

APPLICATION REPORT – 18/00905/FUL

Validation Date: 25 September 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 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: 22 October 2018

Decision due by: 20 November 2018

RECOMMENDATION

1. It is recommended that planning permission is refused for the following reason:

The proposed development would be inappropriate development in the Green Belt and, therefore, harmful by definition. There would also be other harm to the Green Belt through encroachment into the countryside. It is not considered that there are very special circumstances to overcome the definitional harm to the Green Belt and additional harm caused through encroachment. The proposal is, therefore, contrary to the National Planning Policy Framework.

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 change of use of the land to a residential Gypsy and Traveller site, involving the siting of two mobile homes and five touring caravans

and the retention of the utility block and access. Although the application itself does not specifically seek planning permission on the basis of a condition setting a temporary time limit for the use of the land, the applicant's supporting statement suggests that a period of 5 years would be a more realistic time limit than the 3 year time limit attached to the previous planning permission approved in July 2018.

APPLICANT'S CASE

6. The Proposed Site Plan shows the proposed layout with two mobile homes and seven touring caravans.
7. The permission for three years granted in July 2018 was the third temporary permission. We do not believe it is of an adequate length to avoid a fourth temporary permission being required. Long standing national policy is clear that it will rarely be justifiable to grant a second temporary permission. Further permissions should normally be granted permanently or refused if there is clear justification for doing so. A temporary permission may be appropriate where a trial run is needed to assess the effect of the development (which is not the case here) or where it is expected that circumstances will change at the end of that period. This is the basis for granting a temporary permission, the expectation that with the development of the new Traveller site at Cowling Farm that the circumstances will change.
8. But the fact that twice already the Council has granted temporary periods which turned out to be unrealistically short warns against a further over-optimistically short period. We need to be reasonably confident that by the end of the period that Cowling Farm will have been developed and the applicants can relocate onto the site.
9. The problem is that there are so many assumptions made in the attached timetable that it is impossible to be confident that the site will be developed within three years. The week after the July committee we attended a meeting about the masterplan and it became apparent that the consultant leading the preparation of the masterplan had not seen the programme. Already consultation on the masterplan has slipped by two months from July to October which does not give confidence that the rest of the programme will be achieved.
10. We are suggesting that the use of the site is approved for five years. Even that may not prove enough but it has a better chance of being realistic than three years.
11. My clients and I were not happy with the late change recommending refusal of the two additional caravans even though officers indicated they would cause no more harm to the Green Belt.
12. We do not accept we had to submit additional evidence of need. The need was established by the Local Plan Inspector's decision on the 2014 Needs Assessment. The 2014 Assessment indicated a need for 5 pitches in Chorley to 2027/28 based on the Linfoot's needs. It has always been our position that the 2014 Assessment underestimated needs, including by not taking account of the needs of Mrs Linfoot's brother and sister and their families. The Inspector shared those doubts, which is why the plan was adopted with a site at Cowling Farm allocated for at least 5 pitches and that she required the Council to commission a further needs assessment with Preston and South Ribble Councils. The 2015 Central Lancashire GTAA indicated a need for ten pitches in Chorley to 2026, eight of the pitches for the Linfoot / Bird family.
13. Mrs Linfoot's statutory declaration, which is submitted with this application updates the position in regard to family members who may require accommodation on the site within the five year period we are proposing. In regard to one detail the position has changed since the statutory declaration was signed. Mrs Linfoot's nephew, para 7, is now getting married this December rather than in June 2019.

14. The point Mrs Linfoot makes is that the overall situation of accommodation shortage and stress that Gypsy people suffer from means it is important to have flexibility to be able to respond to different needs.
15. We would emphasise that the increased accommodation we are seeking on the site would not be adequate for all the family's potential needs. Seven caravans represents a balance between the capacity of the site and the potential need. As the enclosed photographs show, there is adequate room on the site for accommodating two more touring caravans. Allowing seven caravans 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.
16. We suggest that rather than a condition which identifies a list of individuals that a condition is attached which refers to occupation of the site being restricted to Gypsies and Travellers who meet the definition in the Annex to Planning policy for Traveller sites, together with Mr Walter Bird, Mrs Sylvia Bird and Mrs Shirley Peace (on the basis that reflecting their age, health and more limited travelling that they may not meet the definition). This approach would provide the flexibility we are seeking.

REPRESENTATIONS

17. Representations in support of the application have been received from the occupiers of 8 addresses. The comments made are summarised below:
 - The site is private and well kept.
 - The family are well integrated into the local community.
 - The family are active members of the community.
 - This is a small incursion into the Green Belt compared with other developments.
 - Positive visual impact and no impact on character.
 - The Council should be supporting this development.
 - Cowling Farm will not be delivered.
 - The site is well contained and does not interfere with the purposes of including land within the Green Belt.
 - The family has been consistently let down by Chorley Council in relation to Cowling Farm and should be allowed to remain on site permanently.
 - Many of the settled community are also in favour of the application.
18. Representations objecting to the application have been received from the occupiers of 17 addresses. The issues raised are summarised below:
 - The Green Belt should be protected.
 - Gypsy and Traveller sites are inappropriate development in the Green Belt.
 - There is no community integration.
 - No material change in circumstances.
 - No case to make Hut Lane site permanent as the Cowling Farm site will accommodate the Gypsy Traveller need.
 - The proposed development would result in further harm to the Green Belt.
 - Unsustainable location for residential development.
 - The Cowling Farm site will be available within 3 years.
 - No evidence of need for additional families on site.
 - No very special circumstances.
 - There is already a 3 year consent in place, which is adequate.
 - Any intensification would make matters more difficult once temporary consent expires.
 - Further caravans would lead to traffic congestion.
19. An objection has been received from Paul Sedgwick on behalf of a group of local residents, and is set out as follows:
20. I am making these representations on behalf of the majority of residents living within the vicinity of the application site. They strongly object to the proposed change of use of the land to a residential Gypsy and Traveller site involving the siting of two mobile homes and five

touring caravans and retention of the utility block and access. This is in the context that the council recently granted planning permission for two mobile homes and three caravans and retention of the utility block and access for a period of 3 years.

21. It is to be noted that the planning committee considered an application for similar development on this site as recently as 17/07/2018 and resolved to not allow the increase in the number of caravans from 3 to 5 and to limit the consent to a period of 3 years. There has been no significant change in circumstances in the three months since determining that application that would justify any different decision and therefore, in the light of need for consistency in decision making, the committee should reject this application.
22. The site is in the Green Belt and it is universally recognised that the development proposed is inappropriate development in the Green Belt. As stated in §143 and §144 of the Framework,
23. "...inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."
24. The application documents make no reference to any very special circumstances on which the application must rely. As the proposed development increases the number of residential units on the site from 5 to 7, this 40% growth in inappropriate development on the site clearly needs to be justified by the identification of very special circumstances. The application must be refused for this reason alone.
25. There are references in the documents supporting the application to the proposals being limited to 5 years rather than the 3 years of the existing consent. The application makes no reference in the description of the development to being limited to 5 years and unless limited by condition the consent would be permanent.
26. The argument put forward for the extension of a further 2 years is that the Cowling Farm site has been progressing slowly and may not be ready by the time the existing consent expires. However, the site may be completed as currently intended as the council and its partners are now well advanced in the masterplanning process. As the applicants and immediate family have secure accommodation on the site for the remainder of the 3 year consent period there is no reason to compound the offence to Green Belt policy caused by the existing travellers' site by extending the consent unnecessarily at this time.
27. The applicants make reference to the desire to accommodate, from time to time, other members of the family who are currently living elsewhere. At §3.7 of the supporting statement the requirement to submit additional information on need for these people is refuted on the grounds that the need was established in the local plan Inspector's decision on the 2014 Needs Assessment to 2027/2028. However, the Inspector concluded that that need would be met on the Cowling Road site and not through intensification of development on the existing site. No case has been made by the applicant that there is need that could be a very special circumstance. Rather, it is stated:
28. "rather than a condition which identifies a list of individuals that a condition is attached which refers to occupation of the site being restricted to Gypsies and Travellers who meet the definition in the Annex to Planning policy for Traveller sites, together with Mr Walter Bird, Mrs Sylvia Bird and Mrs Shirley Peace (on the basis that reflecting their age, health and more limited travelling that they may not meet the definition)".
29. This means that the site could be occupied from time to time by any person meeting the definition of traveller (and also Mr and Mrs Bird and Mrs Peace). Thus there is no link to need, only to people meeting the definition of traveller and it would be for the site owner to decide who meets the definition and could move onto the site. The fact that there is

flexibility to accommodate any qualifying people from time to time undermines any implied argument that there is justification for additional accommodation to meet existing unmet accommodation needs.

30. Any condition seeking to implement this approach would be unenforceable and therefore unlawful as there could be no control by the LPA of who is living on the site at any point in time and whether they truly meet the definition of traveller. Occupation would be solely in the site owner's gift. Also, there would be no requirement for anyone to demonstrate need before they inhabited the site. It is clear that there can be no very special circumstances arising from need that might support this significant intensification of development in the Green Belt.
31. In the light of the above commentary, it can only be concluded that there is no need to extend the period of the existing consent at this time and that there are no very special circumstances demonstrated to justify a 40% growth in accommodation which is inappropriate development in the Green Belt.
32. For these reasons and for consistency in decision-making, the application should be refused.

CONSULTATIONS

33. Heath Charnock Parish Council: The Parish Council considered this application at its meeting on 11 October 2018. The Local Planning Authority has granted the three year approval on 20 July 2018 under 18/00024/FUL for change of use of the land 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). The Parish Council considers that three years is a sufficient timescale. Should there be any delay in realising the Cowling Farm site, a temporary time extension could be considered should/when the need arise. Likewise should the family's housing needs change in the next three years, this should be addressed at that time when circumstances change.

PLANNING CONSIDERATIONS

Planning History

34. 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.
35. 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.
36. 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.
37. 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

38. 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.
39. 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.
40. 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.
41. 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.
42. 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.
43. 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.

44. 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.
45. 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.
46. Since the temporary permission was granted in 2015 the allocated Gypsy and Traveller site has not yet been delivered and therefore an application was submitted in January 2018 (ref.18/00024/FUL) on the basis that the previous temporary permission granted under application reference 15/00562/FUL expired on 8 March 2018. This sought full planning permission for the use of the site. This was approved subject to a temporary period of 3 years, in consideration of an allocated Gypsy and Traveller site and its anticipated delivery timescale.
47. The current application differs from the previous planning permission in that it seeks to intensify the use of the site through the siting of an additional two touring caravans, in addition to seeking a permanent or longer temporary consent.

Principle of development

48. 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 133-147. 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.
49. Paragraph 145 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.
50. Paragraph 144 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.”
51. 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.
52. 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.
53. 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.

54. 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.”
55. 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.
56. 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.
57. 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.
58. 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.
59. 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.
60. 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 144 of the Framework. There would also be an impact on openness through the siting of the caravans, mobile homes and utility block. The proposed development would result in greater impact on openness than the previously approved development through the introduction of two additional caravans.
61. As the proposal is considered to be inappropriate development the tests of paragraph 144 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.
62. 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:

63. 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.
64. 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.
65. 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.
66. 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.
67. 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.
68. 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

69. Prior to the current development, the site was open in nature and had been covered with trees/undergrowth.
70. 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.
71. 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

72. 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

73. 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, therefore seek the security of a site that they can occupy in the locality.
74. The applicant is not confident that the allocated site at Cowling Farm will be delivered within the time period covered by their current planning permission and asserts that because there are so many assumptions made in the timetable for the delivery of the allocated site, considers that it is impossible to be confident that the site will be developed within three years. The applicant considers that the timetable has already slipped and suggests that the use of the site is approved for five years, and that even that may not prove enough.
75. In relation to the siting of two additional touring caravans over and above the two mobile homes and three touring caravans currently on site the applicant contends that the need was established by the Local Plan Inspector's decision on the 2014 Needs Assessment. The 2014 Assessment indicated a need for 5 pitches in Chorley to 2027/28 based on the Linfoot's needs. The applicant considers that the 2014 Assessment underestimated needs, including by not taking account of the needs of Mrs Linfoot's brother and sister and their families. The Local Plan Inspector shared those doubts, which is why the plan was adopted with a site at Cowling Farm allocated for at least 5 pitches and that she required the Council to commission a further needs assessment with Preston and South Ribble Councils. The 2015 Central Lancashire GTAA indicated a need for ten pitches in Chorley to 2026, eight of the pitches for the Linfoot / Bird family.
76. A statutory declaration, provided by Mrs Linfoot, has been submitted in support of the application, which updates the position in regard to family members who may require accommodation on the site within the five year period suggested. In regard to one detail the position has changed since the statutory declaration was signed. Mrs Linfoot's nephew, para 7, is now getting married this December rather than in June 2019.
77. The point Mrs Linfoot makes is that the overall situation of accommodation shortage and stress that Gypsy people suffer from means it is important to have flexibility to be able to respond to different needs.
78. The increased accommodation sought on the site would not be adequate for all the family's potential needs. Seven caravans would represent a balance between the capacity of the site and the potential need. There is adequate room on the site for accommodating two more touring caravans. Allowing seven caravans 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.
79. The applicant suggests that rather than a condition, which identifies a list of individuals that a condition is attached which refers to occupation of the site being restricted to Gypsies and Travellers who meet the definition in the Annex to Planning policy for Traveller sites, together with Mr Walter Bird, Mrs Sylvia Bird and Mrs Shirley Peace (on the basis that

reflecting their age, health and more limited travelling that they may not meet the definition). This approach would provide flexibility.

80. 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

81. 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.
82. 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.
83. At the time of the 2013 temporary permission (13/00385/COU) it was considered that very special circumstances were satisfactorily demonstrated on the basis of a temporary consent. The 2015 application (15/00562/FUL) sought a further temporary consent and 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 in the absence of an allocated gypsy and traveller site the identified need could be met for by further temporary period covering the application site, which was considered to be a very special circumstance that would outweigh the definitional harm to the Green Belt through inappropriate development. Physically, the addition of two further caravans was not considered to be supported by any very special circumstances to outweigh the additional harm to Green Belt openness. The additional caravans were subsequently removed from the application.
84. The 2018 application (18/00024/FUL) sought consent to make permanent the planning permission granted in 2015 and to increase the number of caravans by two in order to house extended family members and their dependents. In the continued absence of the allocated gypsy and traveller site it was considered that the need could be met by a further temporary period covering the site, which would be a very special circumstance that would outweigh the definitional harm to the Green Belt through inappropriate development. A temporary consent was considered appropriate given the progress that had been made in delivering the allocated site. Physically, the addition of two further caravans was not considered to be supported by any very special circumstances to outweigh the additional harm to Green Belt openness. Again the additional caravans were subsequently removed from the application.
85. 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.
86. The allocated Gypsy and Traveller site at Cowling remains undeveloped, however, a recent project planning exercise undertaken by Chorley Council, which included detailed milestones for the delivery of the Cowling Farm site, provided evidence that a period of 3 years would be required during which the site would be made 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 planning permission was granted on this basis.
87. On the basis of the current planning permission, which expires on the 18 July 2021, and the ongoing delivery of the Cowling Farm site it is considered that the Linfoot family have adequate security of provision within the borough, to support their family and provide

stability to their children as settled members of the Chorley community. It is not considered therefore that there are very special circumstances to support a permanent planning permission or increased length of temporary consent on the site.

88. In relation to the applicant's case that additional pitches should now be enabled to occupy the site, further detail derived from the background to the evidence base set out in the GTAA 2015, and at the time of the Chorley Local Plan 2012 to 2026 allocation, demonstrate that the Cowling Farm site was allocated for 5 pitches based on the current occupiers of Hut Lane in addition to one of the applicant's son's requiring accommodation within the plan period and Mrs Linfoot's brother John Bird, his wife and their three children aged 16, 14 and 12 not having a long term secure base.
89. Other family members were considered to have secure accommodation and, therefore, no provision was necessary to meet their need, although their desire to live in Chorley was reflected by the increased need for pitches referred to in the GTAA. As such it is not considered that an increase in access to the Hut Lane site can be justified at this time given that the Cowling Farm site has not been allocated to accommodate other additional pitches, and on the basis that those Gypsy Traveller households not currently resident on the Hut Lane site have secure accommodation elsewhere.
90. In relation to the needs of the Linfoot's nephew, he has a small touring caravan on site. This would remain, however, when he is married in December 2018 it is recognised that he will need a larger caravan. It is anticipated that this could be fulfilled by a larger touring caravan. An additional caravan on site would not, therefore, be a very special circumstance on this basis.
91. Additional touring caravans on this site would not, therefore, conform with Green Belt policy and PTTs policy. Policy E states: "Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. 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."
92. It is concluded that, on balance, the matters set out in support of the proposal do not amount to the very special circumstances for the existing development to be made permanent, or for a longer temporary period, and that these matters do not amount to the very special circumstances required to support the addition of two touring caravan pitches, to outweigh the substantial harm (by reason of inappropriateness) and the harm to openness, together with the other harm (particularised above).

OVERALL CONCLUSION

93. 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.
94. The proposed development would be inappropriate development in the Green Belt and would result in other harm to the Green Belt through the degree of encroachment into the countryside. It is not considered that there are very special circumstances to overcome the definitional harm to the Green Belt and additional harm caused through encroachment. It is, therefore, recommended that the application be refused.

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:** PERFPP **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.

Ref: 18/00024/FUL **Decision:** PERFPP **Decision Date:** 20 July 2018

Description: Change of use of the land 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.

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.