
Appeal Decisions

Hearing held on 10 November 2016

Site visit made on 10 November 2016

by Mr Keri Williams BA MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 December 2016

Appeal A: APP/U4230/W/16/3146755

Land off Lumns Lane, Swinton, Greater Manchester, M27 8LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr J Harris against the decision of Salford City Council.
- The application, ref:15/66975/FUL and dated 4 September 2015, was refused by notice dated 9 December 2015.
- The development proposed is a change of use of land to a mixed use for the keeping of horses and as a residential caravan site accommodating 4 gypsy families, each with 2 caravans including no more than one static caravan/mobile home, and the erection of 2 amenity buildings.

Summary of Decision: The appeal succeeds and planning permission is granted in the terms set out in the Formal Decision.

Appeal B: APP/U4230/C/16/3149521

Land north of Lumns Lane, Swinton, Greater Manchester, M27 8LN and north-east of 1-9 Lumns Lane

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made Mr J Harris against an enforcement notice issued by Salford City Council.
 - The Council's reference is 15/00272/WPP2.
 - The notice was issued on 4 April 2016.
 - The alleged breach of planning control as set out in the notice is the change of use of land from a manège and a (*sic*) car parking and associated works to a mixed use of:
 - a) Keeping horses and
 - b) As a residential caravan site with associated works.Together with the deposit of hardcore materials across the greater part of the southern portion of the site to form an extensive area of hardstanding, which is used as a parking area for caravans and as a runaway (*sic*) for vehicles ("The Development").
 - The requirements of the notice are to remove all living and travelling trailers and caravans from the site, together with associated vehicles, all domestic paraphernalia and work materials, and all hardcore on those areas of the site not shown as being intended for access and parking in the plans accompanying planning application 13/62761/FUL, and to revert the use of the land and the operational development to that approved on 6 March 2013 under that application, namely the erection of stables and fencing to form a manège, car parking and associated works.
 - The period given for compliance with the requirements is 4 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) and (g) of the Town and Country Planning Act 1990 as amended. The application for planning permission deemed to have been made under section 177(5) of the Act as amended also falls to be considered.
-

Summary of Decision: The appeal succeeds and planning permission is granted in the terms set out in the Formal Decision. The enforcement notice is corrected and quashed.

The Enforcement Notice in Appeal B

1. A small area at the northern end of the land shown on the notice plan is not in the appellant's ownership and should be excluded. A plan showing the revised area is submitted by the Council. The notice plan can be corrected to address this matter without causing injustice, as set out in the Formal Decision.
2. A number of other matters concerning the enforcement notice in Appeal B were addressed at the Hearing. In the allegation the words after "hardstanding" are superfluous. For clarity they could be removed without materially affecting what is alleged. For the same purpose, the term "all living and travelling trailers and caravans" could be replaced with "all caravans and trailers". There are also minor typographical errors. The requirement to remove hardcore should refer to an area specified in a plan attached to the notice rather than relying on details in planning application 13/62761/FUL. The Council has provided a plan for this purpose. A requirement to revert to another use and operational development approved in a planning permission exceeds what is necessary to remedy the alleged breach of planning control. Instead, the requirement should refer to ceasing that part of the alleged use which is not covered by the previous use. In this case that is use as a residential caravan site with associated works. These matters were discussed at the Hearing. Were I to uphold the notice, it could be corrected and varied to address them without injustice.

Appeal A – The Planning Appeal; Ground (a) of Appeal B and the Deemed Planning Application

The Appeal Sites and the Proposed Development

3. The appeal site in Appeal B covers land north of Lumns Lane as shown on the enforcement notice plan. It is within the Greater Manchester Green Belt. The site in Appeal A comprises only the southern part of that wider site and extends to about 0.4 hectares. Vehicular access is from Lumns Lane and leads into a broadly triangular area which for the most part has been covered with road plantings to provide hardstanding. 5 static caravans and 4 touring caravans were on the site when I visited. Mr Harris explained that a further touring caravan had been on the site but was away for repairs. In March 2013 planning permission 13/62761/FUL was granted on the wider site for the "*Erection of stables and fencing to form a manège, car parking and associated works.*" The stable block under construction on the land forms part of that development. The layout plan attached to that permission also shows a stable yard and a small area for car parking. There is a gated access to a manège on part of the open field which forms the northern part of the wider site.
4. The submitted site layout plan in Appeal A shows 4 static caravans, 4 mobile homes and 2 amenity buildings. At the Hearing the appellant explained that, in addition to the 4 families to which his statement refers, it was intended to include two further members of the extended family. They are Elizabeth and Margaret Harris. Elizabeth Harris is the appellant's mother and Margaret Harris is her carer. A further static caravan and a further touring caravan would therefore be required. The development at issue is a change of use involving a

residential caravan site. This matter can be dealt with by condition controlling the number of caravans and I have taken it into account in assessing the merits of the development. Further drawings provide elevations, a floor plan of the proposed amenity blocks and a screen fencing detail.

5. The deemed planning application arising from the enforcement appeal is for a change of use of the wider site as identified on the notice plan to a mixed use of the keeping of horses and a residential caravan site with associated works. The layout of the residential caravan site could be controlled by condition, allowing it to be restricted to the southern part of the land as in Appeal A.

Main Issues

6. It is common ground that the development in both appeals would be inappropriate development in the Green Belt. Those occupying the site would be Irish Travellers. It is also common ground that they fall within the definition of gypsies and travellers in Annex 1 of Planning Policy for Traveller Sites, 2015 (PPTS). On that basis the main issues are as follows:
 - i) The effect on the openness of the Green Belt and on its purposes;
 - ii) The effect on the character and appearance of the surrounding area;
 - iii) The effect on neighbours;
 - iv) The need for sites for gypsies and travellers, the provision of sites and the availability of alternative sites;
 - v) Personal circumstances, human rights and the best interests of children;
 - vi) The overall balance and whether the harm to the Green Belt and any other harm would be clearly outweighed by other considerations. If so, whether this would amount to the very special circumstances required to justify granting planning permission.

Relevant Planning Policies and Policy Weight

7. The National Planning Policy Framework (the Framework) and PPTS are material considerations. Amongst the aims of PPTS are increasing sites in appropriate locations from which education, health, welfare and employment infrastructure can be accessed, promoting more private traveller site provision, reducing unauthorised developments and encampments and having due regard to the protection of local amenity and the environment. New sites in the open countryside that is away from settlements are to be very strictly limited. PPTS is to be read in conjunction with the Framework, which also contains a range of policies relevant to the main issues in these appeals, including policies concerning development in the Green Belt. Framework paragraph 87 sets out that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 says that substantial weight is to be given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Policy E of PPTS also deals with traveller sites in the Green Belt.
8. Framework paragraph 215 explains that due weight should be given to relevant policies in existing plans according to their degree of consistency with the

Framework itself. The policies of the PPTS post date those in the Framework and are consistent with it. Policy EHC7 of the City of Salford Unitary Development Plan 2004-16, 2006 (UDP) deals with sites for travelling people. Amongst other things it requires demonstration of a clear need for the development. The need for sites is a criterion in PPTS policy H but it is not an absolute requirement. UDP policy EN1 deals with the Green Belt. Amongst other things it provides that a material change of use is not inappropriate development if it maintains openness and does not conflict with Green Belt purposes. This approach is not reflected in the Framework. These matters reduce the weight I give to policies EHC7 and EN1.

The Effect on Green Belt openness and on Green Belt purposes

9. The site is mostly of an open character. There are houses to the south-west on Lumns Lane and to the west on Rake Lane. A disused railway line runs along the eastern site boundary. Other development to the south-east has access off Lumns Lane. The hardstanding does not impinge significantly on openness but the introduction of numerous caravans, 2 amenity buildings and associated vehicles would reduce openness markedly. The development would also conflict with the Green Belt purpose of assisting in safeguarding the countryside from encroachment. These effects are limited by the fairly modest extent of the caravan site and the limited public views into it. The use, operational development and vehicles which could in any case result from permission 13/62761/FUL would also reduce openness. However, in that case there would not be inappropriate development. The appellant contends that similar harm could result from other new Green Belt gypsy and traveller sites in the district. In the absence of details of specific sites and their effects I give that matter limited weight.

The Effect on the Character and Appearance of the Surrounding Area

10. Notwithstanding the development approved under permission 13/62761/FUL, the introduction of caravans, amenity blocks, hardcore and related vehicles would result in a degree of harm to the generally open character of the site. Development would be limited to the southern section of the wider site. The field to the north is more extensive and would remain open. The land rises to some extent from south to north and public views into it are diminished by topography and by vegetation, including extensive tree cover. There are glimpsed views of the site through trees on the eastern side of part of Rake Lane. These views are likely to be somewhat more extensive when trees are not in leaf. PPTS does not exclude residential caravan sites for travellers in rural areas so that a degree of harm to local character and appearance is common. That consideration, together with the restricted views of the development from public viewpoints, limits the weight I attach to this harm. There is scope for some additional landscaping but it would not be extensive. The development would not meet the requirement in UDP policy DES1 that it should contribute towards local identity and distinctiveness.

The Effect on Neighbours

11. A petition is submitted with a covering letter objecting to the development. It refers to harm to privacy and from noise emanating from dogs kept at the site and from machinery used on it. There is also concern about anti-social behaviour, including incidents involving dogs and horses. On the other hand the appellant submits a number of letters of support. Several local residents

commend the behaviour of those on the site. Others refer to knowing some of the residents and commend their character. The appellant submits a petition but it is not clear from that document what view its signatories were supporting. I give it little weight.

12. Anti-social behaviour, if it does occur, can be addressed by the police and the local authority. Nearby properties on Lumns Lane are elevated above the appeal site. There would be some harm to privacy but it would be reduced by the extent of tree and vegetation cover. A degree of noise disturbance is likely, although a local resident at the Hearing suggested that more disturbance arises from other local noise sources. If planning permission was granted conditions could preclude commercial use and control the type of vehicles on the site. Subject to such conditions the degree of harm to residential amenity would not approach the unacceptable impact to which UDP policy DES7 refers.

The Need for Gypsy and Traveller Sites, the Provision of Sites and the Availability of Alternative Sites

13. Policy A of PPTS requires a robust evidence base to establish accommodation needs. Policy B requires a Council to identify and update annually a supply of specific deliverable sites sufficient to provide 5-years worth of sites against locally set targets. The Greater Manchester Gypsy and Traveller Accommodation Assessment (GTAA) was prepared by Arc4 and published in December 2014. It focuses on the period 2014-2015 to 2018-2019 and includes only indicative figures for the period 2018-19 to 2033. The GTAA is the most recent available assessment although, as the appellant observes, it has not been subject to any public examination or scrutiny. Table 6.2 of the GTAA summarises the current pitch supply and shortfalls for the period up to 2018-2019. It identifies a need in Greater Manchester as a whole for a further 34 pitches in period to 2018-19 but records a surplus of 2 pitches in Salford for that period. In providing only indicative pitch requirements beyond 2018-19 the GTAA recognises the need to monitor factors including occupancy and turnover. A figure of 7 further pitches is given for Salford to 2033 and 56 for Greater Manchester as a whole.
14. The appellant is critical of a number of aspects of the GTAA methodology. The finding of a surplus of 2 pitches in Salford in the period to 2018-9 makes no allowance for existing and emerging households living in "bricks and mortar" housing and needing a pitch in the future. The GTAA characterises a wish to live on a pitch in these circumstances as an aspiration rather than reflecting need. Taking account of numerous studies undertaken by Arc4 elsewhere, the GTAA estimates that a further 4 existing households and 5 emerging households in bricks and mortar housing in the district are likely to prefer living on a pitch. If this is included, as the appellant suggests, it gives an overall need for Salford of 7 pitches to 2018-9. The appellant also alludes to frequent unauthorised encampments in the district, averaging 28 per annum and containing between 1 and 20 caravans. GTAA Table 9.1 indicates an annual average of 30 unauthorised encampments in Salford between 2010/11 and 2012/13 and an annual average in Greater Manchester of 120. The GTAA assumes that unauthorised encampments indicate a need for transit pitches.
15. It is not unusual for GTAA to make some allowance for households needing to move from bricks and mortar housing to caravan sites. This can reflect a need to follow a traveller way of life and culture. Nor do unauthorised encampments

necessarily reflect only transit requirements. In a situation of an unmet need for traveller sites in the Greater Manchester area it seems more likely that they are indicative of a need for permanent sites, at least to some extent. In addition to the above matters I take into account that the GTAA does not comprehensively cover the full 5-year period from now, with only indicative figures post 2018-2019.

16. With regard to provision, the Council explains that its draft Local Plan, which is to be published in 2017 and adopted in 2019, is to propose one further site. I conclude that, notwithstanding the GTAA findings, there is some current unmet need in Salford. I do not consider the Council to have demonstrated a 5-year supply of deliverable sites. The development would help to meet local need and contribute to meeting need in the wider Greater Manchester area. Those who would occupy the land also have a personal need for a site in order to provide them with secure and stable accommodation. This would enable access to adequate health care, regular schooling for their children, facilitate their traditional traveller way of life and enable provision of mutual support within the extended family group.
17. It is consistent with case law in *Doncaster MBC v FSS & Angela Smith [2007] HC EWHC 1034 (Admin)* that to be a realistic alternative a site should be suitable, affordable, available and acceptable. There is one public site in the Council's area, at Duchy Road Caravan Park. It can accommodate 31 permanent pitches with a capacity for 62 caravans. The appellant's evidence is that this site has been consistently full, is very popular and has a waiting list. The 5 caravan counts up to July 2015 showed it to be occupied by an average of 61 caravans. The site is run by Salix Homes. A letter of 29 June 2016 from Ms Crook of Salix Homes confirmed that there were no vacancies at that time. The Council understands that there are now some vacancies. However, that is not confirmed by documentary evidence. Nor, if there are vacant pitches, is it clear how they would be allocated, whether there are sufficient and suitable pitches for those intended to occupy the appeal site and whether those pitches would be made available to them.
18. Prior to occupying the appeal site the families were living on the Crompton Lodge Caravan Park site in nearby Bolton District. The appellant says that the families had to leave that site because of trouble with other residents there. At the Hearing reference was made to conflict with other residents, a caravan being burned out, incidents requiring police attendance, intimidation, being unable to allow children out to play and poor living conditions. The Council observes that the Crompton Lodge site is well-placed for access to services and facilities and has sought evidence on the situation at that site. It submits an email trail of information from Mr Griffiths, of Bolton Council. He alludes to disagreements on the site followed by several families leaving the site, to the role of a member of the Harris family in the disputes and to families feeling unsafe due to cars racing up and down. He did not consider that safety issues caused families to leave or that there were issues relating to children.
19. Unfortunately, serious disputes among different traveller families are not uncommon. There is some disputed evidence on these matters. However, I found the detailed evidence given by the appellant and other family members at the Hearing concerning their problems at the Crompton Lodge site to be consistent and credible. Even if there were now sufficient pitches at that site to accommodate the families, which has not been established, it would not be a

suitable site for them. Nor are any other alternative sites suggested. In the absence of any alternative site, were the intended occupiers of the appeal site to be required to leave it the most likely outcome for these families would be roadside travelling.

Personal Circumstances, Human Rights and the Best Interests of Children

20. A roadside existence would make access to health care considerably more difficult, with the potential for harmful effects on health. Documents submitted indicate that 2 members of the extended family suffer from serious medical conditions which are likely to require ready access to medical facilities. Some of the intended occupiers are registered at a local medical practice. A roadside existence would not preclude all access to education. Nevertheless, it is likely that if prolonged it would lead to serious disruption to education for those children who are of school age or approaching it. 10 children of compulsory school age would be living on the site and there is 1 pre-school child. 5 children attend local schools and 1 is due to start. Other children are home tutored. The appellant explains that this is in order to avoid further disruption should the families be required to leave the appeal site. The best interests of the children are a primary consideration. Those interests are to avoid disruption of their lives and to have a settled site to live on. This would afford them the best opportunity of a stable family life and access to education, health, safe play and a range of services and facilities. The adult members of the families would similarly benefit. If the appeal was dismissed there would be an infringement of the 24 intended residents' human rights under Article 8 of the European Convention on Human Rights. It deals with the right to respect for family life and the home.

Other Matters

21. Some local residents are concerned about traffic movements having regard to a bend in Lumns Lane near the site entrance. The Council does not consider that material harm to highway safety would arise. Taking into account the scale of the development and the likely traffic arising from development already permitted on the land I share that view. There is extensive other development nearby and this is not a site which, in terms of PPTS paragraph 25, is in open countryside that is away from existing settlements. Having regard to distances to public transport services, schools, shops and other services, the site is reasonably well placed in terms of accessibility. The development would not dominate the nearest settled communities. The basis for the appellant's reference to the site as previously developed land is not explained. The only structure of significance on the site is the partly erected stables building and that would remain. This matter does not assist the appellant's case.

The Overall Balance

22. A range of matters weigh in the appellant's favour for a permanent permission. They include an unmet need for sites locally and in the wider Greater Manchester area, the Council's failure to demonstrate a 5-year supply of deliverable sites, the personal need for a site of the 24 intended occupiers of the land and the lack of alternative sites. Permission would also facilitate the range of benefits arising from provision of a settled site set out in PPTS paragraph 13. They include access to the education, health and other facilities available to the settled community. It would serve the best interests of the children, a primary consideration. There are also personal medical

circumstances. Granting permission would avoid infringement of human rights under Article 8 of the European Convention on Human Rights. I also take into account the requirements of Equality Act, 2010, including those concerning equality of opportunity and eliminating discrimination. In that context, granting planning permission would facilitate the traveller way of life. When taken together these matters are worthy of great weight in the appellant's favour.

23. On the other hand, and in accordance with the Framework, I give substantial weight to the harm to the Green Belt arising from inappropriate development, to the harm to Green Belt openness and to the conflict with the Green Belt purpose of assisting in safeguarding the countryside from encroachment. I give moderate weight to the effect on the character and appearance of the surrounding area and limited weight to the effect on neighbours. When considered as a whole the harm arising from a permanent permission would be very considerable and would not be clearly outweighed by other considerations. I have concluded that a permanent planning permission would not be justified. I am satisfied that the legitimate aim of protecting the environment cannot be achieved by means which are less interfering with the appellant human rights than refusal of permanent planning permission. It would be proportionate and necessary in the circumstances and would not result in a violation of rights under Article 8.
24. In considering a temporary permission I take into account paragraph 16 of PPTS. It explains that, 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 Council is preparing a new local plan and intends to allocate one further site in it. Other sites which result in less harm than this development may also emerge during the plan making process. The Council anticipates adoption of the local plan early in 2019. To allow for some flexibility in that timetable and further time for allocated sites to come forward, a period of 4 years is an appropriate basis for consideration of a temporary permission.
25. In considering a temporary permission I take into account the matters weighing in favour of the development. In accordance with PPTS Paragraph 27, the absence of an up-to-date 5 year supply of deliverable sites is not a significant material consideration because the site is in the Green Belt. On the basis of a temporary planning permission the nature of the harm resulting from the development would be the same but the harm would be of limited duration. In these appeals there are matters weighing in favour of the development in addition to unmet need and personal circumstances. They include the absence of a suitable alternative site, so that dismissal of the appeal would be likely to result in the families resorting to roadside travelling with the related harms likely to result from that. There are also human rights considerations and the best interests of 11 children to weigh in the balance. In all the circumstances I find that, for a 4 year temporary permission, the harm to the Green Belt and the other harm which would result from the development would be clearly outweighed by other considerations. Having regard in particular to the best interests of the children I find that there are very special circumstances which would justify the granting of temporary planning permission in this case. The development would not conflict with UDP policy EN1 in that respect.

Conditions

26. Draft conditions suggested by the Council and the appellant were discussed at the Hearing. Use of the site as a residential caravan site has begun so that conditions in the retrospective form are necessary where appropriate. My decision rests in part on the particular circumstances of the intended occupiers, including the children. A personal condition is therefore required together with a condition specifying the temporary period. To protect the environment a condition requiring details of surface and foul water drainage is needed. To protect the character and appearance of the area and residential amenity conditions should also preclude commercial use and control the type of vehicles on the site. For the same reasons conditions are also needed addressing numbers of pitches and caravans, site layout, hardstanding materials, details of the amenity buildings, external lighting, landscaping, boundary treatment, storage of waste and recyclables and site restoration.

Overall Conclusions

27. Having regard to the above and to all other matters raised Appeal A should succeed and planning permission should be granted. Appeal B should also succeed, permission should be granted on the deemed application and the enforcement notice should be corrected and quashed. Both permissions should be subject to the conditions set out in the Formal Decisions. Consideration of ground (g) of the enforcement appeal is not required.

Formal Decisions

Appeal A: APP/U4230/W/16/3146755

28. I allow the development and grant planning permission for a change of use to a mixed use for the keeping of horses and as a residential caravan site accommodating 5 gypsy families, each with 2 caravans including no more than one static caravan/mobile home, and the erection of 2 amenity buildings on land off Lumns Lane, Swinton, Greater Manchester, M27 8LN in accordance with the terms of the planning application 15/66975/FUL, and the drawings submitted therewith and subject to the following conditions:
- 1) The use hereby permitted shall be for a limited period being the period of 4 years from the date of this decision. At the end of this period the use hereby permitted shall cease, all caravans and materials, surfacing, structures, means of enclosure and equipment brought onto the land in connection with the use shall be removed and the land restored to its condition before the development took place.
 - 2) The occupation of the site hereby permitted shall be carried on only by the following and their resident dependents: Martin and Kerry Harris, Terrence and Tammy Harris, Miles and Starlight Harris, John and Valerie Harris and Elizabeth and Margaret Harris.
 - 3) The use hereby permitted shall be limited to 5 pitches. No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on any pitch at any time and no more than 1 caravan per pitch shall be a static caravan or mobile home.
 - 4) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.

- 5) No commercial activities shall take place on the land, including the storage of materials.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting that Order with or without modification) no fences, gates or walls shall be erected on the land other than as approved.
- 7) The amenity buildings shall be constructed in accordance with the submitted drawings showing the elevations and floor plans of the buildings.
- 8) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of that use shall be removed within 3 months of the date of failure to meet any of the requirements set out in (i) to (iv) below:
 - i) Within 3 months of the date of this decision, or such other period as the Local Planning Authority may agree in writing, a scheme shall be submitted in writing to the Local Planning Authority for its written approval. The scheme shall include details of the following: the means of foul and surface water drainage, hardstanding materials, site layout (notwithstanding the submitted site layout plan and to include details of the siting of caravans and amenity buildings, hardstanding, parking, amenity areas and walls, fences or other means of enclosure), existing and proposed external lighting on the site boundary and within the site (including the height, type, direction and intensity of illumination), landscaping and boundary treatment (including plant species, plant sizes, number, density, the timing of planting, seeding or turfing and measures for the replacement of trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased), provision for the storage of waste and recyclables, site restoration and a timetable for the implementation and retention of each element of the scheme.
 - ii) Within 11 months of the date of this decision, the scheme referred to above shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuses to approve the scheme or fails to give a decision within the prescribed period, an appeal shall have been made to, and accepted by, the Secretary of State.
 - iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted scheme shall have been finally approved by the Secretary of State.
 - iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable and the approved scheme shall thereafter apply.

Appeal B: APP/U4230/C/16/3149521

29. I direct that the enforcement notice be corrected as follows:

- i) By the addition to the end of paragraph 1 of the words: "as shown hatched in black on the plan attached to this notice."

- ii) By the replacement of the plan attached to the notice with the plan attached to this decision.

30. I allow the appeal, quash the enforcement notice as corrected and grant planning permission on the application deemed to have been made under section 177(5) of the Act as amended for a change of use to a mixed use of horse keeping and use as a residential caravan site with associated works on Land north of Lumns Lane, Swinton, Greater Manchester, M27 8LN and north-east of 1-9 Lumns Lane subject to the same conditions as set out above for appeal APP/U4230/W/16/3146755.

K Williams

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr P Brown BA(Hons), MRTPI	Phillip Brown Associates Ltd.
Mr J Harris	Appellant.
Mr T Harris	Resident of the appeal site.

FOR THE LOCAL PLANNING AUTHORITY:

Mr A Williams	Planning Consultant, Urban Vision.
Mr D Best	Planning Enforcement Officer, Urban Vision.
Ms C Tsompani	Senior Solicitor, Salford City Council.
Ms P Rowlands	Solicitor, Salford City Council.

OTHER INTERESTED PERSONS:

Ms Whitehead	Local resident.
Mr Whitehead	Local resident.
Mrs Harris	Resident of the appeal site.

DOCUMENTS SUBMITTED AT THE HEARING:

1. Council's note on approximate walking distances of local services.
2. Email trail with Bolton Council.
3. Salford City Council, Local Development Scheme 2016-2019.
4. Letter from Dr H Gatoff, 13 April 2016.
5. Letter from Ms Caffery, 3 November 2016.
6. Letter from Mrs G Glover, 27 October 2016.
7. Letter from Mr and Mrs Whitehead.
8. Letter from Ms M Ates.
9. Letter from Ms F Birchall.
10. Letter from Mr F Kenyon.
11. Letter from Mr and Mrs Baskeyfield.
12. Letter from Ms S Peppard.
13. Letter from Mr A Baskeyfield.
14. Letter from Ms A Baskeyfield.
15. Letter from Silverdale Medical Practice, 8 March 2016.
16. Email from Ms Crook, Salix Homes, 29 June 2016.
17. Letter from Ms Cheadle, Family Support Worker, Clifton Primary School, 13 June 2016.
18. Letter from Mr Magee, Headteacher, Mossfield Primary School, 10 June 2016.
19. Letter from Ms M Higson, Staff Nurse, Central Manchester University Hospital.
20. Letter from Dr Z Begum, Central Manchester University Hospitals, 22

- August 2016.
21. Letter from Mr J Kelly, W & R Transport Ltd.
 22. Letter from Mr A Taylor.
 23. Letter from Ms N Hopkins.
 24. Petition entitled Save Our Land.
 25. Copy of planning permission 13/62761 and related drawing.
 26. Set of photographs submitted by the Council.

DOCUMENT SUBMITTED AFTER THE HEARING:

27. Mr Best email of 11 November 2016 with plan showing revised site boundary and area for removal of hardcore.
28. Email from Mr Brown to the Planning Inspectorate dated 14 November 2016.
29. Email from Mr Best dated 14 November 2016.

Plan

This is the plan referred to in the decision dated: 15 December 2016

by Mr Keri Williams BA MA MRTPI

Appeal B: APP/U4230/C/16/3149521

Land north of Lumns Lane, Swinton, Greater Manchester, M27 8LN and north-east of 1-9 Lumns Lane

