

APPLICATION REPORT – 18/00024/FUL

Validation Date: 8 March 2018

Ward: Heath Charnock And Rivington

Type of Application: Full Planning

Proposal: Change of use of the land to a residential Gypsy and Traveller site involving the siting of two mobile homes and five touring caravans (one of which is for storage only when not away travelling) and retention of the utility block and access

Location: 2 Heath Paddock Hut Lane Heath Charnock Chorley PR6 9FP

Case Officer: Mr Iain Crossland

Applicant: Mr Michael Linfoot

Agent: Mr Michael Hargreaves

Consultation expiry: 2 April 2018

Decision due by: 3 May 2018

RECOMMENDATION

1. It is recommended that planning permission is granted subject to conditions for a temporary period of 3 years.

SITE DESCRIPTION

2. The application site is located in the Green Belt some 5 kilometres from Chorley town centre, and some 2 kilometres from the centre of the village of Adlington, which merges into the adjoining village of Heath Charnock.
3. The site comprises approximately 1,372 square metres of land located on the eastern side of the M61 between the motorway and Hut Lane and lies to the south of residential properties at Olde Stoneheath Court and Red Row. It is situated between the settlement areas of Adlington and Chorley and forms the south western portion of the larger triangular site of 2,527 square metres of Heath Paddock which is screened by fencing and tree planting on all three sides.
4. The character of the area is rural, with clusters of housing. The M61 motorway and associated motorway structures are also a defining feature of this area.

DESCRIPTION OF PROPOSED DEVELOPMENT

5. The application seeks planning permission for the permanent change of use of the land to a residential Gypsy and Traveller site, involving the siting of two mobile homes and five touring caravans (one of which is for storage only when not away travelling) and retention of the utility block and access. The application also seeks consent for a relaxation of a condition of an earlier planning permission (15/00562/FUL), which restricts the carrying out of business uses on the site.

APPLICANT'S CASE

6. In June 2009 Mr Linfoot, his partner Mr Boswell, and their families moved caravans onto the site, and applied for planning permission for a change of use to residential purposes with the siting of 16 caravans. The Council refused permission in August 2009, and issued enforcement notices. Following a public inquiry the appeals against refusal of planning permission and enforcement notices were dismissed in May 2010.
7. Mrs Linfoot's sister, Anne Marie Boswell and her family left the site around May 2011, because of an offer of a pitch elsewhere, and to help reduce the number of caravans on the site. However, their desire has always been to live as part of the extended family in or near to Chorley.
8. In June 2011 Mr Linfoot and Mr Boswell submitted a second planning application for a reduced quantum of development (two mobile homes, four touring caravans, a double utility block, and the storage of two touring caravans), then appealed against non-determination of that application. Following a public inquiry in February and March 2012, the appeal was dismissed in May 2012.
9. Mr Linfoot challenged the Inspector's decision under S.228 of the Town and Country Planning Act. The Boswells left the site in August 2013 because it is understood that they did not want the financial risk of losing the legal challenge.
10. The Treasury Solicitor conceded that the Inspector's decision was not sound, but not that of the local planning authority, and there was a High Court hearing in November 2012. In his judgement, Judge Sycamore quashed the decision because the Inspector had failed to give adequate reasons for rejecting a temporary permission.
11. The Council pursued an injunction to exclude the families from the site. At a pre-trial review in February 2013 Mr Linfoot agreed, if the forthcoming redetermination of the quashed appeal was unsuccessful, that he would vacate the site within 3 months of such a decision.
12. In April 2013 Mr Linfoot submitted a further application for change of use of 2 Heath Paddock. The scale of development was further reduced to two static caravans, three touring caravans (one for storage on the site) and retention of the utility block. The application was for a temporary period. Reflecting Government guidance the period applied for was long enough so that it should avoid the need for a second temporary permission, and was for four years.
13. In April 2013 provision for Gypsies and Travellers was considered at the Chorley Local Plan examination. Following the session on Gypsies and Travellers the Inspector indicated that the plan was not based on robust evidence and risked failing the soundness test. The outcome was that the examination was suspended while the Council commissioned an updated Gypsy and Traveller Accommodation Needs Assessment (GTAA).
14. In July 2013 the application was approved for a two year period lasting until 9 July 2015.
15. In July 2013 Chorley, Preston and South Ribble Councils commissioned a needs assessment, which was published in January 2014. It suggested a need for 5 permanent residential pitches in Chorley.
16. In 2014 the Council consulted on alternative locations for a Gypsy and Traveller site, and following consultation, determined it should be within the Cowling Farm site.
17. The updated Central Lancashire GTAA was published in June 2015. It suggested a need for ten pitches in Chorley to 2026.
18. In her May 2015 Supplementary Report, the Inspector indicated that on the basis of modifications relating to the Cowling Farm allocation, and commitments to undertake further

work on the needs assessment and bring forward a joint Gypsy, Traveller and Travelling Showpeople plan with Preston and South Ribble councils, that the Local Plan was legally compliant.

19. With the initial temporary permission about to run out, on 9 June 2015 Mr Linfoot applied for a further temporary planning permission, 15/00562/FUL. On the basis that it needed to be long enough so the applicants wouldn't need to apply for a third permission – as they are now having to do - the application sought consent for four years. The application sought to vary the scheme approved in July 2013 in three ways:
 - it proposed allowing Mrs Linfoot's brother and sister and their immediate families to occupy the site;
 - it sought to increase the number of caravans on the site from five, including two mobile homes, to seven, including two mobile homes;
 - to enable the family to carry out occasional business activity, it proposed storage of materials and equipment for up to 50 days a year on a small area of the site adjacent to the M61.
20. On July 21 2015 the Council adopted the Local Plan, including provision for a Gypsy and Traveller site providing at least 5 pitches on Cowling Farm.
21. Planning application, 15/00562/FUL was approved on 18 September 2015. The officer report indicated concerns about the clarity and enforceability of a condition which allowed commercial activity for a proportion of the year and the proposal to allow temporary storage was considered to be unacceptable and prevented through the imposition of a condition.
22. Although the report stated that 'The addition of two further caravans is not considered to be of a scale to cause any adverse impact on the area or result in the loss of amenity to neighbouring residents', the permission was limited to the two static caravans, and three touring caravans (one for storage on the site). Again this element of the proposal was not considered to be acceptable and the number of caravans allowed on site was restricted by condition.
23. The Committee Report made the case that 2½ years would be adequate to prepare the Cowling Farm masterplan, and develop the Gypsy and Traveller section of the site, and the second temporary planning permission was granted on that basis on 18 September 2015.
24. In the event, negotiations between the Council and the Homes and Communities Agency over Cowling Farm site have been much more protracted than the Council anticipated, and the masterplan has not yet been produced although it is now in the process of being prepared with consultation expected to start soon.
25. On 13 January 2018, Mr Linfoot submitted a S.73 application, 18/00024/FUL that sought to make the permission permanent, and to increase the provision to two static caravans and five touring caravans (one for storage on the site) as had been previously applied for, but not approved in 2015 (ref.15/00562/FUL).
26. On 2 March 2018, the Council wrote to the applicant's agent indicating it had not validated the application on the basis that the proposed change from the temporary consent under planning approval 15/00562/FUL to permanent use of the site would not be within the scope of s.73 of the Act, and to make the use of the site permanent a fresh application would be required.
27. The Proposed Site Plan shows the proposed layout with two mobile homes, and seven touring caravans. It also shows an area of some 4 by 2 metres adjacent to the M61 boundary which the applicant is proposing can be used for storage of materials and equipment.
28. Reflecting Government guidance against second temporary permissions, the suitability of the existing site as a Gypsy and Traveller site (apart that it is in the Green Belt), and their own preferences, the Linfoots are applying for a permanent planning permission.

29. Mrs Linfoot's brother John Bird, his wife and their three children aged 16, 14 and 12 do not have a secure base. Because of the lack of accommodation in Chorley they are renting space in a private garden in Lancaster, but do not have security. Mrs Linfoot's sister, Anne Marie Boswell and her husband and their younger son are currently renting a Council pitch in Blackpool, but at times Anne Marie needs support from the family and to be able to stay on the Hut Lane site. Anne Marie Boswell's elder son, Clonus is already authorised to occupy the site. Mrs Bird's elder sister, Mrs Linfoot's aunt is in poor health, and she may need to stay on the site for lengths of time in the future. The applicant is, therefore, applying to site two additional touring caravans on the site, which would be available to be used by members of the Bird / Linfoot family.
30. The applicants emphasise that the increased accommodation on the site would not be adequate for all the family's accommodation needs. It is a response to the general shortage of accommodation and insecurity among Gypsies and Travellers. It would give flexibility to be able to offer accommodation to different members of the extended family if they are in a position of need.
31. It has always been the applicant's position that the January 2014 Central Lancashire GTAA underestimated needs, including by not taking account of the needs of Mrs Linfoot's brother and sister and their respective families. This is confirmed by the 2015 Central Lancashire GTAA, which indicated a need for ten pitches in Chorley to 2026, eight of the pitches for the Linfoot / Bird family.
32. Condition 7 to the temporary permission excluded any commercial activities, including the storage of materials, plant and equipment. The applicant asserts that this constrains the family's ability to make a living, and adds to the Council enforcement team's workload. The scale of activity the applicants would want the freedom to be able to carry out is the storage of materials related to Mr Linfoot's roofing business, and the storage of Christmas trees etc related to the traditional Gypsy trade of supplying Christmas trees and holly wreaths. Paragraphs 13h) and 18 of Planning policy for traveller sites recognise that Travellers often need to use their home to support employment activities.

REPRESENTATIONS

33. Representations in support of the application have been received from the occupiers of 68 addresses. Of these representations 7 were received from addresses within the ward, 33 were received from addresses within the Borough and 28 were received from addresses outside Chorley. The comments made are summarised below:
- There is a shortage of housing and traveller sites in the country.
 - The site is not open countryside.
 - The site is brownfield and not Green Belt.
 - The development improved an area of previously developed land.
 - The Green Belt boundary should be altered to exclude the application site.
 - Why did planning for Olde Stoneheath Court not raise issues related to GB? Houses were built on previously developed Green Belt.
 - Granting permission will not result in unrestricted sprawl of large built up areas – contained by M61 and Hut Lane – continued use will not encourage neighbouring towns to merge for this reason – will not lead to encroachment.
 - There would be no impact on character of the area due to screening features.
 - No alternative provision has been made yet.
 - Temporary permission should be granted until the Cowling site is made available.
 - A new site will cost tax payers more money.
 - The Local Plan will become unsound if a Gypsy Traveller site is not developed and the application site is not approved.
 - The family have a right to a settled and secure way of life.
 - The site is well maintained and has been improved. It was previously unsightly.
 - The applicants are good people who add positively to the community.
 - The family are now part of the community.

- The family have been targeted because they are Gypsy and Travellers.
 - The family should not be put under such stress and scrutiny.
 - There has been no adverse impact on the residents of Olde Stoneheath Court.
34. Representations objecting to the application have been received from the occupiers of 43 addresses. Of these representations 22 were received from addresses within the ward, 13 were received from addresses within the Borough, 5 were received from addresses outside Chorley and 3 are from unknown addresses. The issues raised are summarised below:
- The Green Belt should be protected.
 - Gypsy and Traveller sites are inappropriate development in the Green Belt.
 - Others would not get away with building in the Green Belt unlawfully.
 - The land was not previously developed and was not unsightly.
 - The development set a bad example to other who may consider unlawful development in the Green Belt.
 - There is no case for the intensification of the site.
 - The application should be refused and temporary consent granted for a minimum period for the council to deliver the allocated site.
 - The site is an eyesore.
 - The development was unlawful.
 - The Cowling Farm site should be delivered without delay.
 - The site is occupied permanently by the same family.
 - Local residents feel intimidated.
 - The family have not integrated.
 - Lowers tone of a desirable area
 - The settled community are opposed to this.
35. An objection has been received from Paul Sedgwick on behalf of a group of local residents, and is set out as follows:
36. The Hut Lane site is in the Green Belt and therefore there is a strong presumption against development that is inappropriate in the Green Belt. It is recognised in the government's Planning Policy for Traveller Sites that traveller sites are inappropriate development, whether they are permanent or temporary.
37. The site and adjoining land was initially occupied unlawfully as a traveller's site by 16 caravans in 2009. Consent was eventually granted by the retrospective approval of temporary planning permission for 2 static caravans, three touring vans (one used for storage only) and the facilities block. Consent for this use was renewed on a 2 ½ year temporary basis in September 2015, although the application sought to vary the scheme in three ways:
- it proposed allowing Mrs Linfoot's brother and sister and their immediate families to occupy the site;
 - it sought to increase the number of caravans on the site from five, including two mobile homes, to seven, including two mobile homes;
 - to enable the family to carry out occasional business activity, it proposed storage of materials and equipment for up to 50 days a year on a small area of the site adjacent to the M61.
38. The council did not find these proposals acceptable and limited the consent to the formerly approved scale in the temporary planning permission.
39. The current application again seeks to increase the occupancy of the site by retaining the existing development, the inclusion of two additional mobile homes and use of part of the site for business use and storage. It also seeks permanent consent for the site.
40. It is recognised that there is an unmet need for traveller accommodation in Chorley, and in July 2015 the council undertook to meet this need within a 5 year period by allocating a site at Cowling Farm. Regrettably, the Council and the HCA have failed to progress this site,

even to the masterplanning stage, and therefore the applicants are faced with the expiry of the temporary consent without being able to occupy the allocated site. However, the site is in the Green Belt and is inappropriate for development. National policy set out in Planning for Travellers Sites (PPTS) notes at §27 that a lack of 5 year supply of sites is not to be considered a significant material consideration in determining applications for sites in the Green Belt. Outside of the Green Belt the lack of sites would have significant weight in determining applications for temporary permission, but even here, footnote 9 of PPTS makes it clear that there is no presumption that a temporary consent would be made permanent. Given that the allocated site is being brought forward by Chorley Council and the HCA, there is no requirement for a permanent travellers site in the Green Belt and to allow this would be a significant offence to national and local planning policy.

41. The material considerations in determining the current application are:

- Temporary consent has been previously granted for this development in the Green Belt, even though it is not considered to be a sustainable location;
- A site is allocated in the development plan at Cowling Farm and the Council has undertaken to bring that forward by June 2020. This undertaking was necessary for the Inspector to find the travellers sites policies of the local plan to be sound.
- The LPA, in determining the previous application, has already found the proposals to intensify the use of the site as proposed in the current application to be unacceptable.
- There have been no material changes in circumstances since the previous application was approved to justify giving the site permanent consent, or allow the intensification of the use or the inclusion of a business use within the site as previously rejected by Chorley council in determining previous applications on the site.
- There is clear evidence in the submitted DAS and in recently posted public comments by the applicant that there is a continuing deep conflict between the great majority of other residents and the travellers. It is an objective of national policy (PPTS §4i) that in plan-making and decision-taking that local authorities should act so as to reduce tensions between the settled and travelling communities. Such tensions run high at Hut Lane and have continued unabated since the travellers first unlawfully occupied the site. The allocation of the permanent site at Cowling Farm is in conformity with the objective to reduce such tensions, but to grant permanent or intensified temporary consent at Hut Lane would serve to further entrench the tensions clearly identified by the applicants.

42. The delay in bringing forward the allocated permanent accommodation on the Cowling Farm site is much regretted as this would provide accommodation available to the applicant's and his family that did not offend national or local policy by being inappropriate development in the Green Belt. In the absence of this alternative, it is accepted that the existing residents have a continuing need of accommodation and a further temporary consent at Hut Lane would be accepted providing that this ends no later than June 2020, which is the date that the LPA has undertaken to have the allocated site available.

43. It is noted that the local plan is now being reviewed as part of the Central Lancashire Local Plan and if the Cowling Farm site does not come forward by mid-2020 it will severely undermine the Chorley council's ability to demonstrate its authority in competently managing the accommodation of travellers in bringing forward its reviewed policies in the joint local plan.

CONSULTATIONS

44. Lancashire Highway Services: Have no objection

45. Waste & Contaminated Land: Have no comments to make

46. United Utilities: No comments have been received

47. The Coal Authority: Have no objection

48. Heath Charnock Parish Council: Considered this application at its meeting on 10 April 2018. The Parish Council considers that the proposal is not an appropriate form of development in the Green Belt which should be protected. The Parish Council understands that despite the delay, Chorley Council is still in negotiation with Homes England (formerly the Homes and Communities Agency) to secure funding to implement the development of the site that is allocated in the approved Chorley Local Plan 2012-2026 at Cowling Farm (in line with its policy HS1.5/EP1.6) as its statutory provision for a minimum of 5 permanent Gypsy and Traveller pitches on 0.4ha of land. No further development of the Hut Lane site should take place until the Cowling Farm site is ready for occupation in view of past problems with the Hut Lane site'.

PLANNING CONSIDERATIONS

Planning History

49. During the 1990s, the land was used to store timber and wood shavings without planning permission and enforcement action was taken. An appeal against the enforcement notice was dismissed and the land was cleared of stored timber and sawdust. The land then regenerated naturally with trees and undergrowth covering the site until 2008 when the trees and undergrowth were removed. In 2008, an application was submitted to erect a stable on the land together with an exercise area for horses. The application accorded with both green belt policy and the Council's supplementary planning guidance on development involving horses and was granted planning permission.
50. In June 2009, the Council received reports that caravans had been moved onto the land and were being occupied for residential purposes. On investigation it was found that 12 caravans were being occupied for residential use on the land and that other vehicles and a catering trailer were parked on the land. The land itself had been covered with hardcore materials to form an area of hardstanding and a utility block had been erected, together with gate pillars, lighting and a new vehicular access formed. As the site lies within the Green Belt it was considered expedient to issue a Temporary Stop Notice to prevent any further development taking place.
51. A planning application was submitted retrospectively to the Council for consideration in respect of the development and sought temporary permission for a period of 3-4 years, and this was considered by Development Control Committee on the 18 August 2009 when members resolved to refuse the application and authorised the issue of enforcement notices in respect of the unauthorised development on the land.
52. Following the issue of enforcement notices, the notices were appealed together with the refusal of planning permission. The appeals were heard at a Public Inquiry in March 2010; the appeals were dismissed on 13 May 2010, and the enforcement notices upheld with variations
53. Following the Inspector's notice of decision, legal challenges seeking leave to appeal the Inspector's decision were lodged with the High Court under Sections 288 and 289 of the Town and Country Planning Act 1990 and a hearing was held on the 23 September 2010 in the High Court at Leeds when leave to appeal the decision under Section 289 was refused. The right of appeal was on a point of law and could not, therefore, reconsider the arguments put before the Planning Inspector. However, the challenge under Section 288 was not heard at the same hearing and was subsequently withdrawn on 1 November 2010. As a result of the withdrawal of the challenge under Section 288 the compliance periods allowed with the Enforcement Notices began to run.
54. The first period for compliance expired on the 24 June 2011 when the caravans and other vehicles should have been removed from the land. The second compliance period expired on the 21 September 2011 when other restoration works requiring the removal of hardstanding and other operational development were required to be carried out. Following the expiry of the first period of compliance with the enforcement notice on 24 June 2011 the steps required to comply with the notice were not taken and legal proceedings were commenced. The case was heard at Lancaster Crown Court on the 12 November 2012 for

mitigation and sentencing following guilty pleas. The court fined Mr Linfoot £400 and gave a 12 months conditional discharge to Mr Boswell the joint owners of the land.

55. On the 3 June 2011 the Council received a further planning application for the land in respect of:- "Change of use of land for the siting of 4 static caravans and 2 touring caravans for residential use, the storage of 2 touring caravans when not in use for working away, retention of double utility block, provision of double stable block, retention of reduced area of hard surface for exercising horses, retention of hard standing for 3 vehicles plus horse box trailer to north of site and provision of new hardstanding for 3 vehicles plus horse box trailer together with retention of existing access at north west corner of site". This represented a decrease in the number of caravans that were on the site when the unauthorised development originally took place.
56. The planning application was due to be determined by the 23 August 2011. Changes made to the planning application during its consideration required further consultation on the planning application, which meant that the planning application was unable to be determined until after 23 August 2011. That application was appealed as the Council had not determined the application within the required period. A report on the planning application was made to the Development Control Committee meeting on the 6 September 2011 with a minded to refuse recommendation which was agreed to by committee. In other words, Council Members confirmed that, had the Council been in a position to determine the planning application, it would have refused it. The appeal was dealt with by Public Inquiry on the 7, 8 and 9 February and 23, 30 March 2012. On the 22 May 2012 the appeal was dismissed.
57. Following the Inspector's notice of decision a legal challenge was lodged by the applicant against the Inspector's decision with the High Court under Section 288 of the TCP Act 1990 and a hearing was held on the 7 November 2012 in the High Court at Manchester. The decision of the Judge was to quash the Inspector's decision and remit the case back to the Planning Inspectorate for rehearing. The challenge was successful on the very narrow ground of temporary permission and adequate reasoning. A date for a new Public Inquiry was set for the 24, 25, 26 and 27 September and 1 October 2013.
58. On 4 February 2013 the Council obtained an injunction against members of the Bird, Boswell and Linfoot families. As part of that process Mr and Mrs Boswell gave an undertaking, conditional on planning consent not being granted for the siting of caravans on the land, not to take up residence on the site. Mr Linfoot agreed, if the redetermination of the appeal was unsuccessful, that he would vacate the site within 3 months of such a decision.
59. On the 26 April 2013 a planning application was submitted for the continued temporary use of the site relating to a reduced site area. Temporary planning permission was granted for a period of 2 years which expired in July 2015.
60. A further planning application seeking a further temporary permission was submitted in June 2015. This was approved subject to a temporary period of 2.5 years, in consideration of an allocated Gypsy and Traveller site and its anticipated delivery timescale.
61. The allocated Gypsy and Traveller site has not yet been delivered and the current application has been submitted in the absence of an alternative Gypsy and Traveller site in the area, and on the basis that the temporary permission granted under application reference 15/00562/FUL expired on 8 March 2018.

Principle of development

62. The site is located in the Green Belt. The National Planning Policy Framework (the Framework) sets out the importance attached to Green Belts at paragraphs 79-92. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
63. Paragraph 89 of the Framework states that the construction of new buildings in the Green Belt will be considered inappropriate. Six exceptions to inappropriate development are listed,

of which none are directly relevant to this case. Paragraph 90 states that five other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. Again, none of these other forms of development are relevant to this proposal.

64. Paragraph 88 states that “when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.”
65. The Government first published ‘Planning Policy for Traveller Sites’ (PPTS) alongside the Framework in 2012. These documents replaced all previous national planning policy in respect of Gypsies and Travellers and Travelling Showpeople. The PPTS was then revised in August 2015.
66. The PPTS is a material consideration in determining planning applications and its overarching aim is to ensure fair and equal treatment for Travellers. It encourages local planning authorities to make their own assessment of need for the purposes of planning, and plan for sites over a reasonable timescale. It aims to promote more private Traveller site provision while recognising that there will always be those Travellers who cannot provide their own sites. It states that plan making and decision taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective.
67. It is within this national policy context that local planning authorities have to plan future provision for Gypsies and Travellers and Travelling Showpeople across their respective areas. The policy emphasises the role of evidence and how it should be used to plan positively and manage development and stresses the need for timely, effective and on-going community engagement (both with Travellers and the settled community). It also requires the use of a robust evidence base to establish accommodation needs to inform the preparation of local plans and make planning decisions.
68. Policy E (Traveller sites in the Green Belt) of the PPTS states that “Traveller sites (temporary or permanent) in the Green Belt are inappropriate development.”
69. The Central Lancashire Core Strategy does not identify any targets for new provision of pitches for Gypsies and Travellers and Travelling Showpeople as no need was identified at that time. Rather, under Policy 8: Gypsy and Traveller and Travelling Showpeople Accommodation, it provides a mechanism through which new provision can be made should a need be identified. This advocates sustainable locations with suitable highway access and space within the site for parking, turning of vehicles and storage of equipment.
70. The Chorley Local Plan 2012-26 was adopted on 21 July 2015. Of particular relevance is Policy HS11 relating to provision for Gypsies and Travellers, allocating a site for a minimum of 5 permanent pitches on 0.4ha of land within the mixed use allocation HS1.5/EP1.6 Cowling Farm.
71. This allocation resulted from an updated Gypsy & Traveller Accommodation Assessment (GTAA). This assessed accommodation needs throughout Lancashire, including Chorley and was commissioned in July 2013. It found a need for 5 permanent pitches in Chorley and a transit need of 15 pitches across Central Lancashire (If provided individually Chorley’s specific need is 3 transit pitches). No need for a Travelling Showpersons site was found.
72. In June 2015 the final Central Lancashire (GTAA) was published which assessed the accommodation need of Gypsies and Travellers and Travelling Showpeople for each Central Lancashire authority and identified the need for new provision.
73. The GTAA found a need for 4 Transit Traveller pitches across Central Lancashire, and a number of Permanent Pitches; 10 in Chorley, 1 in South Ribble and 22 in Preston. However,

the National Planning Policy for Traveller Sites was then revised with a stipulation that a Traveller/Travelling Showperson must demonstrate that they travel in order to meet the definition. Accordingly, the Councils revised their figures, discounting the estimated need from hidden households as there is no mechanism for quantifying that need. In these cases, they consider that Core Strategy Policy 8 adequately covers any need that may arise from hidden households over the plan period. The need has, therefore, been revised to 4 Transit Traveller pitches and 10 permanent pitches in Chorley, 0 in South Ribble and 22 in Preston.

74. The siting of caravans and mobile homes does not fall within any of the exceptions to inappropriate development as set out in the Framework. Furthermore the PPTS states that "Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. The proposed development, therefore, constitutes inappropriate development in the Green Belt. Substantial weight should be attached to the harm by reason of inappropriateness as set out at paragraph 88 of the Framework. There would also be an impact on openness through the siting of the caravans, mobile homes and utility block.
75. As the proposal is considered to be inappropriate development the tests of paragraph 88 of the Framework are engaged. This sets out that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
76. The harm to the Green Belt comprises:
 - Harm to the Green Belt by reason of inappropriateness to which substantial weight is attached;
 - Harm to openness to which substantial weight is attached.
 - The harm to the purposes of the Green Belt are set out at paragraph 80 of the Framework, which identifies the five purposes of the Green Belt. An assessment of the application site in relation to the five purposes is set out below:
77. Purpose 1: Check the unrestricted sprawl of large built up areas. The site is located between a housing development at Olde Stoneheath Court, Hut Lane and the M61 motorway, which form clear boundaries to the site. The site is not adjoined to any large built-up area and as such does not fulfil this purpose. The site occupies an enclosed pocket of land and is enclosed by robust and defensible boundaries. Accordingly, the proposed development would not have any material adverse impact on this purpose.
78. Purpose 2: Prevent neighbouring towns merging into one another. Development of the site would not lead to the coalescence of neighbouring villages. The site is located between the nearby settlements of Chorley and Adlington, which are currently separated by existing open countryside. The proposed development would not, therefore, advance the urban form any closer to any of these settlements nor lead to their coalescence.
79. Purpose 3: Assist in safeguarding the countryside from encroachment. The previous development has resulted in the laying of hard surfacing to previously open land for the siting of two mobile homes, three touring caravans and a utility block. This has extended the urban form already presented by the residential development at Olde Stoneheath Court, and introduced built form, moveable structures and domestic paraphernalia further into the open countryside. The proposed development would, therefore, result in encroachment of the countryside.
80. Purpose 4: Preserve the setting and special character of historic towns. This does not apply as the site is not located near a historical town.
81. Purpose 5: Assist in urban regeneration, by encouraging the recycling of derelict and other urban land. The proposed development would have no clear impact on urban regeneration objectives, particularly so given that the allocated Gypsy and Traveller site is not located in an urban area.

82. Based on the above it is considered that the proposed development would be harmful to purpose three of the five purposes of the Green Belt, as the development does result in encroachment to which substantial weight should be attached.

Visual impact

83. Prior to the current development, the site was open in nature and had been covered with trees/undergrowth.
84. The development subject of this application is urban in appearance with views of gated access points, stone pillars and caravans and vehicles on the site when seen from public viewpoints, from Hut Lane to the west and, in particular from the motorway bridge at a higher level. This has a discordant effect on the character and appearance of the area. The addition of a further two touring caravans would intensify this effect.
85. Existing vegetation outside of the application site serves to screen the development during the summer months from some vantage points and further planting has been added to the site boundaries although the nature of views into the site particularly from the motorway bridge reduce the effectiveness of any planting. During winter months, when there is no leaf cover, the impact of the development is more obvious within the locality and more damaging visually to the rural landscape. This fact was acknowledged by the Inspector during the consideration of the last appeal in 2012 and is one of the reasons why the development is not acceptable on a permanent basis. It is, therefore, considered that the development results in moderate harm to the appearance of the site and character of the area.

Impact on neighbour amenity

86. At the Public Inquiry in 2012 the Inspector considered that the effect on the outlook of no. 3 Olde Stoneheath Court (the nearest property to the site) was acceptable as a result of the scale of the original site development having been reduced to its current size. The proposal is now to add two further caravans to the current site to accommodate additional family members identified by the GTAA. The additional caravans are shown to be sited next to two of the existing touring caravan pitches, and whilst these may be viewed from no. 3 it is not considered to be a reason to resist the development. The scale and siting does not dominate the outlook from no. 3 and is, therefore, considered acceptable. In terms of additional traffic movements there would be an additional two vehicles parked at the site. Lancashire County Council Highways have no objection to the proposal. The increase in traffic movements is not considered to be of a scale to cause any significant loss of amenity to occupiers of neighbouring property. It is, therefore, considered that no harm would arise through the impact on neighbour amenity.

The case for Very Special Circumstances

87. The applicant's case for very special circumstances centres around the desire of the applicant and his wider family to live in Chorley, and that since their initial occupation of the site in 2009 the family has become settled within the community. In particular the three children attend local schools and Mr and Mrs Linfoot both work in the area, and are active in the community. Mrs Linfoot is a school governor. The family are established in the area and require stability in order to help their children to thrive.
88. Mrs Linfoot's brother John Bird, his wife and their three children aged 16, 14 and 12 do not have a secure base. Because of the lack of accommodation in Chorley they are renting space in a private garden in Lancaster, but do not have security. Mrs Linfoot's sister, Anne Marie Boswell and her husband and their younger son are currently renting a Council pitch in Blackpool, but at times Anne Marie needs support from the family and to be able to stay on the Hut Lane site. Anne Marie Boswell's elder son, Clonus is already authorised to occupy the site. Mrs Bird's elder sister, Mrs Linfoot's aunt is in poor health, and she may need to stay on the site for lengths of time in the future. Two additional touring caravans are therefore proposed on the site, which would be available to be used by members of the extended Linfoot family.

89. Further to this the revised GTAA has found a need for 4 Transit Traveller pitches and 10 permanent pitches in Chorley. The GTAA that was published in June 2015 identified the need for 10 pitches. The temporary permission allowed 5 caravans to occupy the site, of which no more than 2 could be a mobile home. This provision enables three households to occupy the site. It is the applicant's contention that the provision of two additional touring caravans would provide the flexibility to enable the three households, who have expressed a desire for accommodation in Chorley, to live on the site at different intervals, but would not enable all of these to occupy the site at any one time. The applicant contends that two of the additional pitches identified in the GTAA are now required to meet the identified need.
90. Policy HS11 of the Chorley Local Plan relating to provision for Gypsies and Travellers, allocates a site for a minimum of 5 permanent pitches on 0.4ha of land within the mixed use allocation HS1.5/EP1.6 Cowling Farm. This site has not yet been progressed and, therefore, no alternative provision for the Linfoot family exists in Chorley at present.

Green Belt balancing exercise

91. It has been established that there is definitional harm to the Green Belt as the proposal is inappropriate development in the Green Belt and also that there is further harm due to the impact on openness, which essentially means free from development, which the site will not be.
92. It is considered that there would be further harm to the purposes of including land within the Green Belt through encroachment resulting in substantial harm. There would also be a visual impact, which would result in moderate harm.
93. At the time of the 2013 temporary permission (13/00385/COU) it was considered that very special circumstances were satisfactorily demonstrated. The 2015 application (15/00562/FUL) sought to increase the scale of development by increasing the number of caravans on the site by two (to accommodate other family members who had been identified as part of the assessment of need in the 2015 GTAA). It was considered that this need could be met for a temporary period on the site, which would be a very special circumstance as an exception to inappropriate development in the Green Belt. Physically, the addition of two further caravans was not considered to be of a scale to cause any adverse impact on the area or result in the loss of amenity to neighbouring residents.
94. In respect of the current application, the supporting documentation seeks consent to make permanent the consent granted in 2015 and to increase the number of caravans by two to house extended family members and their dependents. Some of these persons are said to be renting a council pitch in Blackpool and a private Garden in Lancaster. One of these people 'needs support from the family and to be able to stay on the Hut Lane site'. No explanations of circumstances or specific reasons are given. Another, 'an aunt, is in poor health, and she may need to stay on the site for lengths of time in the future.' No evidence is given to expand on the individuals' circumstances or specific medical or other needs or why these cannot be met elsewhere, however, the GTAA itself has identified the need for additional pitches in Chorley up to 2026. Almost three years have passed since the previous application was assessed and the need in the GTAA identified. It is, therefore, accepted that the needs of the wider Linfoot family to have access to pitches in Chorley has become more pressing. Given that most GTAA households generally consist of a mobile home and touring caravan it is considered that the addition of two pitches for touring caravans would represent a modest increase in accommodation supporting a very gradual incremental increase in the ability of GTAA households identified by the 2015 study to have a presence in Chorley. Officers in the Council's Planning Policy team confirm that this would be reasonable step towards meeting the need identified in the GTAA at this moment in time, and in advance of delivering the Cowling Farm site.
95. The applicant states that the Council's 2014 GTAA underestimated the needs of these extended family members and that even if this application proposal is approved, 'the increased accommodation on the site would not be adequate for all the extended family's

accommodation needs', which reflects the incremental nature of the additional two touring pitches proposed. The applicant's statement that 'it would give flexibility to be able to offer accommodation to different members of the extended family if they were in a position of need' gives further credibility to this approach of gradually meeting the needs of the extended family and need set out in the GTAA.

96. The Linfoot's desire to live on the site, their community ties and need to form a stable basis on which to support their family do not constitute the very special circumstances required to overcome the definitional harm to the Green Belt and additional harm caused through encroachment and visual impact, which must be accorded substantial weight in line with the Framework, in consideration of a permanent Gypsy and Traveller site.
97. However, the circumstances under which the temporary permissions granted in 2013 and 2015 remain. The allocated Gypsy and Traveller site at Cowling remains undeveloped and has not progressed as had been anticipated, although Masterplanning work is now underway. However, the Linfoot family have no alternative provision within the borough, yet continue to have a need to support their family and provide stability to their children as settled members of the Chorley community. In the absence of an alternative site, it must be concluded that there continue to be very special circumstances to support a temporary permission, for the development, until such time that an alternative Gypsy and Traveller site is made available.
98. As such it is considered that the needs of the Linfoot family as a settled Gypsy and Traveller group within the Borough, the identified need for Gypsy and Traveller pitches in Chorley as set out in the revised GTAA, and the lack of an alternative Gypsy and Traveller site in the Borough provide very special circumstances to support a temporary permission, with two additional pitches for touring caravans, until such time that an alternative site is made available that, on balance, outweigh the harm to the Green Belt and any other harm. The proposal, therefore, complies with paragraphs 87 and 88 of the Framework, on the basis of a temporary consent, with a time limit linked to the delivery of the Gypsy and Traveller site allocated within the Chorley Local Plan 2012 - 2026.
99. Based on the Council's timescale for delivery of Cowling Farm, it had been expected that the process would be completed in summer 2016. However, in the event this has proven to be more complex and challenging than originally envisaged. Based on a recent project planning exercise undertaken by Chorley Council, which includes detailed milestones for the delivery of the Cowling Farm site, it is considered that a period of 3 years will be required in order to allow for the site to be ready, with some allowance for slippage to avoid the need for a further such application. The delivery of the Cowling Farm site is within the control of the Council and a temporary permission on this basis is, therefore, considered to be justifiable.
100. It is concluded that, on balance, there are very special circumstances for the retention of the existing development for a temporary period, with the addition of two touring caravan pitches, which outweigh the substantial harm (by reason of inappropriateness) and the harm to openness, together with the other harm (particularised above).

Relaxation of commercial restriction on site

101. The previous temporary permission was subject to the following condition:
102. "No commercial activities shall take place on the land including the storage of materials, plant or equipment. Reason: In order to protect the amenities of the area and the residential occupiers of dwellings in the vicinity."
103. The applicant seeks a relaxation of the condition on the basis that this prohibits storage even for activities, which he considers to be ones that could be carried without planning permission and at certain times of the year.
104. The condition seeks to strike a balance between the reasonable day to day activities of the applicant to park his work vehicle and travel to and from work and to protect the

amenities of the Green Belt and occupiers of residential properties in the vicinity. To permit temporary storage at certain times of the year would be inconsistent, it would either need to be accepted for the whole period of occupation or not at all in that if it is not acceptable to interfere with the openness of the greenbelt and amenities in the spring, summer or autumn then it is equally unacceptable in the winter. Allowing commercial uses goes beyond that and with the increase in occupants at the site has the potential for increased commercial activity which may give rise to further harm. It is also considered realistic that the applicant could rent a commercial storage facility on an appropriate site in the Borough within a commutable distance of the Hut Lane site. The current condition is reasonable, clear and enforceable and it is, therefore, considered that such a condition should be re-imposed should planning permission be granted.

OVERALL CONCLUSION

105. Planning policy for Travellers sites states that new Gypsy and Traveller sites in the Green Belt are inappropriate development. The development is considered to be inappropriate development within the Green Belt and as such can only be considered acceptable if there are very special circumstances which clearly outweigh the substantial harm to the Green Belt (by reason of inappropriateness) and any other harm. This has to be weighed against the requirement for local authorities to identify need and provide a 5 year supply of sites.
106. The previous temporary permissions granted in 2013 and 2015 were issued on the basis that very special circumstances were demonstrated. The situation has not altered since these very special circumstances were accepted and, therefore, it is considered that very special circumstances exist in relation to a temporary consent, reflecting the planned provision of an alternative site.
107. It is considered that the use of the site for commercial activity even for 50 days would be harmful to the amenity of the neighbouring residents and as such the relaxation of this condition is not considered to be acceptable.
108. In conclusion it is considered that on balance, sufficient very special circumstances exist, namely the requirements of National Planning Policy for Traveller sites and the Chorley Local Plan Policy HS11 to provide a permanent Gypsy and Traveller site, tip the balance in favour of granting a further temporary planning permission to enable the Council to deliver a permanent site. The period of consent is material to the harm to the Green Belt and 3 years is considered reasonable to deliver a site and remove the harm from the Green Belt. It is, therefore, recommended that planning permission be granted on a temporary basis subject to conditions.

RELEVANT HISTORY OF THE SITE

Ref: 13/00385/COU **Decision:** PERTCA **Decision Date:** 19 July 2013
Description: Change of use to a residential Gypsy and Traveller site involving the siting of 2 mobile homes, 3 touring caravans (1 of which is for storage only when not away travelling), and retention of a utility block, and access at the north west corner of the site for a temporary period of 4 years

Ref: 13/01061/FUL **Decision:** PERTCA **Decision Date:** 16 January 2014
Description: Variation of Condition 1 of planning permission 13/00385/COU to allow the replacement of wood chippings with limestone chippings to a depth of 6-8 cm.

Ref: 15/00562/FUL **Decision:** PERFPF **Decision Date:** 18 September 2015
Description: Change of use to a residential Gypsy and Traveller site involving the siting of two mobile homes and three touring caravans (one of which is for storage only when not away travelling) and retention of the utility block and access for a temporary period of two and half years.

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

Suggested conditions

To follow