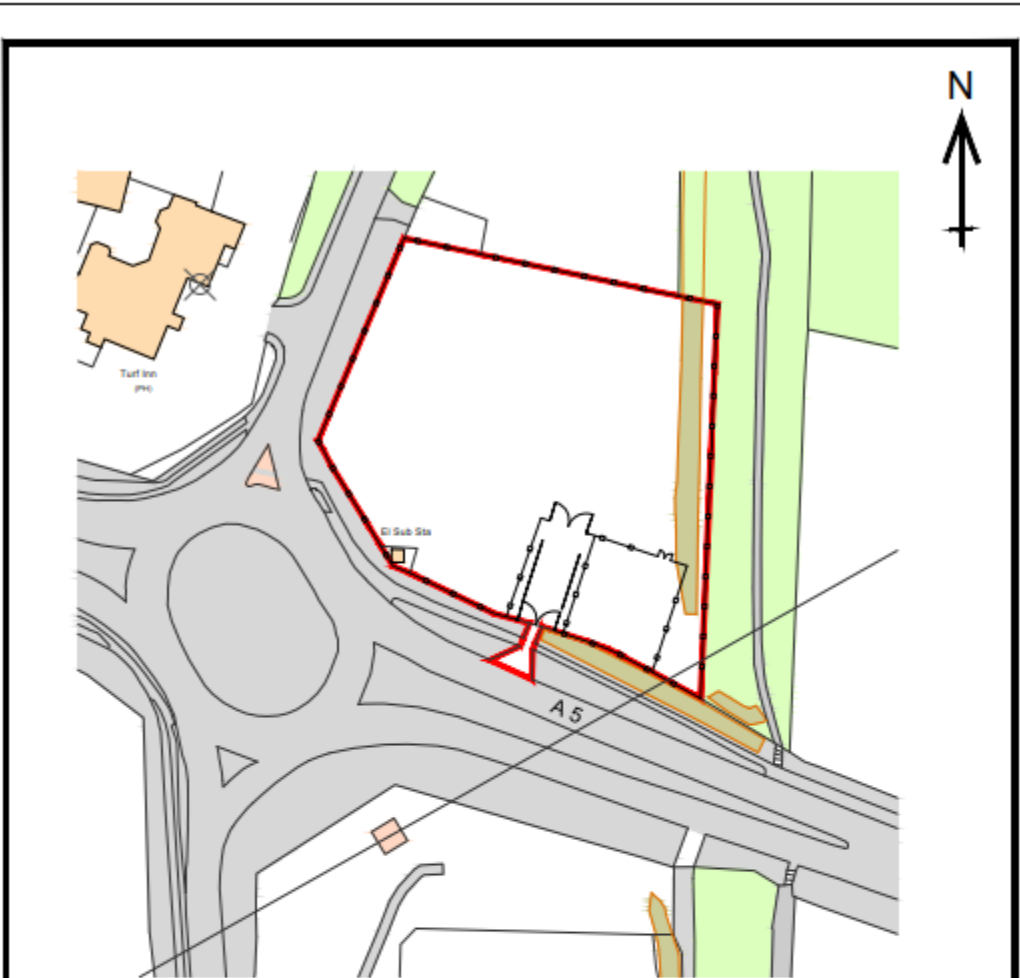
**Location:** Land on North East side of A5 (Turf Roundabout), Watling Street, Cannock, WS11 9ND  
Land on North East side of A5 (Turf Roundabout), Watling Street, Cannock, WS11 9ND

**Proposal:** Planning application for the retention of gates, fencing and groundworks

Item no. 6.50



# Location Plan



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**SCALE** 0 10 20 30 40 50 75 100 metres

**KEY**

— Application boundary (6672m<sup>2</sup>)

**FOR DEVELOPMENT CONTROL PURPOSES ONLY**

1	02/06/2020	Top State being Revised	NM
0	22/06/2020	First Issue	NM
Rev	Date	Purpose of revision	Drawn



**Project**  
 Planning Application (Part Retrospective) for the Installation of Gates, Hardstanding and Fencing on Land Adjacent to the Turf Roundabout North of the A5

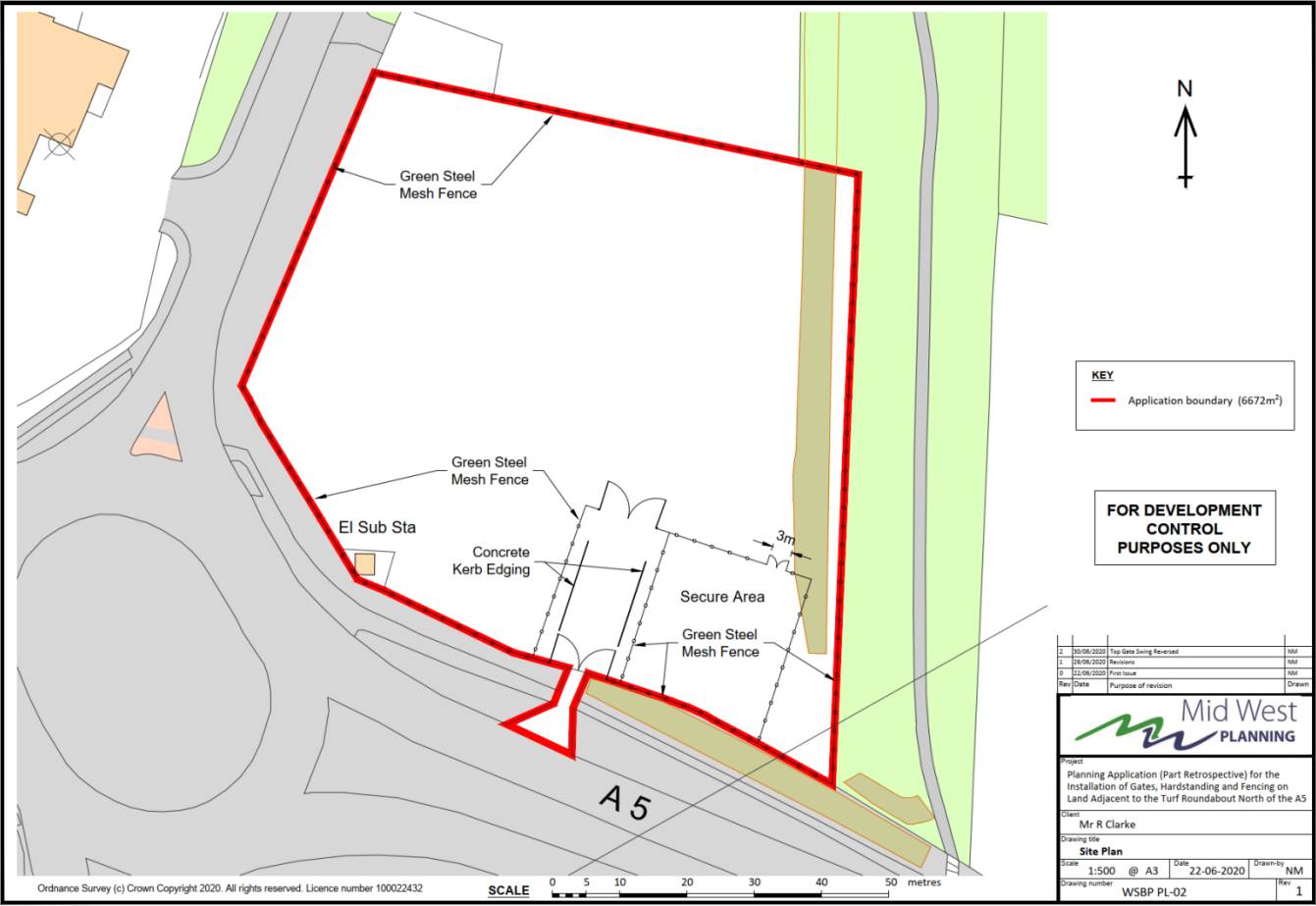
**Client**  
 Mr R Clarke

**Drawing title**  
 Location Plan

**Scale** 1:1250 @ A4     **Date** 22-06-2020     **Drawn-by** NM

**Drawing number** WSBP PL-01     **Rev** 0

# Site Plan



**KEY**

	Application boundary (6672m²)
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**FOR DEVELOPMENT CONTROL PURPOSES ONLY**

Rev	Date	Purpose of revision	Drawn
1	20/06/2020	Top Gate Swing Reversed	NM
1	24/06/2020	Revised	NM
2	22/06/2020	First Issue	NM

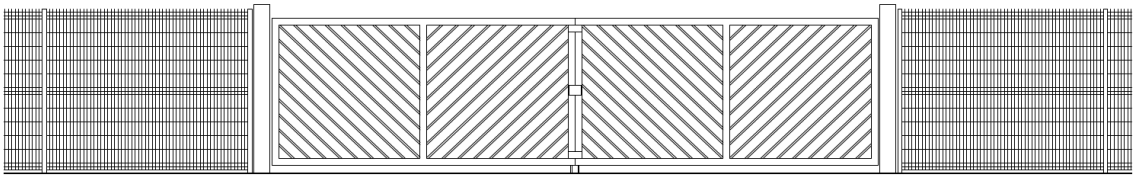


<b>Project</b>			
Planning Application (Part Retrospective) for the Installation of Gates, Hardstanding and Fencing on Land Adjacent to the Turf Roundabout North of the A5			
<b>Client</b>			
Mr R Clarke			
<b>Drawing title</b>			
Site Plan			
<b>Scale</b>	<b>@</b>	<b>Size</b>	<b>Drawn-by</b>
1:500	A3	22-06-2020	NM
<b>Drawing number</b>	<b>WSBP PL-02</b>		<b>Rev</b>
			1

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SCALE 0 5 10 20 30 40 50 metres

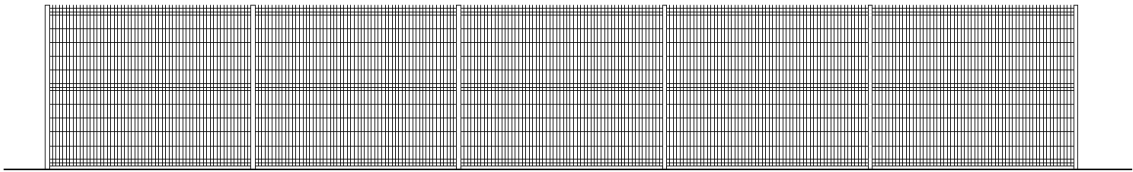
# Elevations



① **Gates & Fence Elevation from Road (A5)**

Scale: 1:50 @ A3

Colour: Green Gates, Posts and Mesh Panels




② **Fence Elevation in Site**

Scale: 1:50 @ A3

Colour: Green Posts and Mesh Panels

**FOR DEVELOPMENT  
CONTROL  
PURPOSES ONLY**

SCALE 0 0.5 1 2 3 4 5 metres

0	30/06/2020	Print Issue	NM
Rev	Date	Purpose of revision	Drawn
 <b>Mid West PLANNING</b>			
Project			
Planning Application (Part Retrospective) for the Installation of Gates, Hardstanding and Fencing on Land Adjacent to the Turf Roundabout North of the A5			
Client			
Mr R Clarke			
Drawing title			
<b>Elevation of Gates &amp; Fence</b>			
Scale	1:50	@ A3	Date
			30-06-2020
Drawing number			Drawn by
WSBP PL-03			NM
			Rev
			0

<b>Contact Officer:</b>	<b>Audrey Lewis</b>
<b>Telephone No:</b>	<b>01543 464 528</b>

**Planning Control Committee**

**11 November 2020**

<b>Application No:</b>	CH/20/247
<b>Received:</b>	13-July-2020
<b>Location:</b>	Land on North-East side of A5 (Turf Roundabout), Watling Street, Cannock, WS11 9ND
<b>Parish:</b>	Norton Canes
<b>Description:</b>	Planning application for the retention of gates, fencing and groundworks
<b>Application Type:</b>	Full Planning Application

**Recommendation:**

Approve Subject to Conditions

**Reason(s) for Recommendation:**

In accordance with paragraph 38 of the National Planning Policy Framework the Local Planning Authority has worked with the applicant in a positive and proactive manner to approve the proposed development, which accords with the Local Plan and/ or the National Planning Policy Framework.

**Conditions (and Reasons for Conditions):**

1. Notwithstanding the submitted plans, the shipping container, JCB, gabions and concrete kerb stones shall all be removed from the site by 21 December 2020. Thereafter, the development shall remain in accordance with the following approved plans:

Drg No.s: WSBP PL 01, 02 & 03.

Planning, Design & Access Statement received September 2020.

Reason

For the avoidance of doubt and in the interests of proper planning.

2. Prior to the erection of any lighting within the development hereby permitted, details of the proposed lighting including the proposed location, type of cowling and lighting intensity shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed lighting scheme shall be implemented in accordance with the approved details.

**Reason**

To ensure that the brightness of any lighting erected does not have an adverse impact on protected species, highway safety and the night time character of the area in line with Local Plan Policy CP3.

## **Consultations and Publicity**

### ***External Consultations***

#### Norton Canes Parish Council

The site is very close to a busy trunk road and in close proximity to the Turf Island on the A5 posing a danger to highway safety. There is some concern about the height of the fence which would be imposing when entering the village due to the location of the site.

There has already been a loss of a pedestrian access across the land caused by the actions of the applicant previously, which the Parish Council had raised concerns at the time.

Request that the application be determined by the District Planning Committee and request a site visit, in order to understand the highway issues raised.

#### Highways England

No objection.

#### Historic England

No comments.

#### Wildlife Trust

No comments received.

#### National Grid

No comments received.

## ***Internal Consultations***

### Planning Policy Manager

The development plan comprises the Cannock Chase Local Plan (Part 1) and the Staffordshire County Council Waste and Minerals Local Plans, the site is within the Norton Canes Neighbourhood Planning Area designated in January 2018.

Having looked at the proposal and the provisions of the Development Plan I would advise that I have no specific policy comments to make.

### Council's Ecologist

No comments received.

### Environmental Health

No adverse comments.

### County Highways

The application is for the retention of gates, fencing and groundworks to the site located on land adjacent to the Turf roundabout which is on the A5 Watling Street. Watling Street is a busy A classified dual carriageway trunk road with a 70 mph speed limit which comes under Highways England jurisdiction.

No objections on highway grounds to this proposal.

### Parks & Open Spaces

The site consists of a former grass pasture surrounded by native hedging and numerous mature trees and has over the past 5—6 years been regraded to create a more level topography. To the east lies the remains of the former Cannock Extension Canal.

- The site is designated as Green Belt Policy CPI and also lies within the Forest of Mercia, Policy CP12.
- The enclosure of the site by weldmesh fencing and large industrial style gates begins to add an urban feel to the site even though these are coloured green. In itself, this would not be detrimental to the overall character of the local area (c.f. M6 Toll fencing) and openness of the site. However, the addition of further fencing within the site begins to increase the urban feel of the site. This coupled with the addition of high containment kerbs, the formation and build up of extensive hard standing areas through the importation of crushed hard-core, all significantly increases the urban character of the site.
- Given the site is designated as green belt and supposedly a pasture field, the maintenance provision seems more than a little excessive compared with other similar areas within the Green Belt. The works appear to be a prelude to further development.
- The as built compound appears to be excessive just for the storage of one JCB and a container.

- The creation of hard surfaces and associated fencing etc. within the site has had a negative impact on the visual and physical quality of the green belt, giving it an increasingly semi urban character. It has also reduced the habitat value of the site.

## Summary

- An objection is raised to the expanse of hard standing and associated new levels, fencing and kerbs (groundworks) within the site which are detrimental to the visual character and nature of the location and Green Belt and additionally the resultant negative impact on the habitat biodiversity value of the site.
- No objection to the perimeter fencing to the site, as noted

## **Response to Publicity**

The application has been advertised by site notice, and neighbour letter. No letters of representation have been received.

## **Relevant Planning History**

CH/05/0827: Construction of club house for tennis club (outline siting & means of access). Outline - Refuse - 13/09/2006.

CH/98/0256 Land for the storage and distribution of construction landscaping materials. Existing Lawful Use/ Dev Cert Issued 03/06/1998.

## **1 Site and Surroundings**

- 1.1 The application site is located near the Turf roundabout on Watling Street. The site occupies a well screened position, surrounded by trees and shrubs. The context of the site is relatively rural in character, well landscaped and undeveloped with the exception of the main roads in the area and the Turf Inn Public House on the opposite corner of the road traffic island.
- 1.2 The application site was granted a certificate of lawful use in 1998 for use of the land for the storage and distribution of construction landscaping materials. The current applicant confirms that the land has been used for storage of building materials including aggregates since he purchased the site in 2015. The use is considered to form a B8 open air storage use as defined by the Town & Country Planning (Use Classes) Order 1987(as amended).
- 1.3 The site is located within the land designated as Green Belt, Mineral Safeguarding Area, Nature Conservation, Historical Tanks and Energy Facilities, Coal Authority Low Risk Boundary, Env Agency Historic Landfill Boundary and is also within the defined Norton Canes Neighbourhood Plan Area.

## **2 Proposal**

- 2.1 The applicant is seeking retrospective consent for the retention of gates, fencing and groundworks.



- 2.2 The development comprises a 2.4m high green mesh fence around the perimeter of the site and has an internal rectangular area of fencing to delineate a compound of hardstanding. The groundworks comprise concrete kerb stones to mark the entrance for vehicles entering the site and a small separate permeable stone surface compound.
- 2.3 The applicant has parked a JCB and sited a shipping container within the compound and stated they are required for storage of maintenance tools and equipment for the upkeep of the site. The agent confirmed that the storage container is not connected to services.
- 2.4 The application is accompanied with a revised planning and design statement (September 2020), which makes a case for the proposal being necessitated due to security concerns following drug users leaving needles on the site, repeated fly-tipping and illegal access to the site. The revision provides additional information as follows;
- Aerial evidence that the access was in situ from 2010.
  - Recent use of the site by a firm for the lawful use, renting the site from the applicant.
  - Very special circumstances for the proposal in the Green Belt location, on the grounds:
  - Public benefit - the proposal would prevent illegal access by drug users, caravans, joy riders, motocross and fly tipping.
  - Design – sympathetic design and siting using green coloured see through mesh design to blend with native perimeter hedging.
  - Material consideration – the fall-back position of permitted development rights.
- 2.5 The agent has provided email confirmation (8 October 2010) that the applicant would be agreeable to the imposition of a condition to remove the following from the site within 3 months:
- 1 No. shipping container, JCB, gabions and concrete kerb stones.

<b>3 Planning Policy</b>
--------------------------

- 3.1 Section 38 of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the provisions of the Development Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan currently comprises the Cannock Chase Local Plan (2014) and the Minerals Local Plan for Staffordshire (2015-2030).
- 3.3 Relevant Policies within the Local Plan Include:
- CP1: - Strategy — the Strategic Approach

CP3: - Chase Shaping — Design

CP10: - Sustainable Transport

CP12: - Biodiversity and Geodiversity

CP14: - Landscape Character and Cannock Chase AONB

3.4 Policy 3.2 of the Minerals Plan is also relevant.

3.5 National Planning Policy Framework

3.6 The NPPF (2019) sets out the Government's position on the role of the planning system in both plan-making and decision-taking. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, in economic, social and environmental terms, and it states that there should be "presumption in favour of sustainable development" and sets out what this means for decision taking.

3.7 The NPPF (2019) confirms the plan-led approach to the planning system and that decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise.

3.8 Relevant paragraphs within the NPPF include paragraphs: -

8:	Three dimensions of Sustainable Development
11-14:	The Presumption in favour of Sustainable Development
47-50:	Determining Applications
124, 127, 128, 130:	Achieving Well-Designed Places
145-146	Green Belt Developments
212, 213	Implementation

3.9 Other relevant documents include: -

Design Supplementary Planning Document, April 2016.

Cannock Chase Local Development Framework Parking Standards, Travel Plans and Developer Contributions for Sustainable Transport.

## **4 Determining Issues**

4.1.1 It is worth noting at this point that any assessment of the application needs to be taken in the light of the current lawful use of the site which allows for the storage and distribution of construction landscaping materials. Whilst the amount of materials stored on the site may vary from time to time it should be noted that there is no restriction on the amount and height of any materials that can be stored. Any proper assessment of the impact of the proposal on the openness

of the Green Belt or the character of the area should take into account the full impact of the lawful use of the site and all that entails.

4.1.2 The determining issues for the proposed development include:-

- i) Principle of development
- ii) Design and landscape character
- iii) Impact on highway safety
- iv) Ecology
- v) Mineral safeguarding

## 4.2 Principle of the Development

4.2.1 The application site is located within the West Midlands Green Belt, wherein there is a presumption against inappropriate development, which should only be approved in 'very special circumstances'. Paragraphs 133 of the NPPF state that the Government attaches great importance to Green Belts, adding that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. As such the essential characteristics of Green Belts are their openness and permanence.

4.2.2 The stages in taking decisions on applications within the Green Belt are as follows:

- a) In the first instance a decision has to be taken as to whether the proposal constitutes appropriate or inappropriate development.
- b) If the proposal constitutes inappropriate development then it should not be allowed unless the applicant has demonstrated that 'very special circumstances' exist which would justify approval.
- c) If the proposal is determined to constitute appropriate development then it should be approved unless it results in significant harm to acknowledged interests.

4.2.3 Local Plan Policy CP1 & CP3 require that development proposals at locations within the Green Belt to be considered against the NPPF and Local Plan Policy CP14. Local Plan Policy CP14 relates to landscape character and AONB rather than to whether a proposal constitutes appropriate or inappropriate development.

4.2.4 Whether a proposal constitutes inappropriate development is set out in Paragraphs 145 and 146 of the NPPF. Paragraph 145 relates to new buildings whilst paragraph 146 relates to other forms of development. The lists contained within these paragraphs are closed and therefore are fixed. In this instance, the application relates to the gates, fencing, and ground works within the curtilage of a storage yard area. The ground works fall to be determined in line with paragraph 146 of the NPPF for engineering operations. However, paragraph 146 makes no reference to gates, fences, or other means of enclosures and as such constitute inappropriate development in the Green Belt and therefore should

only be allowed in very special circumstances. These two elements will now be considered in turn.

### The Fencing

- 4.2.5 As stated above the fencing would constitute inappropriate development and therefore would be deemed harmful to the Green Belt and should only be allowed in very special circumstances. The NPPF does not define what very special circumstances are, as this will depend on the merits of each case but it does make clear at paragraph 144 that '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. Furthermore paragraph 144 also states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.
- 4.2.6 The agent puts the case forward for very special circumstances that the design and siting of the fence and gates are sympathetic to the Green Belt location and are marginally (0.4-0.5m) higher than that of permitted development rights. If permitted development rights are exploited for erection of 2m fences set 2m back from highway, this would have a worse impact on the Green Belt, due to hedges and tree roots being disturbed/ removed. Furthermore ha has asserted that there would be no control over the appearance/ design/ colour of any fence erected under permitted development rights, which could result in a worse impact in terms of the visual amenity of the prominent corner location and impact upon openness within the Green Belt. It is therefore considered on balance that the harm to the Green Belt and any other harm would be clearly outweighed by the potential harm arising from the exercise of permitted development rights such that very special circumstances have been demonstrated to exist.

### Ground Works

- 4.2.7 In accordance with paragraph 146, the ground works may not be inappropriate in the Green Belt provided they preserve its openness of the Green Belt and do not conflict with the purposes of including land within it.
- 4.2.8 In this respect it is worth considering issues surrounding the concept of openness, as it applies to the determination of planning applications. Openness is the absence of built form and as such any new development would have the potential to impact on openness. Whether development detracts from openness will therefore depend on its size, scale and design. However, impacts on openness equally depend on the openness of the locality. It is noted that the site is relatively level, open and free from built form and is also well screened from all sides by mature shrubs, hedges and trees from roadside views. However, the site does have a lawful use for the storage of material which could occupy a large proportion of the site to an unspecified height.
- 4.2.9 The ground works comprise a majority of permeable stone hardstanding and it is considered that although this forms an urban feature visible in the wider context, that due to the lawful storage use of construction landscaping materials on the site, this would in effect result in no greater impact that could arise just from the lawful use of the site on the openness of this Green Belt location.

4.2.10 As such, the proposal is considered to be appropriate development in this location in accordance with paragraph 146(b) of the NPPF.

4.2.11 However, although a proposal may be considered to be acceptable in principle it is still required to meet the provisions within the development plan in respect to matters of detail. The next part of this report will go to consider the proposal in this respect.

### 4.3 Design and the Impact on Landscape Character

4.3.1 In respect to issues in relation to design Policy CP3 of the Local Plan requires that, amongst other things, developments should be: -

- (i) well-related to existing buildings and their surroundings in terms of layout, density, access, scale appearance, landscaping and materials; and
- (ii) successfully integrate with existing trees; hedges and landscape features of amenity value and employ measures to enhance biodiversity and green the built environment with new planting designed to reinforce local distinctiveness.

4.3.2 An objection has been raised by the Landscaping Officer to the works undertaken in respect to the internal area of groundworks.

4.3.3 The development comprises a 2.4m high green mesh fence around the perimeter of the site and has an internal rectangular area of fencing to delineate a compound of hardstanding.

4.3.4 The agent confirms that the applicant would be agreeable to the imposition of a condition to remove the concrete kerb stones marking the entrance for vehicles. In addition, he would agree to removal of the gabions, 1 No. shipping container and JCB from the application site.

4.3.5 The perimeter fencing, internal fencing and gates are a neutral green that are unobtrusive in appearance and blend in with the existing native hedging. Furthermore, the fall-back position of permitted development of the Town & Country Planning General Permitted Development Order (Schedule 2, Part 2 – Minor Operations) allows fencing which is located 2m away from the vehicular highway to be erected to any design and colour to a height of 2m without the requirement for planning permission. Such fencing could be close boarded, industrial (eg zinc palisade) or coloured in bright colours. Therefore internal fences of a more obtrusive design could be erected without planning permission to a slightly reduced height, which would appear much more incongruous in this semi-rural location.

4.3.6 The ground works comprise a majority of permeable stone hardstanding and given the lawful storage use of construction landscaping materials on the site, this would in effect result in no greater harm to the character and appearance of the surrounding area.

4.3.7 As such, it is considered subject to the imposition of suitable conditions to remove the items as previously noted, that the development does not detrimentally affect visual amenity, or the landscape character of the area, in

accordance with Policies CP3 and CP14 of the Local Plan and the relevant paragraphs of the NPPF.

#### 4.4 Impact on Highway Safety

4.4.1 Paragraph 109 of NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe adding at paragraph 110: -

Within this context, applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second so far as possible to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
  - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
  - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
  - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
  - e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 4.4.2 No objections have been received from local residents, however, the Parish Council have expressed concerns on the grounds that the development causes detriment to highway safety. Notwithstanding this Highways England and County Highways were consulted on the development and have no objections. Furthermore, this is an existing access point that has been indicated on aerial maps since 2010 and would have been required for the lawful use granted by the certificate in 1998.
- 4.4.3 The development is retrospective, and there have been no accident reports within the close proximity of the application site. The use of the access to and from the site would not be affected by this application as any vehicular traffic generated would be determined by activities associated with the lawful use of the site and not the physical works which form part of this application.
- 4.4.4 As such, it is considered that the development causes no significant detriment to highway, or pedestrian safety and is in accordance with paragraph 109 of the NPPF.

## 4.5 Impact on Natural Conservation Interests

4.5.1 Policy and guidance in respect to development and nature conservation is provided by Policy CP12 of the Local Plan and paragraphs 170 and 174 of the NPPF.

4.5.2 Policy CP12 of the Local Plan states that the District's biodiversity and geodiversity assets will be protected, conserved and enhanced via

'the safeguarding from damaging development of ecological and geological sites, priority habitats and species and areas of importance for enhancing biodiversity, including appropriate buffer zones, according to their international, national and local status. Development will not be permitted where significant harm from development cannot be avoided, adequately mitigated or compensated for”.

4.5.3 Paragraph 170 of the NPPF states [amongst other things]: -

“Planning policies and decisions should contribute to enhance the natural and local environment by:

- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); [and]
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;”

4.5.4 Paragraph 174 goes on to state: -

“When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”

#### Site Specific Impacts on Ecology

- 4.5.5 The site is not designated for any nature conservation purpose and is not known to support any species or habitat which is either legally protected or of ecological/ nature conservation interest, nor has any evidence been provided to suggest that the proposal would impact on any protected species that may inhabit the wider area.
- 4.5.6 The issue of impact on biodiversity has been raised by the Parks and Open Spaces Officer. However, this application can only consider impacts arising from the proposal at hand. In the main, the land comprises scrub and grass, with open storage for construction landscaping materials being the established lawful use of the land. The proposal retains the native hedges and shrubs surrounding the periphery of the site. If permitted development rights are exploited in order to secure the site, then the established hedges and shrubs would be likely to be removed, or suffer detriment to the established network of roots supplying them leading to their eventual loss. This would be more likely to affect habitat and biodiversity of the site. As such, it is considered that the proposal has no significant impact on biodiversity, in accordance with Local Plan Policy CP12.

#### 4.6 Mineral Safeguarding

- 4.6.1 The site falls within a Mineral Safeguarding Area (MSAs) for Coal and Fireclay. Paragraph 206, of the National Planning Policy Framework (NPPF) and Policy 3 of the Minerals Local Plan for Staffordshire (2015 – 2030), aim to protect mineral resources from sterilisation by other forms of development.

- 4.6.2 Policy 3.2 of the Minerals Local Plan states that:

‘Within a Mineral Safeguarding Area, non-mineral development except for those types of development set out in Appendix 6, should not be permitted until the prospective developer has produced evidence prior to determination of the planning application to demonstrate:

- a) the existence, the quantity, the quality and the value of the underlying or adjacent mineral resource; and
- b) that proposals for non-mineral development in the vicinity of permitted mineral sites or mineral site allocations would not unduly restrict the mineral operations.

- 4.6.3 The development would fall under Item 4 within the exemption list as an application for minor development and is therefore permitted. As such the proposal is compliant with Policy 3 of the Minerals Local Plan.



## 5 Human Rights Act 1998 and Equalities Act 2010

### *Human Rights Act 1998*

- 5.1 The proposals set out in this report are considered to be compatible with the Human Rights Act 1998. The recommendation to approve the application accords with the adopted policies in the Development Plan which aims to secure the proper planning of the area in the public interest.

### *Equalities Act 2010*

- 5.2 It is acknowledged that age, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation are protected characteristics under the Equality Act 2010.

By virtue of Section 149 of that Act in exercising its planning functions the Council must have due regard to the need to:

Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited;

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

It is therefore acknowledged that the Council needs to have due regard to the effect of its decision on persons with protected characteristics mentioned.

Such consideration has been balanced along with other material planning considerations and it is considered that the proposal is acceptable in respect to the requirements of the Act. Having had regard to the particulars of this case officers consider that the proposal would not conflict with the aim of the Equalities Act.

## 6 Conclusion

- 6.1 The application site lies within West Midlands Green Belt, wherein there is a presumption against inappropriate development. Inappropriate development is by definition harmful to the Green Belt and any such development should be considered a departure from the development plan.
- 6.2 The fencing element of the proposal constitutes inappropriate development in the Green Belt. Paragraph 143 of the NPPF makes it clear that inappropriate development should not be approved except in "very special circumstances".
- 6.3 It is concluded that, subject to the attached conditions, the harm to the Green Belt and to the character of the area is clearly outweighed by the above considerations such that very special circumstances exist that would justify approval of the application.

<b>Report of:</b>	<b>Development Control Manager</b>
<b>Contact Officer:</b>	<b>Richard Sunter</b>
<b>Telephone No:</b>	<b>01543 464 481</b>

**Planning Control Committee**  
**11 November 2020**  
**Changes to the Enforcement Protocol**

**Recommendation:**

Members should note the report to the Portfolio Leader and the subsequent changes to the Enforcement Protocol.

**Report to the Economic Development and Planning Portfolio Leader**

**Planning Enforcement**

The purposes of this report is to outline the changes to the work load of Planning Enforcement and also to recommend some temporary changes to the Planning Enforcement Protocol to help manage the high volume of work.

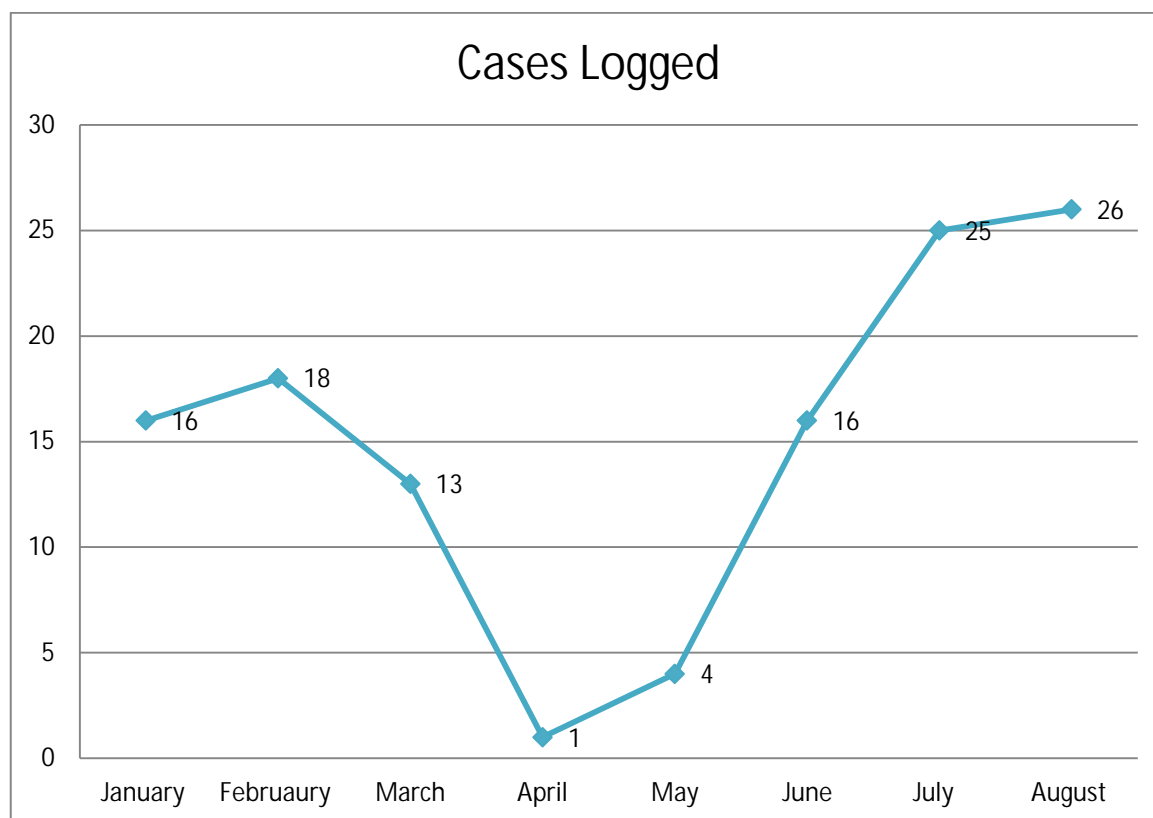
**New Cases**

When information regarding an alleged breach of planning control is received, a new case is registered which allows for a investigation to take place to establish if a breach of planning control has occurred and then prescribe a remedy on how the breach can be remedied. This involves a site visit being carried to gather information regarding the alleged breach which then allows the Enforcement Officer to make an informed profession judgement on the case. On average, from the point of a new cases being logged, an initial site visit is carried out within 1-2 weeks.

In the first 3 months of 2020, a total of 47 new cases were registered. Prior to the 18<sup>th</sup> March 2020, a number of site visits were carried out for the new cases that were logged at the start of the year. However, as a result of the restrictions imposed by HM Government in light of the COVID-19 Pandemic, site visits were suspended until the start of June 2020, unless there were overriding matters of public safety. This resulted in cases not being able to be progressed within the normal time frames as the Enforcement Officer was unable to make an assessment of the alleged breach of planning control.

From April to August, a total of 72 new cases were registered, with 51 of these cases being registered in July and August alone.

Below is a graph which illustrates the number of new cases that have been logged for the start of January 2020 to the end of August 2020.



### Workload

As a result of the large number of new cases being registered and site visits being suspended until the start of June 2020, this has resulted in the workload for Planning Enforcement becoming significantly higher than before. As a result of high volume of work, cases are not getting actioned and progressed as quick as before and also as set out in the Planning Enforcement Protocol.

Furthermore, with periods of annual leave, this has resulted in 2 weeks worth of work being left untouched by other Officers while the Enforcement Officer was on leave. Therefore, not only is there a general backlog of work to deal with, there is also a backlog created by the Enforcement Officer taking annual leave.

### Proposed Changes

In order to manage the high volume of work that the Enforcement Officer is currently dealing with in Planning Enforcement, it is advised the priority as set out on page 6 of the Planning Enforcement Protocol are amended on a temporary basis until the end of March 2021. The proposed priorities are:

- Priority 1 – No Change
- Priority 2 – within 10 working days
- Priority 3 – within 15 working days
- Priority 4 – within 25 working days

In order to manage the number of new cases being received, it is also advised that stricter parameters are put in place which would result in specific information being required for a new case to be logged. In the absence of specific information, the alleged breach of planning control may not be progressed further. The advised parameters are:

- Name, postal address, email address and phone number of complainant
- Full address for the location of the alleged breach of planning control (a map can be provided if the complaint related to an area of land)
- Description of the alleged breach of planning control
- How long has the issue been in existence (for operation development, how long as it taking place/in situ; for change of use, how long as the use been in existence)
- Photographic evidence to support the complaint (if it can be provided)

It is also advised that anonymous complainants are not pursued further except if it relates to a listed building/ structure or works within a conservation area.

### **Conclusion**

In light of the changes to working practice, the high volume of new cases and the general increased work load of Planning Enforcement, it is recommended that the proposed changes are implemented as an attempt to manage expectations of all parties involved.