



Appeal Decision

Hearing held on 4 January 2017

Site visit made on 4 January 2017

by Andrew R Hammond MSc MA CEng MIET MRTPI

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

Decision date: 20 February 2017

Appeal Ref: APP/R4408/W/16/3155546

Land adjacent to Burntwood Cottages, Moor Lane, Great Houghton, Barnsley

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Geoffrey Rook against Barnsley Metropolitan Borough Council.
 - The application Ref 2015/0416 is dated 24 March 2015.
 - The development proposed is a gypsy and traveller site to provide 8 plots with internal access road and utility blocks.
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Decision

1. The appeal is dismissed.

Application for costs

2. At the Hearing an application for costs was made by Barnsley Metropolitan Borough Council against Geoffrey Rook. That application is the subject of a separate Decision.

Main Issue

3. The main issue in this appeal is whether the harm by virtue of inappropriate development in the Green Belt, and any other harm, is clearly outweighed by other considerations so as to justify the scheme on the basis of very special circumstances.

Reasons

4. The National Planning Policy Framework (the Framework) makes clear that the Government attaches great importance to Green Belts, the essential characteristics of which are their openness and their permanence. At paragraph 87, the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
5. Planning Policy for Traveller Sites (DCLG 2015) (PPTS) re-iterates that traveller sites (temporary or permanent) in the Green Belt are inappropriate development and 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.
6. The use of the land as a Gypsy/Traveller site does not fall into any of the categories which are not inappropriate and it is not disputed by the appellants that the appeal proposals are inappropriate development.
 7. The appeal site forms approximately half of a former walled garden of Burntwood Hall, which is now a care home, to the opposite side of Moor Lane. The remaining part of the walled garden is a residential gypsy site allowed on appeal in 2009 (Ref. APP/R4408/A/09/2102157. The Inspector in that appeal considered the personal circumstances of the proposed named occupiers of the site, including 11 children, and, in particular their medical and educational needs together with the fact that their current site had been subject to catastrophic flooding on two occasions in 2007. He concluded that the totality of factors in favour of the scheme, in particular the personal circumstances of the occupiers, outweighed the harm to the Green Belt and other identified harm so as to justify the scheme on the basis of very special circumstances and granted planning permission subject to conditions including a condition restricting occupation to named individuals and their resident dependants.
 8. The current application is a speculative one, the appellant not being a gypsy or traveller as defined in PPTS. He has, however, stated that his intention would be to sell the pitches to persons with specific needs akin to those of the occupiers of the neighbouring gypsy site.
 9. However, it is not possible to consider the personal circumstances of unidentified future residents in the overall balance nor would it be possible to impose a condition on any grant of planning permission restricting occupation to persons whose circumstances add sufficient weight in favour of the scheme. I shall therefore consider the proposal on the basis of a general gypsy and traveller site.
 10. The appellant also suggests that the site is currently derelict previously developed land with an extant planning permission for a "City Farm" business, and having previously been used as a haulage depot. However, there is little, if any, trace of previous uses of the land other than the remains of a small structure in the corner nearest to Burntwood Cottages and an internal driveway which may have related to any use of the land. The Inspector in the previous appeal concluded that the use of the former walled garden was akin to an allotment and that there was no convincing evidence of any other use. There is also no evidence that the planning permission for use as a "City Farm" was ever implemented. No weight in favour of the development can be attached to the suggested tidying of previously developed land or improving its appearance.
 11. Furthermore, the proposal would therefore, introduce development into an undeveloped area in the Green Belt, and hence would reduce its openness, openness relating only in part to visibility. Whilst the harm to openness would be limited, it would add to the harm by virtue of inappropriate development.

Other Considerations

12. There is no dispute that the appeal site is within the Green Belt. However in the consultation draft local plan the Council had proposed an amendment to

the Green Belt boundary and the allocation of the appeal site as a gypsy and traveller site. It was explained at the Hearing that, at the time, the Council were unable to identify a five year supply of gypsy and traveller sites outside the Green Belt. Since that time 3 pitches had been permitted, a site at Carlton had increased from 10 to 11 pitches and flood alleviation works at the Ings Road site means that pitches previously excluded due to flood risk would be available. Furthermore, the appellant had objected to the site being included although he explained at the Hearing that this was due to a fear that it could result in the Council seeking to acquire the site by compulsory purpose. Consequently the appeal site has been removed from the draft local plan going forward for examination in public.

Overall Balance

13. The appeal proposals represent inappropriate development in the Green Belt and in addition to the policy harm by virtue of inappropriateness, the proposed scheme would cause detriment to the openness of the Green Belt. In this context 'openness' refers primarily to a lack of development.
14. Despite the appellant's stated intent to provide plots for those with particular, but undefined, needs, no considerations have been identified which clearly outweigh the harm to the Green Belt. As a result the scheme is not justified on the basis of very special circumstances.
15. For the reasons given above and taking account of all material planning considerations the proposal is contrary to Barnsley Core Strategies GS7, GS8, GS8 and CSP34, which relate to development in the Green Belt and CSP18 which relates to sites for Gypsies, Travellers and Travelling Showpeople, and to the provisions of Planning Policy for Traveller Sites and the National Planning Policy Framework (the Framework). The appeal is dismissed.

Andrew Hammond

Inspector

APPEARANCES

FOR THE APPELLANT:

Geoffrey Rook
S Rook
J K Sikora

FOR THE LOCAL PLANNING AUTHORITY:

Andrew Burton
Stacey White

INTERESTED PERSONS:

R Smith, Neighbouring resident
Mrs Siobhan Spencer

DOCUMENTS

- 1 Letter of notification of arrangements for the hearing, provided by the Council.
- 2 Background Paper, Gypsies, Travellers and Travelling Showpeople, provided by the Council.
- 3 Barnsley gypsy and Traveller and Travelling Showperson Accommodation Assessment 2015 provided by the Council.