

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 four 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 granted, subject to conditions for a temporary period ending 18 July 2021.

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 as originally submitted, sought 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 retention of the utility block and access for a temporary period of five years.
6. The application was originally scheduled to be determined by the Development Control Committee on 21st November 2018, however, this was withdrawn from the agenda following

the receipt of revisions to the proposed development and further circumstances advanced in support of the application.

7. The application as amended 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 four touring caravans, all of which would be used as living accommodation, and the retention of the utility block and access.
8. 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 confirms that they are willing to accept a condition that would result in any new planning permission ending on the same date as the current permission, which is 18 July 2021.

APPLICANT'S CASE

9. Because the previous permission had run out but Cowling Farm not developed, in March 2018 we applied to make the existing permission permanent for residential use with two static caravans and five touring caravans, an increase of two.
10. The application was for a permanent permission reflecting the Government guidance against second, let alone third, temporary permissions. The two additional caravans were because of the accommodation needs of extended family members.
11. We made the point that the increased accommodation on the site would not be adequate for all the family's accommodation needs. It was a response to the general shortage of accommodation and insecurity among Gypsies and Travellers, and would give flexibility to be able to offer accommodation to a number of different members of the extended family who were at risk of being in immediate need. John Bird and family were specifically identified as insecure and at risk of needing accommodation.
12. The application was decided at July Committee. The original officer report stated that two more caravans would not cause any adverse impact, and recommended approval. At the last minute that was changed, and the application was approved for a further temporary three year period, but without two more caravans.
13. Mrs Linfoot spoke at the July Committee. She explained that the vulnerable position of family members meant they could need to live on the site. Members told her if we re-applied with more specific personal circumstances they would reconsider. In the light of that advice we submitted the current application with more personal details about family members who could need accommodation on the site. We also made the point that given the slow progress with Cowling Farm and risks to the programme that 3 years was unlikely to be enough, and applied for a 5 year temporary permission.
14. Circumstances have changed very recently. As confirmed in the statutory declaration dated 16 November from Mrs Linfoot, her brother, John Bird and family have been made homeless from the unauthorised pitch they have been occupying in Lancaster.
15. In May 2015 the Local Plan Inspector allowed the Chorley Local Plan to be adopted on the basis of the allocation of a 0.4 hectare site within Cowling Farm with capacity for at least 5 pitches, and on the basis of a commitment to carry out a further needs assessment and to bring forward a joint Gypsy, Traveller and Travelling Showpeople plan with Preston and South Ribble. The 2015 Central Lancashire Gypsy and Traveller Accommodation Needs Assessment identified a need for 10 pitches in Chorley to 2025/26, 8 of that need representing the needs of the Linfoot / Bird family, including John Bird and family. Cowling Farm will eventually be able to accommodate their needs but they need a home now, and the only place available is Hut Lane.
16. In the light of the Council's Green Belt concerns, we proposed amending the current application so rather than for two more touring caravans it would only be for one more

touring caravan plus allowing residential use of the caravan stored on the site. This would be enough to meet the needs of John Bird and family until Cowling Farm is available.

17. We had proposed a 5 year temporary permission. Given the critical importance of allowing John Bird and family to live on the site we indicated our willingness to accept a condition that would mean a new permission would end on the same date as the current permission, that is 18 July 2021. We also indicated our support for a condition that would add John and Jacqueline Bird and dependent children to those allowed to live on the site.
18. John and family have absolutely nowhere to go. There are no spaces on Council sites. There are no transit pitches. It is not safe these days to live on the side of the road, even for a couple of days. Together with Mr and Mrs Linfoot, they have taken the decision that they have no alternative but to move on to Hut Lane with one additional caravan, and with the two girls sleeping in the caravan that is permitted for storage only. That is what they have done.
19. They are fully aware that this is contrary to the current permission with one more caravan than permitted, residential use of the caravan that is only authorised for storage, and on the basis that John, Jacqueline and children are not in the list of persons authorised to be resident. They have not taken this decision lightly. It is driven by the family's need for a safe, secure place to live and the lack of any alternatives to Hut Lane. They have submitted two applications which would permit the additional development they are seeking, first in March 2018, and when that was only approved with the existing amount of accommodation, through the current application. We would also make the point that the present situation has arisen because development of Cowling Farm, which will provide accommodation for the family's needs has taken considerably longer than anticipated.
20. Approval of the current application would authorise those elements of the use of the site which are not currently permitted, and we hope very much that on the basis of the pressing personal need and the minimal impact on the Green Belt that the application will be approved.

REPRESENTATIONS

21. 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.
22. 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.
23. An objection has been received from Paul Sedgwick on behalf of a group of local residents, in relation to the application as originally submitted, and is set out as follows:
24. 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.
25. 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.
26. 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,
27. "...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."
28. 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.
29. 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.
30. 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.
31. 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:

32. "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)".
33. 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.
34. 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.
35. 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.
36. For these reasons and for consistency in decision-making, the application should be refused.
37. Following the additional circumstances advanced by the applicant and change in the number of caravans and temporary period sought a further representation has been received from Paul Sedgwick on behalf of a group of local residents, and is set out as follows:
38. Since submitting the below email making objections to the application proposals on behalf of the majority of residents living near the site, we have reviewed the proposals in the light of the amendments to the application submitted by their agent, Michael Hargreaves. The fact that the application proposals have been changed so as to not alter the current limited period consent is welcomed as is the change from the original open-ended proposal to allow additional residents to move onto the site from time to time but without any clear means of control. However, the incursion of an unauthorised family onto the site in contravention of the extant planning consent is strongly deprecated; the assertion that the family has been made homeless by the action of others has not been (and possibly cannot be) independently verified.
39. The revised proposals in the application increase the number of caravans by 1, allow residential use of the caravan authorised for storage only and introduce 5 new residents onto the site. This can be acceptable in the Green Belt given the very special circumstances that are argued to apply in this case and in particular the temporary nature of the use pending the completion of the permanent site at Cowling Farm. My clients accept this providing that the consequential additional activity is strictly limited and this is necessary if the intensification of inappropriate development in the Green Belt is to be properly controlled. There should continue to be no commercial activity on the site and the restriction on the size of vehicles to 3.5 tonnes should remain. A significant number of vans of various forms do occupy the site and this traffic will now increase because of the activity of the Bird family. The LPA is therefore requested to control the overall number of vehicles parking overnight on the site to a level which in its judgement is reasonably necessary for the families. As there is a recognised history of planning contraventions on the site there should

be inspection at no more than 6 monthly intervals by the council to confirm that the conditions are being complied with.

40. I trust that this constructive approach by my clients to the inclusion of the Bird family on the site is helpful and eases some of the wider family's accommodation needs that are intended to be permanently met on the much-delayed travellers site at Cowling Farm.

CONSULTATIONS

41. 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.
42. Heath Charnock Parish Council considered this application at its meeting on 5 December 2018. The Parish Council noted that this application is further to the consent granted on 20 July 2018 for 3 years to 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). Following notification that the Planning Committee would consider this application with a recommendation of refusal on 21 November 2018, the applicant has amended it to: Change of use of the land for a temporary period (presumably 3 instead of 5 years) to a residential Gypsy and Traveller site involving the siting of two mobile homes and four (a reduction from five) touring caravans and retention of the utility block and access. The Parish Council does not want any consent that might be granted to this specific approval to lead to a semi- permanent site being established on this land. A temporary 3 year approval specific to the applicant and her immediate family only. Once the Cowling Farm site is ready for occupation, the Parish Council believes that the HUT Lane site needs to be dismantled and the land re-instated to its former condition.

PLANNING CONSIDERATIONS

Planning history

43. 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.
44. 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.
45. 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.

46. 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
47. 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.
48. 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.
49. 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.
50. 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.
51. 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.
52. 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.

53. 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.
54. 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.
55. 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.
56. 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 touring caravan, use of all the caravans for living accommodation, and an additional family enabled to occupy the site.

Principle of development

57. 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.
58. 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 146 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.
59. 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."
60. 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.
61. 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.
62. 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.

63. 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.”
64. 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.
65. 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.
66. 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.
67. 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.
68. 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, the Councils 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.
69. 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 a greater impact on openness than the previously approved development through the introduction of an additional caravan.
70. 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.
71. 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 134 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:
72. 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.
 73. 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.
 74. 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.
 75. 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.
 76. 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.
 77. 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

78. Prior to the current development, the site was open in nature and had been covered with trees/undergrowth.
79. 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 touring caravan would, however, only result in a limited impact over and above this existing this effect
80. 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 visual harm in the context of the area.

Impact on neighbour amenity

81. 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 one further caravan to the current site to accommodate additional family members identified by the GTAA. The additional caravan is 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 applicant's case for Very Special Circumstances

82. 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.

83. In relation to the siting of an additional touring caravan 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. The Council's Planning Policy section has confirmed that John Bird and family were identified as having a need in Chorley by the 2015 Central Lancashire GTAA and have been provided for within the Cowling Farm allocation.

84. 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 require accommodation on the site. As confirmed in the statutory declaration dated 16 November from Mrs Linfoot, her brother, John Bird and family have been made homeless from the unauthorised pitch they have been occupying in Lancaster. There is a significant Romany community in the Morecombe area. A number of families own houses with largish gardens where siting of caravans has been tolerated. John Bird and family have moved a couple of times within the area as people have needed the pitches for their own families, but that supply has now dried up. In the past they were able to move onto other people's sites on a temporary basis, but the increasing pressure on the supply of pitches with population growth and the ever worse situation for road side stopping means those options are no longer available.

85. Cowling Farm will eventually be able to accommodate their needs but they need a home now, and the only place available is Hut Lane. The family have absolutely nowhere to go. There are no spaces on Council sites. There are no transit pitches. It is not safe these days to live on the side of the road, even for a couple of days. Together with Mr and Mrs Linfoot, they have taken the decision that they have no alternative but to move on to Hut Lane with one additional caravan, and with the two girls sleeping in the caravan that is permitted for storage only. That is what they have done.

86. The applicants are fully aware that this is contrary to the current planning permission with one more caravan than permitted, residential use of the caravan that is only authorised for storage, and on the basis that John, Jacqueline and children are not in the list of persons authorised to be resident. This is driven by the family's need for a safe, secure place to live and the lack of any alternatives to Hut Lane.
87. 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 Bird family exists in Chorley at present.
88. Given the critical importance of allowing John Bird and family to live on the site the applicant indicated their willingness to accept a condition that would result in a new permission that would end on the same date as the current permission, which is 18 July 2021. The applicant also indicated their support for a condition that would add John and Jacqueline Bird and dependent children to those allowed to live on the site.

Green Belt balancing exercise

89. 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.
90. 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, although it is acknowledged that the addition of a single caravan would not add to this harm.
91. 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 by a 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.
92. The previous 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 again 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.
93. 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.

94. 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.
95. 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.
96. In relation to the applicant's case that an additional pitch 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, demonstrates 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.
97. Previously it has not been necessary to enable John Bird and his family to occupy the Hut Lane site as they had a pitch elsewhere. However, that situation has now changed as the pitch that they were previously occupying was made unavailable to them resulting in them having to vacate the site. Their previous pitch was in the garden of a dwellinghouse owned by a gypsy family, who required the space for their own family members. The Bird family lived roadside in the interim, before arriving on the Hut Lane site in December due to a lack of alternative accommodation. The Council's Planning Policy section has confirmed that the Bird family have not been identified as being in need in the Lancaster area (where they were living previously) and that no provision has been made available for them there. The Council's housing section have been unable to identify any other available accommodation that would be suitable for the Bird family within Chorley or elsewhere locally.
98. Given that the Bird family have been identified as having a need in Chorley, the delay in bringing Cowling Farm forward, the lack of alternative accommodation and loss of access to their previous temporary pitch it is considered that these factors carry significant weight in support of the proposed development. Furthermore the addition of a single caravan on the site as part of a temporary permission results in only limited further harm in addition to the harm already caused by the siting of the Gypsy and Traveller site.
99. As such it is considered that the needs of the Bird family as a Gypsy and Traveller group identified as having need for a Gypsy and Traveller pitch in Chorley as set out in the revised GTAA, and the lack of an alternative Gypsy and Traveller site in the Borough, and the loss of access to their previous pitch provide very special circumstances to support a temporary permission, with an additional pitch for a single touring caravan, until such time that an alternative site is made available that, on balance, outweighs the harm to the Green Belt and any other harm. The proposal, therefore, complies with paragraphs 143 and 144 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.
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 one touring caravan pitch, which outweigh the substantial harm (by reason of inappropriateness) and the harm to openness, together with the other harm (particularised above).

OVERALL CONCLUSION

101. 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.

102. 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. However, in conclusion it is considered that on balance, sufficient very special circumstances exist, namely the Bird family having been identified as having a need in Chorley, the delay in bringing forward an allocated Gypsy and Traveller site under policy HS11 of the Chorley Local Plan 2012 - 2026, the lack of alternative accommodation and loss of access to their previous temporary pitch, tip the balance in favour of granting a 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 the time limited permission to 18 July 2021 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:** 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.

No.	Condition						
1.	The development hereby permitted shall be carried out in accordance with the following approved plans: <table border="1"><thead><tr><th>Title</th><th>Drawing Reference</th><th>Received date</th></tr></thead><tbody><tr><td>TBC</td><td></td><td></td></tr></tbody></table>	Title	Drawing Reference	Received date	TBC		
Title	Drawing Reference	Received date					
TBC							

	<p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>		
2.	<p>The permission shall expire on the 18 July 2021, following which the use shall cease and the land restored in accordance with the requirements specified in condition 4 of this permission.</p> <p><i>Reason: To reserve to the Local Planning Authority control over the long-term use of the land, as the use is inappropriate development in the Green Belt and not acceptable on a permanent basis.</i></p>		
3.	<p>Within 3 months of the expiry of this permission or the land becoming vacant prior to the expiry of planning permission the following works shall be carried out:-</p> <p>a) Excavate the hardstanding laid on the site and remove all the hardcore material laid to form the hardstanding from the land.</p> <p>b) Demolish the utility block and its concrete base and remove the materials resulting from the demolition from the land.</p> <p>c) Excavate the septic tank and remove the tank from the land.</p> <p>d) Demolish the electricity supply housing box and remove the materials resulting from the demolition from the land.</p> <p>e) Demolish the entrance pillars and gates from the vehicular access in the north west corner of the application site and remove the materials resulting from the demolition from the land.</p> <p><i>Reason: To give the Local Authority control over the long term use of the land as the operations are inappropriate development in the Green Belt and not acceptable on a permanent basis.</i></p>		
4.	<p>The occupation of the site hereby permitted shall be carried on only by the following and their resident dependants:</p> <p>Mr Michael Linfoot and wife Mrs Patty Linfoot and dependent children. Mr Walter Bird and Mrs Sylvia Bird and grandson Clonus John Boswell. (Born 1994). Mr John Bird and Mrs Jacqueline Bird and dependent children.</p> <p><i>Reason: Weight has been given to the personal circumstances of the applicant as a very special circumstance in granting permission for inappropriate development in the Green Belt.</i></p>		
5.	<p>No more than 6 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 2 shall be a mobile home) shall be stationed on the site at any time.</p> <p><i>Reason: For the avoidance of doubt and in the interests of proper planning.</i></p>		
6.	<p>No commercial activities shall take place on the land including the storage of materials, plant or equipment.</p> <p><i>Reason: In order to protect the amenities of the area and the residential occupiers of dwellings in the vicinity.</i></p>		
7.	<p>No commercial vehicles in excess of 3.5 tonnes shall be stationed, parked or stored on the site.</p> <p><i>Reason: In order to protect the amenities of the area and the residential occupiers</i></p>		

	<i>of dwellings in the vicinity.</i>
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