

Application No: 21/4071C

Location: LAND ON THE WEST SIDE OF ELTON LANE, WINTERLEY

Proposal: Change of use to a mixed use of the stationing of caravans for residential purposes and the keeping of horses

Applicant: Mr Jeff Cook

Expiry Date: 18-Mar-2022

## **SUMMARY**

The proposal seeks permission for the change of use of land to use as a residential caravan site for 2 gypsy families with a total of 4 caravans, with the use of part of the site for the keeping of horses and stables.

The application site is located within the open countryside where Gypsy and Traveller accommodation is considered to be acceptable subject to compliance with the development plan.

The application site is considered to be relatively sustainable, and subject to conditions the proposal is considered to be acceptable in terms of landscape impact, forestry, access and drainage. There is no significant impact on neighbouring amenity caused by the proposed development.

The Council's position is that it does not currently have a five-year supply of sites. However, the SADPD, once adopted will provide a mechanism to deliver a five-year supply of sites in the borough. Given the position on the SADPD, its policies and proposed allocations in the emerging document are considered to have moderate weight in decision taking and there is every prospect that the Plan will adequately and positively provide for G&T accommodation needs.

The applicants also have a personal need to live within the area and this is weighted positively in the weight of the decision given the lack of alternative sites available in the area.

It is therefore considered that the proposal is acceptable and is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

**APPROVE WITH CONDITIONS**

## **REASON FOR REFERRAL**

This application is referred to Southern Planning Committee at the request of Councillors Crane and Edgar for the following reasons;

### Councillor Crane

*'My concerns around this planning application relate to a few planning issues:  
The access, whether from the A534 (Haslington Bypass) where this a blind bend and therefore low visibility or from Elton Lane which is single track and narrow. Cars would not have the acceleration required to safely exit never mind caravans and horse boxes. Elton Lane and the surrounding area are already prone to flooding so removing soakaway land will further antagonise this issue. I have photographic evidence of this after previous heavy rainfalls if required. This is currently designated as green gap in the local plan I believe and not within the settlement boundaries of any of the surrounding villages.'*

### Councillor Edgar

- 1. Outside of the Winterley settlement boundary*
- 2. In the open countryside*
- 3. Best and most versatile agricultural land*
- 4. Precedent being set for more development*
- 5. Inadequate sewage treatment, should be mains connected*
- 6. Must not gain access to by-pass from Elton Lane, this was closed on safety grounds*
- 7. Poor access from Elton Lane'*

## **PROPOSAL**

The proposal seeks permission for the change of use of land to use as a residential caravan site for 2 pitches and retention of stable and use of land for horses.

## **SITE DESCRIPTION**

The application site is two small fields adjacent to the Haslington by-pass off Elton Road, Winterley. The application site is located within the Open Countryside.

The application site is partly used as a paddock and stable for horses, and is bounded by mature trees and hedgerow, with the A534 Haslington by-pass beyond to the north/west.

## **RELEVANT HISTORY**

7/17139 – Petrol filling station and restaurant – Refused 3rd August 1989

7/18245 - Outline application for petrol filling station, family restaurant, 40-bedroom travel lodge and associated car parking – Refused 24<sup>th</sup> May 1990

## **NATIONAL & LOCAL POLICY**

### **National Policy**

The National Planning Policy Framework (the Framework) establishes a presumption in favour of sustainable development. The Framework sets out that there are three dimensions to sustainable development: economic, social and environmental. These roles should not be undertaken in isolation, because they are mutually dependent.

Planning Policy for Traveller Sites (PPTS) 2015 sets out the Government's planning policy for traveller sites. It should be read in conjunction with the Framework. The overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

### **Cheshire East Local Plan Strategy (CELPS)**

SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
PG6 Open Countryside  
SE1 Design  
SE2 Efficient Use of Land  
SE3 Biodiversity and Geodiversity  
SE4 The Landscape  
SE11 Sustainable Management of Waste  
SE12 Pollution, Land Contamination and Lands Instability  
SE13 Floodrisk and water management  
SC3 Health and Well being  
SC7 Gypsies and Travellers and Travelling Showpeople  
CO1 Sustainable Travel and Transport  
CO4 Travel Plans and Transport Assessments  
IN1 Infrastructure

### **Saved policies of the Crewe and Nantwich Replacement Local Plan**

BE.1 – Amenity  
BE.3 – Access and Car Parking  
BE.4 - Drainage

### **Haslington Neighbourhood Plan – (Regulation 7)**

There are no plans or policies to date.

### **Other relevant documents**

Cheshire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (March 2014)  
Cheshire East Council Gypsy, Traveller and Travelling Showpeople Site Identification Study (April 2014)  
Cheshire East Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (August 2018)

Cheshire East Local Plan – Site Allocation and Development Policies Document – Gypsy, Traveller and Travelling Showpeople Site Selection Report – (August 2018)  
First Draft Site Allocation and Development Policies Document (published September 2018)  
Publication Draft Site Allocation and Development Policies Document (Published August 2019)  
Revised Publication Draft Site Allocations and Development Policies Document (September 2020)

## **CONSULTATIONS:**

**Strategic Highways** – No objections subject to condition for access onto A534 to be closed and grass verge reinstated

**Environmental Protection** – No objections subject to conditions for, unexpected contaminated land and soil importation

**United Utilities** – None received at time of writing this report

**Floodrisk** – No comments received at time of writing this report

**Haslington Parish Council** - Haslington Parish Council strongly objects to this application and wish to raise a number of points.

- 1) The site is outside the Winterley Settlement Boundary
- 2) It is in the open countryside
- 3) The final part of the Local Plan, currently with the Inspector, has more than the required number of permanent sites accounted for. 2 more pitches on this site would add to the over provision
- 4) The proposed access is not from an adopted highway, it is privately owned
- 5) There has already had some building activity on the site without planning permission
- 6) The Police have previously had grave concerns that access could be obtained from the bypass on a very poor visibility section of the bypass
- 7) The location next to a very busy bypass is unsuitable for children
- 8) The existing static caravan site off Elton Lane has a number of static caravans, none of which have an amenity block. Why are 2 required on this application?
- 9) The land is best and most versatile agricultural and has been for a number of years, until its recent sale it was regularly growing crops or had cattle on it.
- 10) Within the local Plan Policy HOU 5c 7. Provide for an appropriate level of essential services and utilities including mains electricity, a connection to a public sewer or provision of discharge to a septic tank, a mains water supply and a suitable surface water drainage system, prioritising the use of Sustainable Drainage Systems (SuDS) in line with LPS Policy SE 13 'Flood risk and water management' This application does not fulfil this policy.
- 11) Great Crested Newts are located in a pond that is near to the proposed inadequate sewage solution.
- 12) Elton Lane has a number of 'Pinch Points' along its length making it unsuitable for touring caravans.
- 13) Elton Lane already floods on a regular basis, it doesn't need further traffic or pressure on the drainage system

As of Tuesday 7th September there have been over 150 objections raised against this application. Considering the size of the village, this is significant and must carry some weight.

**Sandbach Town Council** – Members OBJECT to this planning application for the following reasons:

Members hold serious concerns, from a safety standpoint, about access directly onto the bypass. The drawing appear to show a reactive field access onto the A534 on what is a particularly dangerous section, with a blind bend.

- The single-track access through the gate is too narrow for access, and also is a dangerous access route onto the A534

- The site and surrounding area is extremely prone to flooding during bad weather.

Members strongly recommend that this application be considered by a Planning Committee at Cheshire East Council.

## REPRESENTATIONS

Approximately 190 letters of objection have been received and representations from the ward Councillor Edgar, objecting to the proposal on the following grounds (full versions available to view on the website):

- Site is located within the Open countryside / outside the settlement of Winterley
- The application site is Green Gap/Green belt
- The access road Elton Lane is not suitable for more vehicles,
- Access on to the Bypass would be unsafe and cause more highways issues
- Access onto the site for residential purposes has not been agreed with the landowner
- Winterley has had enough development no more is needed
- Concerns raised that any approval would set a precedent for more pitches / like in Moston / other recent approvals
- Concerns that the site is larger enough for several more pitches and it will expand
- Concerns that a traveller site would affect property prices
- There are no services to the site
- Additional families will have impact on existing infrastructure, such as schools, doctors etc
- Impact of development on wildlife/ pond on site
- Concerns raised over safety of children living in close proximity to By-pass eg. Pollution, noise, potential to 'kick ball' onto bypass
- Land is prone to flooding
- Concerns over potential loss of mature oak trees on the site
- No space for bin lorries to manoeuvre within the site,
- Lack of detail in relation to how the site will be drained
- The lane is not safe for current pedestrians, cyclists, or vehicles
- Loss of best and most versatile agricultural land
- There are sites allocated for Gypsy and Travellers in the SADPD
- This is a retrospective application; stable was erected without permission and enforcement asked applicant to stop works but they did not stop
- There is no need for traveller site in Cheshire East 27 have been approved by CE in recent years and 11 new pitches allocated

- No information within the application to confirm if the applicant meets the definition of the Gypsy or Traveller
- The amenity room are large enough to be a dwelling
- The site is in an unsustainable location
- Concerns over potential increase in anti social behaviour

Letters of support have been received from 2 the comment raised are:

- Will help with the diversity of the area
- Will be good for the community
- Under article 25 (1) of the Universal Declaration of Human Rights (14) it is clear that the right to adequate housing and a safe and secure community in which they can live in peace is one afforded to all regardless of race, religion or gender

## **OFFICER APPRAISAL**

### **Principle of Development**

The application site is located within the open countryside where local plan policy PG6 restricts development to that which is essential for the purposes of agricultural, forestry, outdoor recreation, public infrastructure, essential works by public service authorities, and for other uses appropriate to a rural area. It has previously been accepted that caravan sites are considered to be appropriate uses in rural area.

Furthermore, policies within the development plan, in conjunction with national planning guidance and advice in Planning Policy for Traveller Sites, accept that outside Green Belt areas, in rural settings, where the application proposal is located, (Open Countryside) are acceptable in principle for gypsy and traveller sites.

Whilst the need for gypsy and traveller accommodation is a material planning consideration, other development plan policies and Government guidance require, in addition, the consideration of the impact on surrounding area, neighbouring amenity, highway safety, the need to respect the scale of the nearest settled community and also the availability of alternatives to the car in accessed local services. This is addressed further below.

### *Need*

Policy SC7 'Gypsies and Travellers and Travelling Showpeople' of the Local Plan Strategy ("LPS") sets out the Council's approach to Gypsies and Travellers and Travelling Showpeople. Criterion 1 of Policy SC7 'Gypsies and Travellers and Travelling Showpeople' notes that sites will be allocated or approved to meet the needs set out in the most recent GTAA. Criterion 2 sets out various considerations that should be taken into account in determining the acceptability of new sites. Criterion 3 of the policy puts in place a presumption against the loss of existing permanent consented Gypsy and Traveller or Travelling Showperson sites where this would result in, or exacerbate, a shortfall unless equivalent provision is made.

As noted above, Criterion 2 of policy SC7 includes several considerations that should be taken into account to determine the acceptability of new sites, these include: -

- a. locational sustainability. Site specific factors including the proximity of the site to local services and facilities; access to public transport;
- b. Highway related factors, including whether the site can achieve safe pedestrian, cycle and vehicular access onto the site and provide for appropriate provision for parking, turning and servicing;
- c. Impact on the character and appearance of the surrounding area, particularly given the sites location in the open countryside.

Paragraph 25 of the Planning Policy for Traveller Sites (PPTS) notes how local planning authorities should very strictly limit new Traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community and avoid placing an undue pressure on the local infrastructure.

Criterion 1 of Policy SC7 sets out the overall need for Gypsies and Travellers and Travelling Showperson provision between 2013 - 2028 in line with the Cheshire Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) (March 2014).

In August 2015, revisions to the PPTS changed the definition of Travellers for planning purposes. The key change was the removal of ‘those who have ceased to travel permanently’ meaning that they will now no longer fall under the planning definition of a ‘Traveller’ for the purposes of assessing accommodation need in the GTAA. This change in definition came after the completion of the 2014 GTAA.

The Council, in support of the preparation of the second part of the Local Plan - the Site Allocations and Development Policies document (“SADPD”) updated its evidence base on a sub-regional basis, on the need for additional Gypsy and Traveller and Travelling Showperson accommodation. The updated GTAA reflects the change in definition set out in the revised PPTS and has a base date of May 2017.

The 2018 GTAA now provides updated evidence on need which reflects current national planning policy. It has formed part of the evidence base to the SADPD and is currently being examined by an independent Planning Inspector. The 2018 GTAA also covers the full Local Plan period compared to the 2014 GTAA which only covered the period up to 2028. The accommodation needs in the 2018 GTAA study, for Cheshire East, up to 2030, are shown below:-

	<b>Total</b>
Gypsy and Traveller residential pitches	32
Transit site pitch provision	5-10
Travelling Showperson Plots	5

The justification text to LPS policy SC7 (Gypsies and Travellers and Travelling Showpeople), at paragraph 12.67, also notes that sites for Gypsies and Travellers and Travelling Showpeople will be allocated in the SADPD.

The Revised Publication Draft SADPD (RPUBSADPD) and associated evidence base was submitted for public examination on the 29 April 2021. Examination hearings were held between

the 12 October 2021 – 05 November 2021. The RPUBSADPD is supported by a Gypsy, Traveller and Travelling Showpeople Site Selection Report (2020) and an updated Gypsy and Traveller Accommodation Assessment (as outlined above). Gypsy and Traveller Accommodation Assessment (GTAA) the post hearing letter considers that the 2018 GTAA provides a ‘robust and up to date assessment of need in Cheshire East’.

The sites included and proposed to be allocated in the RPUBSADPD, include:-

SADPD site Reference	Site Name	Number of pitches / plots proposed for allocation in the RPUBSADPD
G&T1	Land East of Railway Cottages, Nantwich (Baddington Park)	2 additional permanent pitches
G&T2	Land at Coppenhall Moss	7 permanent pitches
G&T3	New Start Park, Wettenhall Road, Nantwich	8 permanent pitches
G&T4	Three Oakes Site, Booth Lane, Middlewich	24 permanent pitches
G&T5	Cledford Hall, Cledford Lane, Middlewich	10 transit pitches
G&T8	The Oakes, Mill Lane, Smallwood	4 additional permanent pitches
TS1	Lorry Park, Mobberley Road, Knutsford	3 Travelling Showperson Plots
TS2	Land at Firs Farm, Brereton	10 Travelling Showperson Plots
TS3	Land at Former Brickworks, A50 Newcastle Road	2 additional Travelling Showperson Plots.

The Inspector appointed to examine the Site Allocations and Development Policies document issued his post hearing advice letter on the 25 January 2022. The note, includes an initial response on several key issues raised at the examination, including key issue 6 concerning whether the allocations and policies in the SADPD to meet the accommodation needs of Gypsies and Travellers are positively prepared, justified and consistent with national policy.

On the supply of Gypsy and Traveller sites and the approach to ‘unknown need’, the Inspector’s post hearing view considers that *‘the approach set out in the SADPD of providing for identified need through commitments and allocations, plus a small buffer to accommodate a proportion of estimated future unknown need, together with criteria based policies to provide for any further unknown needs which may come forward over the remainder of the plan period, appears justified and consistent with national policy. The identified supply of 40 permanent pitches for the period 2017-2030, comprising permissions granted since the baseline date of the GTAA and proposed allocations, would be sufficient to meet the identified need of 32 pitches for families who will meet the PPTS definition, plus 30% of the estimated unknown need. This would be in line with the proportion of households across the country surveyed by ORS as part of GTAAs, which meet the PPTS definition’*

Finally, on the proposed Gypsy and Traveller site allocations, the inspector notes that *‘whilst the deliverability and developability of some of the proposed site allocations in Policies HOU 5a and HOU 5b was discussed at the Hearing, I am satisfied that these are capable of being found sound without MMs (main modifications). Any further comments on the proposed allocations and the remainder of Policies HOU 5a, 5b and 5c will be set out in my final report’.*



The post hearing views are a step forward in the production of the SADPD. Their purpose is to enable the examination process to move forward through the preparation of main modifications (MMs). MMs are changes considered necessary by the Inspector to make the SADPD ‘sound’ and legally compliant. They will be published for 6 weeks public consultation. The timing of this is in the hands of the Inspector but it is anticipated that it will take place in late spring/summer this year. The inspector has recommended MMs to draft policies HOU 5a and HOU 5c. Subject to the consideration of any representations received, the Inspector’s conclusions will then be set out in his final Report accompanied by a final set of MMs. The SADPD, incorporating these MMs, will then need be considered at a Full Council meeting. Upon adoption by the Council, the SADPD will form part of the statutory development plan and its policies will carry enhanced weight in deciding planning applications.

The post hearing letter considers that the 2018 GTAA provides a ‘robust and up to date assessment of need in Cheshire East’. Therefore, using the finding of the Council 2018 Gypsy Traveller Accommodation Assessment, there is a need for 32 pitches in the borough for the period 2017 – 2030. Applying an annualised approach suggests the following pitch provision across the remaining years of the Plan;

Years from GTAA base date	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	17/18 (base date of GTAA)	18/19	19/20	20/21	21/22	22/23	23/24	24/25	25/26	26/27	27/28	28/29	29/30	30/31	31/32
Gypsy & Traveller permanent residential accumulated annualised need (rounded)	2.46 (2)	4.9 (5)	7.4 (7)	9.8 (10)	12.3 (12)	14.8 (15)	17.2 (17)	19.7 (20)	22.1 (22)	24.6 (25)	27.1 (27)	29.5 (30)	32 (32)	33	
Travelling Showpeople Plots permanent accumulated annualised need (rounded)	0.38 (0)	0.8 (1)	1.2 (1)	1.5 (2)	1.9 (2)	2.3 (2)	2.7 (3)	3.1 (3)	3.5 (4)	3.8 (4)	4.2 (4)	4.6 (5)	5 (5)	6	
Gypsy & Traveller transit provision	5-10 pitches														

Table 2: Annualised Requirement for Pitches / Plots 2017/18 – 2031/32

## Supply

Following the base date (May 2017) of the Gypsy, Traveller and Travelling Showperson Accommodation Assessment (“GTAA”, 2018) several sites have received permanent planning permission including: -

Site Address	Pitches	Status of site (source - Jan 2020 Caravan Count undertaken by Cheshire and Warrington Gypsy and Traveller Team)
James Acre, Bradwell Road, Middlewich (land opposite Five Acres Farm).	1 permanent pitch (and 4 transit pitches) - planning reference 16/0198c granted 12 May 2017	Complete

Thimswarra Farm, Dragons Lane, Moston.	2 permanent pitches - planning reference 17/2114C – granted 27 June 2019	Complete
Meadowview, Dragons Lane, Moston.	4 permanent pitches - planning reference 17/5170C – granted 17 June 2019	Complete
Land south of Dragon's Lane, Moston.	1 permanent pitch - planning reference 16/0962c – granted 17 June 2019	-
12 Cemetery Road, Weston.	1 permanent pitch - planning reference 17/2879N – granted 29 August 2019	Complete
5 Waldrons Lane, Crewe.	2 permanent pitches - planning reference 19/0463N – granted 14 March 2019	Complete
Land off Dragons Lane, Moston.	1 permanent pitch planning reference 16/2247C - 19 December 2019.	-
Baddington Park (Land East of Railway Cottages)	6 permanent pitches 19/5261N – 10 March 2020	-
Meadowview Park, Dragons Lane	1 permanent pitch 18/2413C – 02 April 2020	-
New Start Park, Wettenhall Road, Nantwich	8 permanent pitches (18/2925N) 28 January 2021	-

This represents a total of 27 pitches given permanent planning permission since May 2017. Of the 27 pitches granted planning permission, 10 pitches have been completed (as of January 2020).

It should also be noted that planning permission at a site at Three Oakes, Booth Lane, Sandbach for 24 pitches, which was taken account of in the GTAA, lapsed on the 18 June 2018.

For the period 2021/22 – 2026/27 (and taking account of any backlog), it is the Council's position that it cannot currently demonstrate a five-year supply of deliverable Gypsy and

Traveller sites. This is due, in part, to the role of the Three Oakes, Booth Lane site in the makeup of the Council's supply. The RPUBSADPD confirms an intention to make plan-led allocations to address Gypsy and Traveller accommodation needs, including providing for a 5-year supply of sites.

The Council's position is that it does not currently have a five-year supply of sites. However, the SADPD, once adopted will provide a mechanism to deliver a five-year supply of sites in the borough. Given the position on the SADPD, its policies and proposed allocations in the emerging document are considered to have moderate weight in decision taking and there is every prospect that the Plan will adequately and positively provide for G&T accommodation needs.

### Personal circumstances

The Glossary of the PPTS 2015 states that,

*'1. For the purposes of this planning policy "gypsies and travellers" means: Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.*

*2. In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:*

- a) whether they previously led a nomadic habit of life*
- b) the reasons for ceasing their nomadic habit of life*
- c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.'*

Therefore, the change in the definition means that for the purposes of assessing the 5-year need for Traveller sites, those that do not travel anymore and have no intention of living a nomadic habit of life in the future eg. retired, however this does allow for temporary ceasing of travel, for educational/health issues.

In this instance the applicant, Mr Jeff Cook, has confirmed that his family and a first cousin's family, Mr Josh Cook, intend to live on the two pitches. Both families live in the area currently on rented pitches at Newcastle Road Caravan Park, or with family. Both families have young children in the local school in Sandbach and wish to continue the children's education within the school. Both families have no medical issues but are both registered at Ashfields Primary Health Centre, Sandbach. Therefore, are considered to be existing residence in the area.

Both families have confirmed that they are of Gypsy heritage and have spent their life's travelling for work and to traveller fairs such as Appleby and Stowe. Both Mr Cook's have businesses in the local area, as Metal scrap merchants and building and roofing. There are no other available pitches within the local area currently available for the two families.

In this case the applicant, and his family appear to meet the definition of a 'gypsy or traveller' and have genuine need for a pitch in the local area.

Therefore, in this instance some moderate weight should be given to the need and personal circumstances of the proposed occupants.

### **Adherence with Policy SC7 (Gypsies and Travellers and Travelling Show People)**

Policy SC7 (Gypsies and Travellers and Travelling Showpeople) of the Local Plan Strategy (“LPS”) sets out the Council’s approach to Gypsies and Travellers and Travelling Showpeople. Point 1 of Policy SC7 notes that sites will be allocated or approved to meet the needs set out in the most recent GTAA. Point 2 sets out various considerations that should be taken into account in determining the acceptability of new sites. Point 3 of the policy puts in place a presumption against the loss of existing permanent consented Gypsy and Traveller or Travelling Showperson sites where this would result in, or exacerbate, a shortfall unless equivalent provision is made.

Part 1 has been addressed above. Part 3 of the policy is not relevant to this proposal.

Part 2 sets out criteria which should be considered when assessing Gypsy and Traveller sites in relation to sustainable and acceptable in terms of location and design. The criteria are;

- i. Proximity of the site to local services and facilities;*
- ii. Access to public transport;*
- iii. Safe pedestrian, cycle and vehicular access onto the site;*
- iv. Appropriate pitch sizes;*
- v. Adequate provision for parking, turning and servicing;*
- vi. Adequate provision for storage and maintenance, particularly where needed for Travelling Showpeople;*
- vii. Mix of accommodation types and tenures;*
- viii. Impact on the character and appearance of the surrounding area;*
- ix. Impact on the Green Belt;*
- x. Impact on the historic environment.*

The site is not within the Green Belt and is not part of Travelling Showperson allocation/site and therefore vi and ix are not relevant to this application. The sizes of the pitches appear to be of scale which is accepted for this type of development (there are no specific sizes set out in policy). Furthermore, the application does not include any details of tenure mixes or accommodation types. Further consideration is given to the rest of the points in the report below.

### **Impact on the Character and Appearance of the Open Countryside**

There is a very strict limitation on new traveller site development in the open countryside that is away from existing settlements identified in Policy H of the PPTS (para 25).

Paragraph 26 of the PPTS requires local authorities to attach weight to the following matters:

- a) Effective use of previously developed (brownfield), untidy or derelict land;
- a) Sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;

- b) Promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children;
- c) Not enclosing with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

As noted above Policy SC7 (viii) includes consideration to be given to the impacts on the character and appearance of the surrounding area.

Whilst the principle of caravans in the countryside is not unduly out of keeping, the associated development including hardstanding, utility buildings, community utility building, fencing and gates in addition to the proposed caravans, vehicles and existing development, will result in some urbanisation and visual harm to this open countryside area.

Nevertheless, in this instance the site is located between the Haslington bypass to the north/west, Haslington House Farm complex to the south and Elton Lane to the east. The site is a triangular piece of land, currently with Horses grazing and a timber stable located on it.

The single storey nature of the proposed development will be largely screened by existing screening around the site. The site does not form an important part of the open countryside and the existing infrastructure would reduce the ability of the site to grow beyond the constraints of the site.

It is therefore considered that although it will amount to the loss of a small area of open countryside, it would not have an unduly detrimental impact on the character or appearance of the open countryside in this location.

## **Sustainability**

The PPTS (August 2015) states that travellers sites should be sustainable economically, socially and environmentally and states that Local Authority planning policies should;

- a) Promote peaceful and integrated co-existence between the site and the local community;
- a) Promote, in collaboration with commissioners of health services, access to appropriate health services;
- b) Ensure that children can attend school on a regular basis;
- c) Provide a settled base that reduces the need for long distance travelling and possible environmental damage caused by unauthorised encampment
- d) Provide proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well being of any travellers that may locate there or on others as a result of new development;
- e) Avoid placing undue pressure on local infrastructure and services;
- f) Do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans;
- g) Reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability

The PPTS has an intention, amongst other things, to create and support sustainable, respectful and inclusive communities where gypsies and travellers have fair access to suitable accommodation, education and health and welfare provision. The document clearly acknowledges that *'Local Planning Authorities should very strictly limit new traveller site development in the open countryside that is away from existing settlements or outside areas allocated within the development plan'* (paragraph 25). However, it does not state that gypsy/traveller sites cannot be located within the Open Countryside.

The document makes it clear that sustainability is important and should not only be considered in terms of transport mode and distance from services, but other factors such as economic and social considerations are important material considerations. It is considered that authorised sites assist in the promotion of peaceful and integrated co-existence between the site and the local community. A settled base ensures easier access to a GP and other health services and that any children are able to attend school on a regular basis. It is widely recognised that gypsies and travellers are believed to experience the worst health and education status of any disadvantaged group. In addition, a settled base can result in a reduction in the need for long distance travelling and the possible environmental damage caused by unauthorised encampment. Furthermore, the application site should not be located in an area at high risk of flooding. These are all matters to be considered in the round when considering issues of sustainability.

The application site is located approximately 500m outside the settlement boundary of Wheelock Heath, and around 1km from the centre of the village of Winterley, where there are some typical services found within a village such as a public house, pre-school (nursery), post box, children's play area, and Winterley Pool. Although Elton Road does not have a pathway, it is part of a public footpath link.

The village of Haslington is around 3km away, Wheelock is around 2km and the centre of Sandbach around 4.5km away where the majority of every day facilities can be found. The site has good links on to the A534, and onto the M6; and is easily accessible to Crewe, where train and bus services are available to most major cities.

Whilst most journeys to and from the site would most likely be by private vehicle, these journeys would be relatively short and limited in number. Policy SC7 of the CELPS does not specify a distance but states that in considering applications, *'(i) Proximity of the site to local services and facilities', ii. Access to public transport; and iii. Safe pedestrian, cycle and vehicular access onto the site;* should be taken account of. The site could safely be accessed by pedestrians or bicycles from the nearby settlement of Wheelock Heath and Winterly.

As such, it is considered that the site is relatively sustainable, and adheres with Policy SC 7.

## **Landscape**

The site is located within the open countryside, within a wedge of land between the Haslington By-pass and Elton Road, with Haslington House Farm to the south of the site. The application site is bounded by trees and hedgerows, the majority of which are to be retained according to the submitted AIA.

The proposal seeks permission for the site to be separated into parcels of land for horses, stables and two residential caravan pitches. It is important to ensure an appropriate surfacing material is used to create the hardstanding, given the rural location and also suitable boundary treatment is used to retain the semi-rural nature of the site.

The site is well contained by the existing screening, nevertheless, should the principle of the development be accepted, it would be essential to secure a comprehensive planting scheme utilising native species, and this could be conditioned.

It is considered appropriate to condition a landscaping scheme is submitted to ensure a suitable surfacing materials are also secured and boundary treatment.

## **Amenity**

The closest building is Haslington House Farm, which includes a mix of residential and commercial properties on site. The proposed pitches will be located approximately 80m away from these buildings. The site is also located over 100m away from the nearest properties on Elton Road. Therefore, from an overbearing, loss of sunlight/daylight or loss of privacy perspective the development is acceptable in policy terms.

The increase of the development is likely to have a perceived impact on neighbouring amenity by means of visual intrusion, however it is considered that this is unlikely to have any increased impact on neighbouring amenity.

With regards to environmental disturbance, the Council's Environmental Protection Officer has reviewed the proposal and advised that they have no objections in principal, subject to conditions.

The impact of lighting in this semi-rural location is important and its potential impact neighbouring properties and the nearby road. It is considered that a lighting plan can be conditioned.

It is therefore considered unlikely that the development would cause any significantly adverse impact on neighbouring amenity.

## **Highway Safety**

Polict SC 7 requires consideration of *v. Adequate provision for parking, turning and servicing.*

The Strategic Highways officer has considered the proposal and notes that the proposal is for 2 pitches with off-road parking and which would make use of an existing access off a private road which itself is accessed via Elton Lane. There is an existing access shown on the plan off the A534 also.

Elton Lane is narrow in places but there is no through traffic and it already accommodates a small number of properties safely, and two additional ones will have a minimal additional impact. Off-road parking provision is considered to be sufficient.

There is an existing access onto the A534 which is also shown on the plans. The visibility onto the highway has not been shown and is unknown, and the access would be intensified with the 2 units. The Highways Officer considers that this access should be closed as part of the proposal. The most recent revised plans show this access closed and planted up.

It is also noted that there are some concerns raised by neighbours that the access into the site is not owned by the landowner, and residential access would not be permitted. It is considered that this a private civil matter and from a planning perspective there is an existing access which is served off Elton Lane and therefore access onto the site is possible. The applicant has also confirmed that there are no restrictions within the land registry in relation to the residential use of the access.

## **Forestry**

The application has been supported by an Arb Impact Assessment with Tree Protection Measures by Godwins Tree Surveys (AIA.13403.01) dated 19/1/2022.

The survey has identified 28 trees on the site including 5 individual and 1 group of high quality A Cat trees, 7 individual moderate quality B Category trees and 13 individual and 3 groups of low-quality C Category trees. Three poor quality U category trees have been identified which are unsuitable for retention irrespective of the development. All the A and B Category trees are shown for retention with just two low quality C Category trees proposed for removal to accommodate the development proposal.

New hard surfacing is proposed within the RPA (root protection area) of one tree with no dig solutions proposed in accordance with best practice to minimise impacts. A tree protection scheme has been submitted to ensure the protection of all trees during any approved construction period. The development proposal demonstrates that the development could be implemented without any significant impacts to the trees with the submitted plans indicating that areas of new hard surfacing in the main are sited outside the RPAs of the important roadside trees. The Forestry Officer therefore has raised no objections to the proposal subject to conditions for Tree retention, tree protection measures, and no dig engineer designed measures for hard surfacing around the trees.

## **Ecology**

The councils ecologist has considered the application and has raised no objections to the scheme subject to conditions for safe guarding breeding birds during nesting season and a scheme for breeding bird boxes to be approved.

## **Drainage/Floodrisk**

The site is not located within a flood risk zone, and is not over 1ha in size and therefore an FRA is not required. The proposal includes details of the proposed drainage solution and the Flood Risk Team have been consulted on this. Conditions can be attached to any permission for the details to be agreed at a later date if necessary.



## **HUMAN RIGHTS AND SAFEGUARDING CHILDREN**

Local Planning Authorities should consider the consequences of refusing or granting planning permission, or taking enforcement action, on the rights of the individuals concerned. Article 8 of the Human Rights Act 1998 states that everyone has the right to respect for his private and family life, his home and his correspondence. It adds there shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals or the protection of the rights and freedoms of others.

Local Planning Authorities also have a duty to safeguard and promote the welfare of children under section 11 of the Children's Act 2004. In addition, the judgment of the Supreme Court in ZH (Tanzania) was that all local authorities are under a duty to consider the best interests of the children.

Section 11 of the Act states that Local Authorities must have regard to the need to safeguard and promote the welfare of children.

Further, Article 14 of the Human Rights Act states that the enjoyment of the rights and freedoms set forth in that Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Furthermore, the Planning Authority is required, under section 149 of the Public Sector Equality Act 2010, in the exercise of its functions, to have due regard to the need to:

- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it

The protected characteristics include:

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

The duty to have regard to the three aims listed above applies not only to general formulation of policy but to decisions made in applying policy in individual cases.

Based on the information provided, no significant issues are raised in this regard.

## **Conclusion and recommendation**

The proposal seeks permission for the change of use of land to use as a residential caravan site for 2 gypsy families with a total of 4 caravans, with the use of part of the site for the keeping of horses and stables.

The application site is located within the open countryside where Gypsy and Traveller accommodation is considered to be acceptable subject to compliance with the development plan.

The application site is considered to be relatively sustainable, and subject to conditions the proposal is considered to be acceptable in terms of landscape impact, forestry, access and drainage. There is no significant impact on neighbouring amenity caused by the proposed development.

The Council's position is that it does not have currently have five-year supply of sites. However, the SADPD, once adopted will provide a mechanism to deliver a five-year supply of sites in the borough. Given the position on the SADPD, its policies and proposed allocations in the emerging document are considered to have moderate weight in decision taking and there is every prospect that the Plan will adequately and positively provide for G&T accommodation needs.

The applicants also have a personal need to live within the area and this is weighted positively in the weight of the decision given the lack of alternatives sites available in the area.

It is therefore considered that the proposal is acceptable and is recommended for approval subject to the following conditions.

### **OFFICER RECOMMENDATION:**

#### **APPROVED WITH CONDITIONS**

- 1. Standard Time**
- 2. Occupation by Gypsy and travellers only as defined by the PPTS**
- 3. Approved plans**
- 4. Materials to be approved**
- 5. Landscape scheme to be submitted**
- 6. Landscape implementation**
- 7. Details of hard surfacing**
- 8. External lighting to be approved**
- 9. Access onto A534 to be closed prior to occupation of site**
- 10. Tree Retention**
- 11. Tree Protection Measures**
- 12. No dig engineer design measures around trees**
- 13. Breeding Birds**
- 14. Bird Boxes**
- 15. Drainage scheme to be submitted – prior to commencement**

- 16. Amenity building not to be used for over night accommodation**
- 17. No fences or gates other than those approved by this application**
- 18. No more than 2 pitches with maximum of 4 caravans – only 2 shall be static caravans at any one time**
- 19. No commercial activities or storage of materials**
- 20. No vehicle above 3.5 tonnes shall be stations, parked or stored on site**
- 21. Soil Importation**
- 22. Unexpected contaminated land**

**In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice**

