

APPLICATION NO	PA/2022/341
APPLICANT	Amanda Smith
DEVELOPMENT	Planning permission for change of use of land for two residential mobile homes, two touring caravans and the erection of an amenity block
LOCATION	Land east of Priesthows, Butterwick Road, Messingham
PARISH	Messingham
WARD	Ridge
CASE OFFICER	Martin Evans
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Messingham Parish Council Departure from the development plan

POLICIES

National Planning Policy Framework:

Paragraph 4 states, 'The Framework should be read in conjunction with the Government's planning policy for traveller sites, and its planning policy for waste. When preparing plans or making decisions on applications for these types of development, regard should also be had to the policies in this Framework, where relevant.'

Paragraph 7 states, 'The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.'

Paragraph 8 states, 'Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- (a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- (b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural wellbeing; and

- (c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.’

Paragraph 9 states, ‘Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.’ It also explains that the three overarching objectives are not criteria against which every decision can or should be judged.

Paragraph 10 states that at the heart of the Framework is a presumption in favour of sustainable development.

Paragraph 11 sets out the presumption in favour of sustainable development and confirms that, for decision-taking, this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:
 - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

Paragraph 38 states, ‘Local planning authorities should approach decisions on proposed development in a positive and creative way...Decision-makers at every level should seek to approve applications for sustainable development where possible.’

Paragraph 47 makes clear that ‘Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.’

Paragraph 62 states, ‘Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).’

Paragraph 80 states, ‘Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- (a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- (b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- (c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- (d) the development would involve the subdivision of an existing residential building; or
- (e) the design is of exceptional quality, in that it:
 - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.'

Paragraph 130 states, 'Planning policies and decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Planning policy for traveller sites (August 2015) (PPTS)

North Lincolnshire Local Plan: DS1, DS14, RD2, M17, LC7, T2, T19

North Lincolnshire Core Strategy: CS1, CS2, CS3, CS5, CS10

Housing and Employment Land Allocations Development Plan Document (HELADPD)

Publication draft of the North Lincolnshire Local Plan: Emerging Local Plan evidence base: 'Gypsy and Traveller Accommodation Assessment' dated October 2021 (GTAA)

CONSULTATIONS

LLFA Drainage: No objections.

Environmental Protection: Historic mapping shows a sand pit with unknown fill material approximately 100m north of the site. There is, therefore, the potential for the amenity block to be impacted upon by migrating gas arising from the unknown fill, which is harmful to human health. A contaminated land assessment condition is recommended.

Environmental Health and Housing: 'The proposed layout for the caravans on the site is not indicated. Separation distance between caravans should be a minimum of 6 metres to comply with Model Standards 2008.

- There is no waste provision indicated for the site. Adequate provision should be made for the storage, collection and disposal of refuse. The applicant should contact Waste Management for further information about waste provision.
- The applicant will need to apply for a Site Licence under the Caravan Sites and Control of Development Act 1960 Section 3. Further details are available from Environmental Health and Housing on 01724 297000 or email housing@northlincs.gov.uk
- The proposed development must comply with the following legislation:
 - Caravan Sites and Control of Development Act 1960 (as amended)
 - Model Standards 2008
 - Model Standards 1983: Touring Caravan Site
 - Mobile Homes Act 2013.
- The applicant will need to be aware of their obligations under the following legislation:
 - The Caravan Sites Act 1968
 - The Gas Safety (Installation and Use) Regulations 1994
 - Electrical safety regulations 2020
 - Mobile Homes (Requirements for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.'

Place Planning and Housing: A response is provided setting out what the planning policy team consider to be relevant policies for the determination of the application.

PARISH COUNCIL

Objects for the following reasons:

'The proposed location is in open countryside and outside of the development line

The visual impact is detrimental to the street scene and the entrance to the village

Overbearing development for the size of the plot

The applicant has not provided an adequate surface water drainage scheme'.

PUBLICITY

A site notice has been displayed. Two letters of objection have been received which can be summarised as follows:

- The council's website maps the site incorrectly and the site notice is in the wrong place.
- The adjacent site owner is drawing up proposals for work and investment to the property and this will be negatively impacted by the proposal.
- The access is not owned by the applicants which needs to be addressed and title deeds provided. Vehicles have blocked onward access.
- Contrary to local plan policy because it is in the open countryside, away from settlements. Other proposals nearby have been refused for this reason.
- The site is not identified for development on the Messingham plan.
- It is unclear what has already been implemented to meet the core strategy requirements; whether there remains a shortfall in provision; what is proposed to be provided elsewhere in the near future; how the proposal sits in with that policy and how the site will be managed.
- The North Lincolnshire GTAA March 2021 concludes there is no current requirement for residential pitches and this report was presented to Cabinet in June 2021.
- The site does not benefit from an existing access to the highway.
- The site may not be large enough for the accommodation proposed or potential future expansion.
- The proposal would have a detrimental effect on adjacent occupiers.
- The statement notes there will be two families on the site but provides for two light goods vehicles, little space for additional parking and little amenity space.
- What would stop the site spreading onto adjacent land?
- Commercial activities could take place on site. How would they be controlled to prevent harm to residential amenity?
- There are at least four vehicles associated with one caravan, making parking inadequate.
- No details of the package treatment plant are provided.
- Visual details of the caravans should be provided.

- Will the Environmental Health department's requirements be met without amendments being required?
- There is a lack of provision for refuse disposal and recycling.
- The site is unsuitable for the proposal as it is too close to a private family residence.
- How would refuse vehicles access the site and waste be removed?
- There are no services to the site and access will not be permitted over third party land.

ASSESSMENT

Planning history

The application site: None.

Land to the north:

PA/2020/1251: Planning permission to erect six holiday lodges – refused 13/01/2021:

‘1.

No information has been submitted to demonstrate whether the proposed development is closely linked with existing tourist attractions, whether the site is suitable for new tourist accommodation, how the scale of development is appropriate in the open countryside and whether a scheme of landscaping is required to suitably screen the development. The proposal is therefore contrary to policy R12 of the North Lincolnshire Local Plan.

2.

The proposal would introduce built development on the site and would be viewed as a discordant feature in this relatively open, flat, rural landscape, to the detriment of its character and appearance. In addition, no landscaping proposals have been submitted for consideration with this planning application. The proposed development is therefore contrary to policies DS1 and RD2 of the North Lincolnshire Local Plan, CS3 and CS5 of the adopted Core Strategy.’

PA/2021/999: Planning permission to erect six holiday lodges (resubmission of PA/2020/1251) – refused 11/02/2022:

‘1.

Insufficient information has been provided to demonstrate that the proposed development would not result in an increased risk of flooding to the site or the adjacent land and properties. In particular, the applicant has failed to provide an adequate surface water drainage scheme. The application does not fully consider SuDS nor has an assessment of the hydrological and hydrogeological context of the development been explored. The proposal is therefore contrary to policy CS19 of the North Lincolnshire Core Strategy and policies DS14 and DS16 of the North Lincolnshire Local Plan.’

Land to the west:

This site has a lengthy planning history and is currently occupied by a bungalow built under planning permission PA/2015/1362, granted 23/12/2015.

Site characteristics

The application site consists of a relatively flat parcel of land measuring 0.09 hectares in area. The southern site boundary abuts Butterwick Road from which access is gained and features an existing hedge approximately 3m in height with open countryside beyond. The eastern site boundary features an existing hedge approximately 3m in height interspersed with taller trees with open countryside beyond. The northern boundary features a post and rail fence as well as a recently planted approximately 2m tall row of leylandii with open countryside beyond. The western boundary features a 1.8m tall metal fence with occasional hedging, with a residential bungalow beyond. The access track serving the proposal continues to the north of the site.

The site is within SFRA flood zone 1; the Messingham Protection Zone; and the open countryside. The development limit of Messingham is approximately 470m to the east of the site. A footway links the site to Messingham. Whilst the site itself is relatively flat, land levels increase markedly to the east on the approach to Messingham.

Proposal

Planning permission is sought for a change of use of land for two residential mobile homes, two touring caravans and the erection of an amenity block. The application form states the change of use started in 2021. The proposed block plan shows two larger mobile homes and two smaller touring caravans located around a central hardstanding and parking area. The amenity building is proposed in the north-western corner of the site. It would measure 4.15m in height, 5m deep and 7.5m wide. External finishing materials would be grey roof tiles and red bricks. It would provide a kitchen/dining room, WC and shower room.

The application form states the proposal is for a residential caravan site for an extended Gypsy family. The design and access statement provides further detail including that the proposal would provide accommodation for two Gypsy families with the amenity building providing communal facilities.

The key issues for this proposal include:

- **the principle of development;**
- **landscape impact;**
- **impact upon residential amenity;**
- **impact upon highway safety; and**
- **drainage.**

These issues are considered jointly below given the multifaceted nature of relevant policies.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material

considerations indicate otherwise. In this instance the development plan consists of the saved policies of the North Lincolnshire Local Plan (NLLP), the North Lincolnshire Core Strategy (NLCS) and the Housing and Employment Land Allocations Development Plan Document (HELADPD). Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF); the suite of documents comprising National Planning Practice Guidance (NPPG) and Planning Policy for Traveller Sites (PPTS).

PPST Annex 1: Glossary, provides the following definitions:

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.

The application is made on the basis this is a site for an extended Gypsy family which would inherently comply with the above definition. It is possible for the council to grant planning permission with a condition requiring site occupants meet the above definition. In the event the site is not occupied by persons meeting the definition it would become an enforcement matter. It is noted no representations have been received to cast doubt on the status of the site occupants.

The local plan is silent on the matter of applications involving the provision of accommodation for Gypsies and Travellers, the relevant policy not having been 'saved'.

Core Strategy policy CS10 identifies a demand for approximately 46 residential Gypsy and Traveller pitches between 2007 and 2016 and a further 10 transit pitches jointly across North and North East Lincolnshire within the same period. The policy goes on to list criteria that were to be used to designate such sites in the General Policies DPD, namely:

- safe and convenient vehicular and pedestrian access to the site including public transport
- be large enough to provide adequate on-site facilities for parking, storage, play and residential amenity
- should be well located on the highway network
- be in or near to existing settlements with access to local services, including shops, schools and healthcare

- not have an adverse impact on environmental assets such as landscape, historic environment, biodiversity, open space and green infrastructure, and avoid areas shown as at risk of flooding in the Strategic Flood Risk Assessment (SFRA)
- should not be detrimental to amenities of adjacent occupiers
- must be suitable for such accommodation with a realistic likelihood that the site can come forward within the plan period.

It goes on to state that these criteria are also to be used to assess planning applications in advance of the adoption of the Housing and Employment Land Allocations DPD, and that previously developed land, derelict land and land on the edge of urban areas will be considered before any rural sites as with all other types of accommodation.

The General Policies DPD has not been produced and the HELADPD does not provide a Gypsy and Traveller accommodation policy as was anticipated in policy CS10. There is no monitoring evidence or five-year supply evidence regarding whether the 46 pitches were delivered within the plan period or to date. The proposal is to be considered under the criteria in policy CS10.

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by a satisfactory access. Policy T19 is concerned with parking provision as well as general highway safety. Access would be onto a national speed limit (60mph) road which is straight and relatively flat in this location with good visibility, as well having low traffic volumes. There is room for a vehicle towing a caravan or a light goods vehicle to pull off the highway without overhanging the carriageway. There is a safe continuous pedestrian footway from the site frontage to Messingham. The nearest public transport facilities are bus stops on Scotter Road, Messingham approximately 1km away, which have regular services linking Gainsborough and Scunthorpe. It is considered that safe and convenient vehicular and pedestrian access to the site, including public transport, is provided and the site is well located on the highway network.

The site is compact and whilst the proposed site layout provides adequate on-site facilities for parking and storage, it fails to provide any meaningful play space/area, to the detriment of the residential amenity of its occupiers.

The site is 470m to the west of the Messingham development limit. Messingham provides a wide range of services and facilities such as a primary school, public houses, restaurants, take aways, places of worship, a petrol filling station, medical centre, pharmacy, Co-op food store and library. The emerging local plan evidence base includes the North Lincolnshire Settlement Survey 2018 (2019 Revision). Messingham is ranked 9th out of 76 settlements in North Lincolnshire. The settlements have been scored based on the services and facilities available within each settlement boundary, and a rank attributed based on the overall outcome. Its facilities and services are very good with seven out of seven key facilities and services present. The distances to these services and facilities are not unreasonable, noting the Co-op store in the centre of the village is 1km away, and there is a realistic prospect of site residents using non-motorised forms of transport to access them.

The planning applications near the site, as noted in the planning history section of this report, consistently take the view that this area is within the open countryside and duly apply restrictive countryside policies within the development plan relevant to development other than Gypsy and Traveller accommodation. Policy CS10 requires the site to 'be in or

near to existing settlements'. The site is clearly not *in* Messingham; however, using the dictionary definition of 'near' (at or a short distance away; nearby), the site is considered *near* Messingham due to the 470m distance between it and the development limit of the settlement. This view is supported by the not unreasonable travel distances to multiple services and facilities noted above.

Policy CS10 requires previously developed land, derelict land and land on the edge of urban areas to be considered before any rural sites, as with all other types of accommodation. This policy is consistent with the locational criteria set out in PPTS which advises that 'authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or areas allocated for development'. This site is not considered to be away from existing settlements; and is not considered to be an isolated location as defined in NPPF paragraph 80 and confirmed in the *Braintree* judgement. The PPTS does not rule out rural or semi-rural sites in principle with, for example, Policy C requiring the scale of such sites do not dominate the nearest settled community.

Policy LC7 Landscape Protection states, 'Where development is permitted within rural settlements or within the open countryside, special attention will be given to the protection of the scenic quality and distinctive local character of the landscape. Development which does not respect the character of the local landscape will not be permitted.' The site has very good existing landscaping, as noted above in the site characteristics section of this report. The proposed use had already commenced at the time of the officer site visit and despite the visit taking place during winter when there was no foliage on the hedges and trees, the site was well screened despite being in close proximity to the highway. It is noteworthy that a large open caravan storage facility is located a mere 40m to the south-west of the application site which benefits from a similar type of boundary landscaping as the application site. Therefore, fleeting glimpses of caravans are already part of the character of the area. The site is not of heritage interest nor are there any heritage assets near the site.

The site is, and was prior to development, of low biodiversity value as it was a grass field, and the peripheral vegetation, which may be of some ecological value for nesting birds and as bat commuting corridors, has been retained.

The site is in flood zone 1 (low risk) which means the proposal avoids areas shown as at risk of flooding in the Strategic Flood Risk Assessment (SFRA). Policy DS14 states, 'The council will require satisfactory provision to be made for the disposal of foul and surface water from new development, either by agreeing details before planning permission is granted, or by imposing conditions on a planning permission'. It is proposed foul drainage would be to package treatment plant but no further details are provided. Final details can be secured by condition. Surface water drainage would be by means of soakaway. The use of permeable paving (a layer of gravel on a sub-base of clean hardcore and a base course of crushed aggregate) for the caravan pitches, parking and turning area would intercept rain where it falls, with water passing through the surface voided hardcore. Roof water flow from the caravans is considered inconsequential within this site context and does not require further consideration. The lack of objection from the LLFA is noted.

Policy DS1 is partly concerned with impacts upon residential amenity. It states that '...No unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.' The site is approximately 30m from the front elevation of the recently

constructed bungalow to the west. The nature of the proposed use in itself, coupled with this separation distance, does not give rise to harm to residential amenity.

Environmental Protection recommends a contaminated land assessment in relation to the amenity building only, because of potential contamination migration from approximately 100m away to the north of the site. However, the intervening land was subject to contaminated land assessment under planning application PA/2021/999 which resulted in an unexpected contamination condition being recommended by Environmental Protection. Such a condition would address contaminated land concerns in this instance. To condition an intrusive investigation would be inconsistent with the approach taken on the intervening site and disproportionate to the ground gas risks already considered by the council on the intervening site, and to which the Environmental Protection team did not raise objection.

The proposal only partially conflicts with Core Strategy policy CS10 in that it fails to provide any meaningful play space/area to the detriment of the residential amenity of its occupiers, but otherwise complies with this policy.

Housing and Employment Land and Allocations Development Plan Document paragraph 1.8 states:

‘1.8 During the Public Examinations for the Core Strategy and the Housing and Employment Land Allocations it was agreed to bring forward Gypsy and Traveller allocations in the General Policies DPD when it would be clearer on planning policy.’

The General Policies DPD was never produced, and the HELADPD is otherwise silent regarding applications for Gypsy and Traveller accommodation.

The emerging local plan evidence base contains a document entitled ‘Gypsy and Traveller Accommodation Assessment’ dated October 2021 (GTAA).

The GTAA provides a robust and credible evidence base which can be used to aid the implementation of local plan policies and, where appropriate, the provision of new Gypsy and Traveller pitches and Travelling Showpeople plots for the period 2021 to 2038 to cover the North Lincolnshire Local Plan Review period and the 15-year requirements set out in PPTS. The outcomes of this study supersede the outcomes of any previous GTAAs for North Lincolnshire Council. The GTAA identifies a need for 17 pitches between 2021-2038.

The PPTS advises:

‘This policy must be taken into account in the preparation of development plans, and is a material consideration in planning decisions.’

When assessing the suitability of sites in rural or semi-rural settings, policy C requires local planning authorities to ensure that the scale of such sites does not dominate the nearest settled community. The proposal is modest in scale. It would not dominate the nearest settled community in the cluster of dwellings to the west nor Messingham.

PPTS paragraphs 22–28 set out decision taking considerations. These paragraphs are quoted below and considered in turn.

‘24. Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

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

However, as paragraph 16 makes clear, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.'

The 2021 GTAA identifies, in Appendix D, a total of 53 authorised and 8 unauthorised pitches within North Lincolnshire; and a need for 17 pitches between 2021–2038. There are no public sites within North Lincolnshire for the site occupants to move to in the event planning permission is refused and enforcement action taken requiring the use to cease. No evidence is provided of the applicants' efforts to explore vacant pitches on existing sites as an alternative to having developed the application site. Whilst only a snapshot in time, the GTAA paragraph 6.4 states, 'It should be noted that there were 2 vacant pitches (River View, Brigg), 1 pitch being used for storage, 3 pitches that have been merged to form a single extended pitch, and 20 pitches that were not occupied by travellers.' The nomadic nature of the site occupants may mean this situation has changed in the intervening period.

The submitted Design and Access Statement states that, as the applicants do not have alternative accommodation, they would be forced onto the roadside if planning permission is refused; confirms two of the site occupants have Crohn's disease which is a chronic long-term medical condition that requires long-term treatment which would be facilitated by having a pitch with planning permission; and that the grant of planning permission would facilitate the two resident children being able to attend school. It is noteworthy that part of the Government's stated aim in respect of traveller sites in PPTS paragraph 4 is 'j. to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure'. Locally specific criteria have been used to assess this application which is on an unallocated site.

The 2021 GTAA states:

'7.25 It is important to note that any future demand for new sites or additional pitches as a result of in-migration should be seen as windfall need and should be dealt with by a criteria-based development management policy. This additional need should not be assessed against levels of need identified in the GTAA or to contribute towards 5-year supply to meet this need.'

The application does not clarify whether the occupants were previously resident in North Lincolnshire or elsewhere.

The PPST continues:

'25. 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.'

As noted in the discussion of policy CS10, planning applications in this area have consistently been considered to fall within the open countryside. Core Strategy policies CS1, CS2, and CS3, policy RD2 of the local plan and the development limit defined in the HELADPD combine to restrict development in the countryside to that which is essential to its functioning and does not name Gypsy and Traveller sites as being a development type that may be acceptable in such locations. There is conflict with the development plan in this regard.

The proposal is considered to be new site development in the countryside that is not away from existing settlements. The scale of the site would respect the scale of and not dominate the nearest settled community. The nine named occupants of the site would not place local infrastructure under undue pressure. The proposal complies with paragraph 25 of the PPTS.

'26. When considering applications, local planning authorities should attach weight to the following matters:

- a) effective use of previously developed (brownfield), untidy or derelict land
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
- d) not enclosing a site 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.'

The site is greenfield; has very good existing landscaping; is poorly planned as it lacks space for children to play; and has not been enclosed with hard landscaping. There is partial conflict with this paragraph as the proposal is poorly planned as it lacks space for children to play.

'27. If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. The exception is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and/or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).'

The requirement for the local planning authority to demonstrate an up-to-date five-year supply of deliverable sites was first introduced in the 2012 version of the PPST, as amended in 2015. This post-dates the adoption of both the North Lincolnshire Local Plan and Core Strategy. The HELADPD was drafted and examined post-PPTS publication. The HELADPD examination library contains a document reference EXAM13 which sets out the council's approach to providing for the needs of Gypsies and Travellers in the district. The local planning authority gave, and the Inspector accepted, reasons why it would be appropriate to bring forward Gypsy and Traveller allocations in the General Policies DPD 'when it would be clearer on planning policy.'

North Lincolnshire Council cannot currently demonstrate an up-to-date five-year supply of deliverable sites based on the latest GTAA, and a lack of monitoring means it is unclear whether there has been historic under-delivery in relation to the pitch target in policy CS10. The site is not within any of the exception areas noted in paragraph 27. The lack of such a supply is a significant material consideration in considering whether to grant a temporary planning permission in the event a permanent permission is not appropriate.

The Yorkshire and The Humber Region agricultural land classification shows the site is on grade 4 poor land. This land does not meet the NPPF definition of best and most versatile agricultural land so is not a matter the local planning authority must take into account. Notwithstanding the above, the land in question was not previously in agricultural use and is of a size that would be inconsequential to future agricultural need.

The site is within the Messingham Protection Zone designated by policy M17 in which planning permission for new mineral workings will not be permitted. This has no impact on the proposal.

The PPG states:

'Should children's best interests be taken into account when determining planning applications?

Local authorities need to consider whether children's best interests are relevant to any planning issue under consideration. In doing so, they will want to ensure their approach is proportionate. They need to consider the case before them, and need to be mindful that the best interests of a particular child will not always outweigh other considerations including those that impact negatively on the environment or the wider community. This will include considering the scope to mitigate any potential harm through non-planning measures, for example through intervention or extra support for the family through social, health and education services. (Paragraph: 028 Reference ID: 21b-028-20150901)'

It is agreed that the best interests of the children should be taken as a primary consideration. Their enrolment in school, healthcare facilities and having the certainty of a permitted pitch would be a significant benefit of granting planning permission. Weighed against this, the proposed site layout would provide no meaningful play space as noted above.

It is considered the refusal of this application and enforcement action causing the use to cease may interfere with the site occupants' human rights under article 8 of the Human Rights Act which protects the right to respect for their private life, family life and home amongst others. It is very likely that on leaving the site some or all of the current occupiers would have to resort to a roadside existence. This can have adverse environmental impacts

and may create disharmony between the travelling and settled community. Furthermore, in addition to the general health problems associated with roadside living, the education prospects of the children living on the site could be seriously compromised. These are all matters that attract significant weight.

In response to objections received: the council's mapping system is not relevant to the determination of the application; the site notice was erected in accordance with planning law; there is no identified harm to adjacent occupiers; an access dispute is a private matter between the relevant parties; relevant policies are discussed in detail in the report; nearby refusals were considered on their merits as is this proposal; the site does not have to be allocated to be acceptable; a lack of monitoring is an acknowledged problem and future provision is discussed in detail in the report; site management is not material in this case; the 2021 GTAA does not conclude there is no current requirement for pitches; the site does have an existing access to the highway; the site is considered large enough to accommodate the proposal but with lack of play space; future applications for expansion would be determined on their merits; no harm to adjacent occupiers would occur; light goods vehicle parking is an accepted feature of such sites; parking levels are appropriate; the site spreading onto adjacent land or commercial activities on the site are not matters before the local planning authority but the latter is controlled by condition; package treatment plant details are secured by condition; elevations of the caravans are not required; Environmental Health and Housing comments do not require amendments (reference to model standards should be disregarded as the standards make clear they do not apply to Gypsy and Traveller sites); waste disposal is dealt with by informative.

Planning balance and conclusion

The application is submitted on the basis it is for an extended Gypsy family. Partial policy conflict arises because the proposed site layout lacks space for children to play and amenity space for site occupants with resultant harm to their amenity as residents of the site. This is in conflict with the PPTS and core strategy policy CS10. The proposal is not named as a type of acceptable development in the countryside contrary to policies CS2, CS3 and RD2. It is government planning policy that intentional unauthorised development is a material consideration that should be weighed in the determination of planning applications. This is the case in this instance and this must weigh against the proposal.

Conversely, the site occupants would be able to access services and facilities at a not unreasonable distance via a safe footway to nearby Messingham; the development is not considered to harm the character of the local landscape and countryside by virtue of its modest scale and very good existing landscaping; and agricultural land quality is poor which does not represent a restraint to development. The council cannot demonstrate a five-year supply of sites and it is likely there is a lack of any alternative sites for the occupants to move to. The personal circumstances of the site occupants, including the best interests of the children would be best served by occupying a pitch with planning permission that would facilitate access to education and health care. These carry substantial weight, particularly since a consequence of refusing planning permission is that those living at the application site would become homeless.

In these circumstances it is considered that the balancing of harm and benefits falls in favour of a permanent planning permission being granted.

Restricting permission to a temporary period would be unjustified for the above reasons.

RECOMMENDATION Grant permission subject to the following conditions:

1.

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

- Amenity block elevations
- Amenity block floor plan
- Site layout plan.

Reason

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

2.

The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (or its equivalent in replacement national policy).

Reason

In accordance with the terms of the application, the specific policy context in which such applications are considered and because occupation by others would be in conflict with the development plan.

3.

There shall be no more than four caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, stationed on the application site at any time.

Reason

In accordance with the terms of the application and to prevent the unfettered use of the site in a manner that would harm the character and appearance of the countryside.

4.

No more than two light goods vehicles shall be parked on the site at any time.

Reason

In accordance with the terms of the application and to prevent the unfettered use of the site in a manner that would harm the character and appearance of the countryside.

5.

The existing hedgerows and trees along the boundary of the application site shall not be trimmed or removed, unless details have first been submitted to and approved in writing by the local planning authority.

Reason

Their presence is important to mitigating the landscape impact of the development to an acceptable degree.

6.

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

Reason

Such activities may harm the residential amenity of adjacent occupiers and the character and appearance of the countryside.

7.

Within six months of the date of this permission, details of a foul drainage system shall have been submitted to and accepted as valid in writing by the local planning authority. The system shall be installed within nine months of the approval in writing of the local planning authority and shall be retained for the duration of the development.

Reason

To ensure appropriate foul drainage is secured to prevent pollution of the environment.

8.

If during development any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement, detailing how this contamination shall be dealt with, has been submitted to and approved by the local planning authority. The approved method statement shall be implemented in full prior to development commencing on the site.

Reason

To ensure appropriate remediation in the event unexpected contamination is discovered during construction.

Informative 1

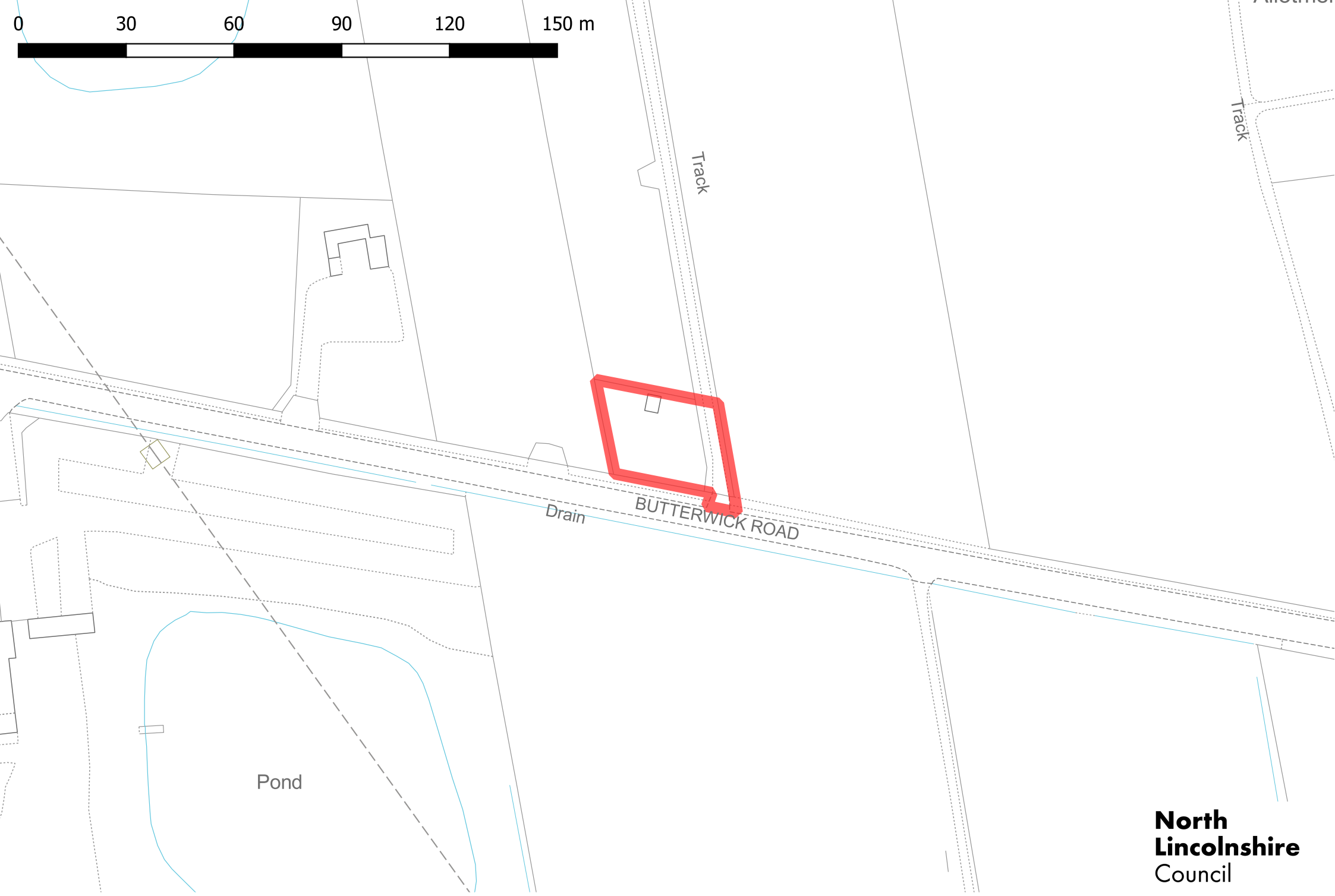
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

Informative 2

There is no waste provision indicated for the site. Adequate provision should be made for the storage, collection and disposal of refuse. The applicant should contact Waste Management for further information about waste provision.

Informative 3

The applicant will need to apply for a Site Licence under the Caravan Sites and Control of Development Act 1960 Section 3. Further details are available from Environmental Health and Housing on 01724 297000 or email housing@northlincs.gov.uk.



**North
Lincolnshire
Council**





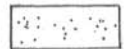


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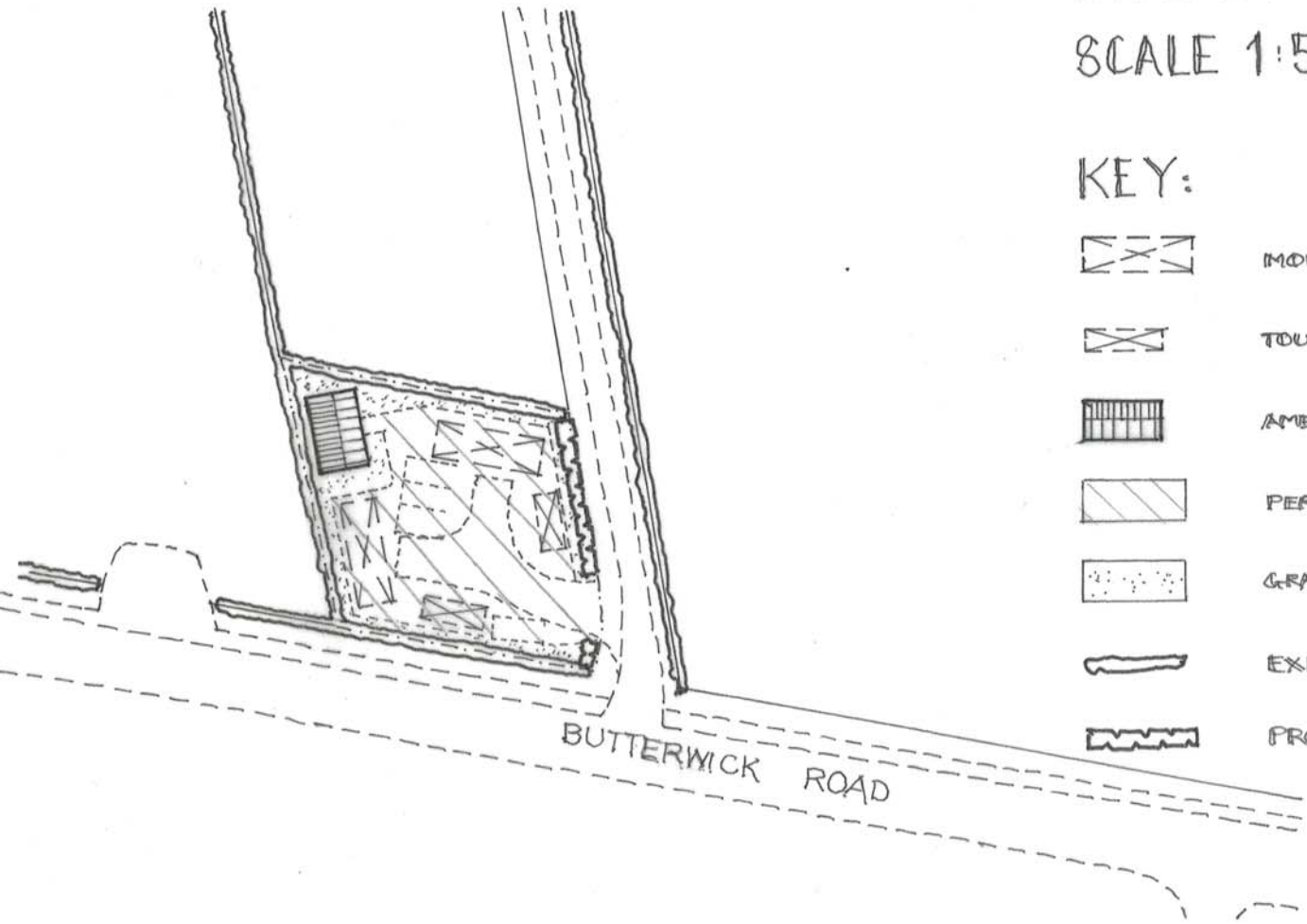
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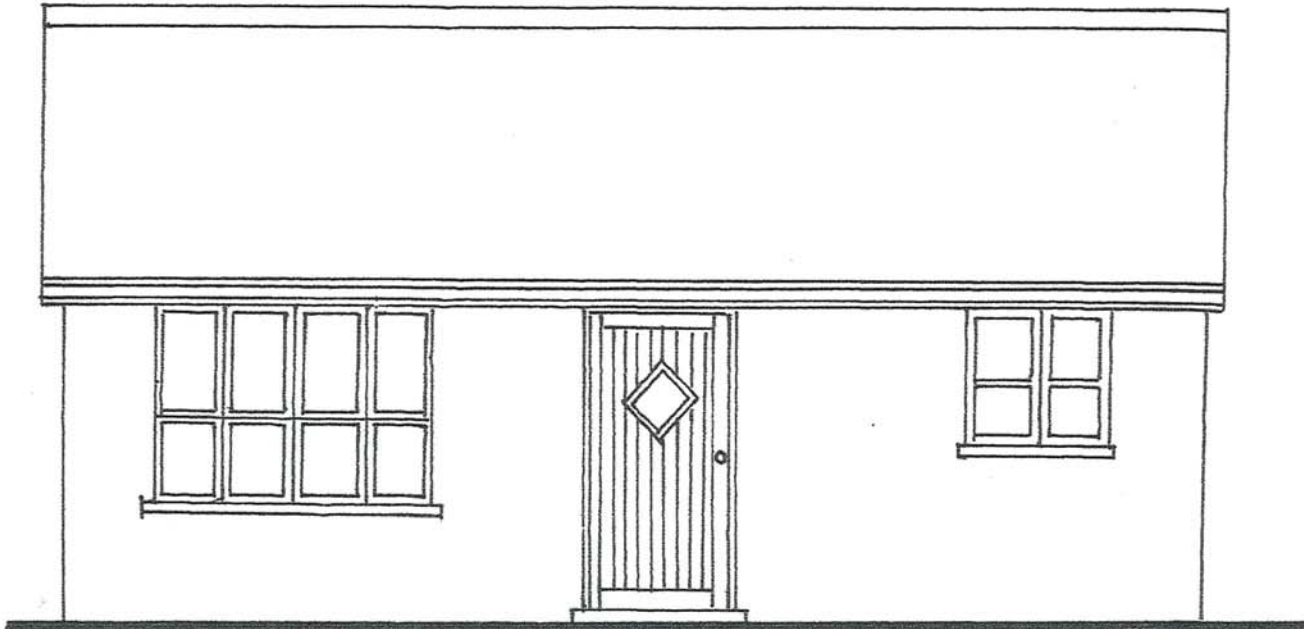
SITE LAYOUT PLAN
SCALE 1:500

KEY:

-  MOBILE HOME
-  TOURING CARAVAN
-  AMENITY BUILDING
-  PERMEABLE HARDSTANDING
-  GRASS
-  EXISTING HEDGEROWS
-  PROPOSED HEDGE PLANTING



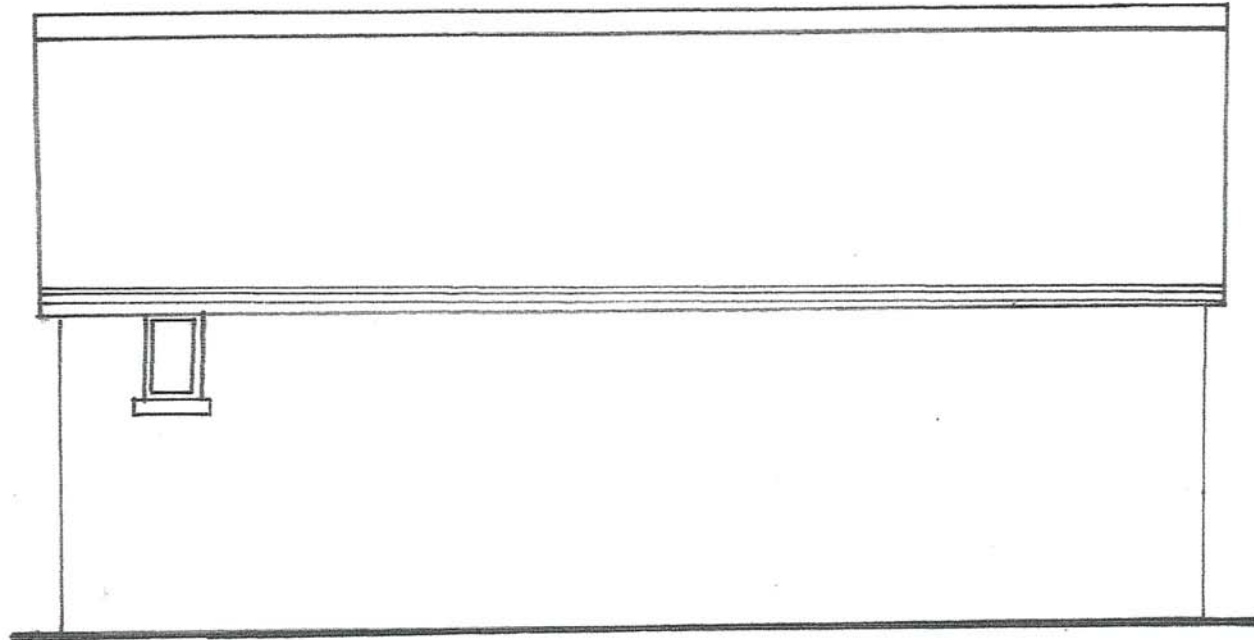
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20 JAN 2022



FRONT ELEVATION
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PROPOSED AMENITY BLOCK.



REAR ELEVATION
SCALE 1:50

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