
Appeal Decisions

Inquiry opened on 27 November 2018

Site visits made on 7 July 2021

by Richard Clegg BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2021

Appeal A: APP/X4725/W/17/3192150

Land at Castle Gate, Stanley, Wakefield, LS26 8HH

- 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 T Spaven against the decision of Wakefield Council.
 - The application Ref 16/01608/FUL, dated 30 June 2016, was refused by notice dated 27 June 2017.
 - The development proposed is described as 'change of use to six traveller pitches and associated works including six mobile homes, six day-rooms, six touring caravans, a stable block and hardstanding'.
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Appeal B: APP/X4725/W/20/3253311

Land at Castle Gate, Stanley, Wakefield, LS26 8HH

- 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 T & Mrs E Spaven against the decision of Wakefield Council.
 - The application Ref 19/01952/FUL, dated 29 August 2019, was refused by notice dated 16 January 2020.
 - The development proposed is described as 'the use of land for the stationing of caravans for residential purposes for six gypsy pitches, together with the formation of hardstanding and utility/ day-rooms ancillary to that use'.
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Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for the change of use to six traveller pitches and associated works including six day-rooms, and hardstanding on land at Castle Gate, Stanley, Wakefield, LS26 8HH, in accordance with the terms of the application, Ref 16/01608/FUL, dated 30 June 2016, subject to the conditions in schedule 1.

Appeal B

2. The appeal is allowed and planning permission is granted for the use of land for the stationing of caravans for residential purposes for six gypsy pitches, together with the formation of hardstanding and six utility/ day-rooms ancillary to that use on land at Castle Gate, Stanley, Wakefield, LS26 8HH, in accordance with the terms of the application, Ref 19/01952/FUL, dated 29 August 2019, subject to the conditions in schedule 3.

Application for costs

3. At the Inquiry an application for costs was made by Wakefield Council against Mr T Spaven in respect of appeal A. This application is the subject of a separate Decision.

Procedural matters

4. The inquiry sat for seven days; 27 November 2018, and 29 June – 2 July and 6 & 7 July 2021.
5. The scheme subject to appeal A does not include a stable block, and caravans which would be stationed on the site are not associated works. The main parties agreed that this proposal should be described as *the change of use to six traveller pitches and associated works including six day-rooms, and hardstanding*. They also agreed that the number of day-rooms should be specified in the description of development for appeal B, thus: *the use of land for the stationing of caravans for residential purposes for six gypsy pitches, together with the formation of hardstanding and six utility/ day-rooms ancillary to that use*. I have considered the appeals accordingly.
6. The inquiry opened on 27 November 2018, and at that stage solely concerned appeal A. Planning permission had been refused by the Local Planning Authority (LPA) for the scheme shown on the proposed site plan reference TDA.2116.02 revision H. That scheme included a 1.8m high acoustic fence on the northern side of the appeal site, close to the boundary with the M62 motorway, and 1.2m high post and rail fences on the west and east sides of the site. Subsequently, revised plans were submitted (site plan reference TDA.2116.02 revision I), which showed a 1.8m acoustic fence erected on a 1m high bund along the western, northern and eastern boundaries of the site, and other detailed changes.
7. The Appellant requested that the revision I scheme be considered, but given the extent of the proposed changes I ruled that the inquiry should not proceed then on that basis. Neither of the main parties wished to return to scheme H, and the inquiry was adjourned, before any evidence was heard, to enable consultation to take place on the scheme in revision I. For various reasons, including the covid-19 pandemic, it was not possible to resume the inquiry until June this year.
8. In August 2019, a planning application for an alternative scheme for six gypsy pitches on the site was submitted. The refusal of planning permission led to appeal B which has been linked to the original appeal.
9. The plans for appeals A and B which were considered at the inquiry are set out in schedules 2 and 4 respectively. Insofar as appeal A is concerned, further revisions had been submitted. A revised site plan (Green Planning Studio ref 19_1011_003 revision J) involved the replacement of the bunds and the acoustic fencing on top, by acoustic fencing of similar height on the western, northern and eastern sides of the site, and details of the fencing were also submitted. The LPA had no objection to the amendment on the northern boundary, and these plans have been the subject of consultation. Subsequently revision K was submitted, which simply correctly shows some existing fencing, and to which the LPA had no objection. I am satisfied that no

prejudice would be caused to any party by consideration of appeal A on the basis of the scheme shown in revision K.

10. For appeal B, the plans which relate to the refusal of planning permission have been considered, together with an indicative landscape plan. That plan is consistent with the proposed site layout: the LPA had advised that it was in a position to address the landscape plan and Stanley Residents Group (SRG) was aware of this document. I am satisfied that no prejudice would be caused to any party by taking the indicative landscape plan into account in considering appeal B.
11. The main parties agreed that, for each appeal, the pitches should be identified by numbering them 1-6 from west to east.
12. At the second case management conference, held on 14 April 2021, it was agreed with the main parties that the statement of common ground previously submitted in respect of appeal A would be superseded by two new statements of common ground in respect of noise and other matters, each covering both appeals. It was also agreed that the proofs of evidence which had been prepared for appeal A would be superseded by fresh proofs covering both appeals. The appended lists of inquiry documents include those fresh proofs of evidence and their supporting material, together with documents submitted at the inquiry.
13. A revised version of the National Planning Policy Framework (NPPF) was published on 20 July 2021. The main parties and Stanley Residents Group have been given the opportunity to submit comments on the implications of the revised NPPF for their respective cases.

Main Issues

14. Having regard to the representations made, I consider that the main issues in these appeals are:
 - (i) The effect of the proposed developments on the openness of the Green Belt.
 - (ii) Whether the proposed developments would involve encroachment into the countryside.
 - (iii) The effect of noise on the living conditions of future occupiers of the appeal site.
 - (iv) Whether the harm to the Green Belt, by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the developments.

Background

15. The appeal site is part of a larger parcel of land within the Appellants' ownership, which lies between Castle Gate to the south and the M62 to the north. The site is in the Green Belt, which extends to the west and east within

Wakefield, and to the north within Leeds¹. It contains a small stable building, but most of the site is open and at the time of the inquiry in 2021 it appeared to be used for the keeping of horses and ponies. There are patches of hardstanding on the western part of the site. On the opposite side of Castle Gate are commercial premises at Premier Park, with a large warehouse building facing the site. There are small clusters of housing along Castle Gate to the east and to the west at Lee Moor Lane.

16. In 2014, an appeal concerning ten gypsy pitches on part of the Appellants' land immediately to the west of the present site was dismissed by the Secretary of State². The decision referred to harm to the Green Belt and noise disturbance from the motorway as reasons for dismissing the appeal.

Policies and guidance

17. The Development Plan for the area includes the Local Development Framework (LDF) Core Strategy, the LDF Development Policies Document (DPD), and the LDF Site Specific Policies Local Plan (SSPLP).
18. Policy CS 1 of the Core Strategy sets out a broad spatial framework for the location and scale of development. In the Green Belt, development is expected to conform to national, regional and LDF policies relating to the Green Belt. Criteria for assessing proposals for gypsy and traveller sites are set out in Policy CS 7, and include a requirement that proposals should help to meet an identified shortfall in the supply of sites. Amongst other matters, new development should minimise the risk from all forms of pollution for existing and future occupants (Policy CS 10).
19. In the DPD, Policy D 20 is concerned with pollution control. Proposals which are likely to be exposed to potential sources of pollution are only to be permitted if measures can be implemented to minimise emissions to a satisfactory level which would protect health, environmental quality and amenity. Development within the countryside should contribute towards the protection, maintenance and enhancement of the landscape (Policy D 8), and all new development should make a positive contribution to the environment and amenity of its locality (Policy D 9).
20. Policy MSA 6 of the SSP identifies the limit of the shallow coal resources which include the appeal site. The policy notes that the limits of the resources do not necessarily identify economically viable deposits.
21. The LPA is preparing the Wakefield District Local Plan 2036 (the emerging Local Plan), which was submitted for examination in May of this year. Policy WSP 8 refers to land being allocated for gypsy and traveller accommodation for the five years up to 2023. The policy also sets out criteria for assessing proposals on unallocated sites, which reflect those in Policy CS 7 of the Core Strategy.
22. Reference has been made in the representations to a number of documents which provide guidance in respect of the effect of noise. The World Health Organization (WHO) *Guidelines for Community Noise* and its *Environmental Noise Guidelines for the European Region, Professional Practice Guidance on*

¹ The extent of the Green Belt in the vicinity of the site within Wakefield is shown on the Policies Map 2012 for the Western Area (Document O13), and within Leeds on the Leeds Local Plan Policies Map, Map 29a (Document O15).

² The Secretary of State's decision and the Inspector's report are at appendix A2 of Document A3.

Planning & Noise – New Residential Development (ProPG), and *British Standard BS 8233:2014 Guidance on sound insulation and noise reduction for buildings* all provide guidance on noise levels in relation to residential development. *British Standard 3632:2015* which sets out specifications for residential park homes, the *Acoustics Ventilation and Overheating Residential Design Guide*, and *Planning Policy for Traveller Sites (PPTS)* are also of relevance in these appeals.

Reasons

Openness of the Green Belt

23. Policy E of PPTS makes clear that traveller sites are inappropriate development in the Green Belt, and, as set out in paragraph 147 of the NPPF, inappropriate development is harmful to the Green Belt.
24. There is a modest stable building opposite to the site access, with a container nearby, and a vehicle and some timber and other material positioned close to the access. However, the site is predominantly open land, on which there is grass cover. Both of the appeal proposals would involve the construction of two double and two single day-rooms. Each of the six pitches would accommodate a mobile home, a touring caravan and parking space for two vehicles. Mobile homes would be permanent features of the site. Touring caravans would be absent when occupants are away, but bearing in mind the evidence given on travelling, I anticipate that it is likely that they would be present for significant parts of the year. Both proposals would result in the loss of the existing paddocks, with buildings and caravans extending across the site, apart from the play area proposed at the eastern end. The presence of development on the site would be apparent from Castle Gate, and to a lesser extent from public footpaths to the west of the junction with Lee Moor Lane and to the north of the M62.
25. I conclude that both appeal proposals would result in a marked loss of openness within the Green Belt. Paragraph 137 of the NPPF explains that openness is an essential characteristic of the Green Belt, and accordingly the loss of openness involves conflict with Policy CS 1 of the CS. In accordance with paragraph 148 of the NPPF, both the definitional harm and the loss of openness arising from the appeal proposals carry substantial weight.

Encroachment into the countryside

26. The appeal site forms part of a strip of land between the M62 and Castle Gate. There is commercial development to the south and clusters of residential development to the west and east, but there are also extensive areas of farmland on the other side of Castle Gate. Open fields also extend to the north of the motorway which runs at a lower level relative to the appeal site. The site is within a predominantly open landscape, outside any settlement.
27. Development of either of the appeal proposals would fundamentally change the nature of the site. The presence of the day-rooms and caravans would consolidate development on Castle Gate, and sever the strip of open land on the north side of the road of which it forms part. I conclude that the appeals proposals would each involve encroachment into the countryside, contrary to one of the purposes of including land in the Green Belt. In this regard, the

proposals would conflict with paragraph 138 of the NPPF and, in consequence, Policy CS 1 of the CS. This harm to the Green Belt carries substantial weight.

Noise

28. The appeal site is positioned alongside the M62 motorway. It is at a higher level than the motorway, with the northern boundary running at the top of the vegetated bank which slopes down to the carriageways. The M62 is a busy road, and traffic noise is clearly apparent on the appeal site.
29. The LPA drew attention to the Government's Noise Action Plan for Roads. The Plan identifies Noise Important Areas where the 1% of the population affected by the highest noise levels from major roads are located: in these locations people are at the greatest risk of experiencing a significant adverse impact to their health and quality of life due to exposure to road traffic noise. I note that an extract from the Plan shows Noise Important Areas at the clusters of residential development to the west and east of the appeal site³, and, given its similar proximity to the motorway, a residential use on the site could potentially also be identified in this way.
30. The LPA did not dispute the evidence of the Appellants' noise witness that noise maps are not based on measurements and indicate the situation at a height of 4m, which does not reflect a single storey structure or a person in a standing position. I acknowledge that, at a strategic level, noise maps have benefit in identifying areas which may suffer from a noisy environment, but it is measurements of noise levels which are more important for the assessment of specific proposals.
31. The noise measurements from the survey undertaken on behalf of the Appellants in respect of scheme B were used in respect of both appeals⁴. No sound survey had been undertaken by the LPA, and the noise measurements recorded by the Appellants were not disputed.
32. The Appellants' survey recorded noise levels of 70.1dB_{L_{Aeq}} during daytime hours (0700-2300) and 66.9dB_{L_{Aeq}} during night-time hours (2300-0700) on the position of pitch 1⁵. A 0.6dB increase was applied to this figure to take account of the position of the mobile home. Noise levels decrease somewhat across the site to the east, with a predicted level of 67dB_{L_{Aeq16h}} in the position of the play area⁶. However an equivalent noise levels to that at pitch 1 was recorded in the position of pitch 3, and the level in the position of pitch 2 was only slightly lower at 69.8dB. SRG pointed out that higher noise levels were recorded on days with wet weather than on the day selected for providing figures for assessment. I note that, whereas there were two days with higher noise levels due to the wet road surface, there were on the other hand lower levels of noise at the weekend, and the day selected can be taken as providing representative conditions.
33. In assessing the noise levels, the Appellants' noise consultant refers in the first instance to ProPG, whereas the LPA places reliance on BS8233. ProPG

³ Document L3, paras 3.10 & 3.11 and figure 3.

⁴ A noise survey had been undertaken by separate consultants in respect of appeal A, but the report (appendix A in Document A6) was considered to contain a number of uncertainties.

⁵ Tables 4.2 & 4.3 in Appendix D of Document A6.

⁶ Table 4.1 in Appendix D of Document A6.

advocates an initial noise risk assessment followed by a more detailed full assessment. The guidelines recommended in ProPG reflect those contained in BS8233, and it is common ground between the main parties that these documents, together with the Acoustics Ventilation and Overheating – Residential Design Guide (which also reflects the internal noise levels from BS8233) provide appropriate standards and methodologies for assessing the impact of noise on new residential development⁷.

34. BS8233 gives recommended upper guideline values for internal noise of 35dB_{L_{Aeq},16hour} within living rooms and bedrooms and 40dB_{L_{Aeq},16hour} within dining rooms during the daytime. In bedrooms at night an upper value of 30dB_{L_{Aeq},8hour} is recommended⁸. In external areas which are used as amenity space, BS8233 states that it is desirable that the external noise level does not exceed 50dB_{L_{Aeq},T}, with an upper guideline value of 55dB_{L_{Aeq},T} which would be acceptable in noisier environments. ProPG suggests in addition that individual noise events should not normally exceed 45dB_{L_{Amax}F} more than 10 times during the night.
35. Noise levels at the site clearly exceed the guideline values for residential development. The NPPF (at paragraph 185(a)) makes it clear that planning decisions should avoid noise giving rise to significant adverse impacts on health and the quality of life. Above 30dB_{L_{Aeq},8hour} at night, the WHO Guidelines for Community Noise refer to problems of sleep disturbance, and of speech intelligibility and moderate annoyance when levels exceed 35dB_{L_{Aeq},16hour} inside dwellings during the daytime⁹. In outdoor living areas, moderate annoyance may be expected when noise levels exceed 50dB_{L_{Aeq},16hour}, and serious annoyance above 55dB_{L_{Aeq},16hour}.
36. Both proposals include acoustic fencing to mitigate the effect of noise on occupants of the pitches. In scheme A, a 2.8m acoustic fence is proposed close to the western, northern and eastern boundaries. Scheme B also involves acoustic fencing, but at a lower height of 1.8m and positioned around pitches and the play area. The main parties differ in their assessment of the effect of the acoustic fencing in respect of both appeals¹⁰.
37. For appeal A, the Appellant's noise witness calculated that the 2.8m barrier would provide attenuation of 14.1dB on pitch 1 giving an external daytime noise level of 56.6dB, whereas the LPA's witness put forward a lower figure of 12.4dB for attenuation with an external level of 58.3dB. The LPA argued that the level of attenuation in the Appellants' figures was overstated due to the receiver height of 1.3m used in the calculations, and its predicted figure refers to a receiver height of 1.8m. I note, however, that the receiver height of 1.3m is judged to give a good approximation of the impact of noise at different heights, and at the inquiry the LPA acknowledged that the Appellant's assessment had taken into account noise levels at other heights. Moreover the figure of 58.3dB is included in the range of noise levels taken into account in assessing the effect of the barrier¹¹. I am satisfied that the approach taken by

⁷ Document O5, paragraph 3.

⁸ BS 8233:2014, table 4.

⁹ WHO Guidelines for Community Noise, table 4.1.

¹⁰ Tables setting out the positions of the Appellants and the LPA on internal and external noise levels taking account of mitigation are at Documents A32 and L17.

¹¹ The table in paragraph 7 of Appendix M in Document A6.

the Appellant's noise consultant is an appropriate means of calculating the attenuation which would be provided by acoustic fencing.

38. On pitch 1 the external daytime noise level would exceed the upper point of the range recommended in ProPG and BS 8233 by 1.6dB. Although none of the other pitches are expected to experience higher noise from the M62, I note that predicted noise levels without attenuation on pitches 2 and 3 are similar to that on pitch 1 (above, para 32). It is likely, therefore, that attenuated noise levels would also be similar on these pitches. In the lee of the mobile home, it is the Appellant's evidence that the noise level would fall to 55.6dB¹², which remains above the 55dB upper value in ProPG. The Appellant's noise witness suggested that there would be sections of amenity space where the shadowing effect of the mobile home and day-room would reduce noise levels by a greater amount than that predicted excess of 0.6dB, but such areas have not been clearly identified. The site plan shows that the mobile homes on pitches 1-3 would be positioned perpendicular to the motorway, thereby providing only a narrow shadowing effect, and given the limited depth of the pitches to the south of the mobile homes and day rooms, I consider that it would be unlikely that the recommended noise level for external space could be achieved on these pitches.
39. Turning to appeal B, the 1.8m acoustic fencing is predicted to provide attenuation of 12.9dB by the Appellants, bringing external noise levels on the northern side of the mobile home on pitch 1 down to 57.9dB¹³, whereas the LPA argues that a lower reduction of 7.2dB should apply¹⁴. For the reasons given above (para 37), I am satisfied that, insofar as receiver height is concerned, the approach of the Appellant's noise consultant is appropriate. Lower noise levels of between 42dB and 49.9dB are predicted on the leeward side of the mobile home on pitch 1¹⁵. Whilst similar levels may be expected on pitches 2 and 3, the site plan indicates that there would be little space available for outdoor living in the lee of the day-room and mobile home on pitch 2, and the narrow strip on pitch 3 would not be adequate for this purpose. I am concerned that noise levels in significant parts of the open areas on pitches 1-3 would be clearly above the upper guideline value of 55dB in BS8233 and ProPG.
40. Moreover, the proposed acoustic fencing is not continuous around any of the pitches. A gate is proposed at pitch 1, but there is no indication of its height, and at pitches 2-6 there would be gaps in the fencing on the northern side to allow for vehicle access. On each pitch the mobile home would be positioned behind acoustic fencing, and the Appellants' witness suggested that the extent of fencing shown would ensure that the reduction in noise forecast would be achieved. Whilst the fencing would be positioned to the north of the mobile homes, the gaps would reduce the distance for noise to travel around the barrier, a factor which reinforces my concern that noise in significant parts of pitches 1-3 would be at levels which ProPG does not regard as desirable in the first instance.

¹² Document A5, paragraph 7.7.2.

¹³ Document A6, paragraph 5.4.1 in Appendix D.

¹⁴ Document L17, page 1.

¹⁵ The predicted external noise levels are set out in Document A32.

41. In the case of both appeals, I consider that there would be a significant adverse impact due to noise within external amenity spaces at pitches on the western part of the site. ProPG explains that significant adverse noise impacts on private external amenity space may be partially offset by alternative opportunities for amenity space. One of the possible alternatives mentioned is a relatively quiet, protected, nearby external amenity space for sole use by mentioned is a limited group of residents, and both proposals include a play area.
42. At the play area, at the eastern end of the site, there is agreement between the main parties that, with the mitigation afforded by the acoustic fencing, a maximum noise level of 53.2dB would be achieved in scheme A¹⁶, which is below the upper guideline value of 55dB for external amenity space. A slightly higher noise level of 53.6dB is expected here in appeal B by the Appellants¹⁷, but this would still be below the upper guideline value in ProPG and BS8322. The LPA argued that the lower height of the fence in appeal B would be less effective and put forward a noise level of 59dB in the play area¹⁸. Reference is made to the Appellants' barrier calculations in this regard, but I am satisfied that these represent an appropriate approach. Although there is a gap in the western side of the barrier, acoustic fencing would extend beyond this point in front of pitch 6, and I do not have concerns about the likelihood of the predicted noise level being exceeded. However, although noise at the play area would be below the 55dB threshold, I do not consider that it would be a relatively quiet location, as sought by Pro PG, given that noise levels would fall within the upper range of acceptability of 50-55dB.
43. The Appellants also referred to several areas of open space in the surrounding area. With the exception of the land in Mr Spaven's ownership, the sites identified are beyond the five minutes walking distance suggested as suitable in ProPG. The land owned by Mr Spaven is a field at the western end of Castle Gate. It is close to an elevated section of the M62, and does not offer a relatively quiet alternative to amenity space on the appeal site. I do not consider that any of the areas of off-site open space provide support for the appeal proposals.
44. I turn now to consider internal noise levels. In addition to the acoustic fencing, the structure of the mobile homes would provide a second barrier to noise transmission. It is intended that the mobile homes would comply with the specification in BS3632:2015, and be fitted with acoustic ventilators, air-conditioning and double glazing. The main parties take a different approach to the effect of the fencing, which I have addressed above (para 37). With windows remaining closed, the Appellants have calculated facade attenuation of 28dB in both schemes¹⁹, giving internal noise levels below maximum guidelines for both day and night. For its part, the LPA has applied a 13dB facade reduction which allows for windows being partially open²⁰. Even on the LPA's approach to the attenuation provided by the acoustic fences, if windows remain closed the internal levels would be satisfactory in most scenarios, and the LPA's noise witness referred to the opening of windows as a key consideration.

¹⁶ Document A5, paragraph 7.8.1, and Document L17, page 3.

¹⁷ Document A5, paragraph 8.9.1.

¹⁸ Document L17, page 4.

¹⁹ Document A5, paragraphs 7.2.1 & 8.2.1.

²⁰ Document L17, pages 1 & 2.

45. The LPA does not accept that it would be acceptable for windows on the north facade of the mobile homes to remain closed, and for ventilation to be provided through windows on other sides. I note that ProPG comments that most residents value the ability to open windows and that local planning authorities should normally request that internal guidelines are achieved in noise-sensitive areas with windows open. The guidance continues to advise that where there is a justification for target noise levels to be achieved with windows closed, such as on sites adjacent to transportation noise sources, special care should be taken to provide good standards of acoustics, ventilation and thermal comfort. Concerns about adequate ventilation and overheating are capable of being addressed by the installation of acoustic ventilators and air-conditioning in the mobile homes, and these are matters which could be secured by conditions. I have also given consideration to the possibility of conditions requiring windows on the north facades to be non-opening. I do not consider this to be necessary. The facades, with windows closed, would provide adequate noise attenuation, but, on occasions, occupiers may wish to take the opportunity to open windows for purge ventilation.
46. Conditions would be required to secure the acoustic fencing, and to ensure that any mobile home stationed on the site has double-glazing fitted and complies with the specification set out in BS3632:2015 in order that their structure provides an adequate external skin. As mobile homes may be changed over time, any such caravans stationed on the site must meet requirements concerning their construction, ventilation and air-conditioning to ensure satisfactory living conditions. To this end it would be necessary for the LPA to be notified when a mobile home is to be stationed on the site, and for a register identifying each mobile home to be available for inspection.
47. Pitches on traveller sites generally accommodate a mobile home and a touring caravan, and the proposed layouts are consistent with this arrangement. It is not uncommon for touring caravans to be used as additional living accommodation, but I heard that they would not be expected to provide adequate sound attenuation. The Appellants had no objection to a condition preventing the use of touring caravans for habitation, and that safeguard would address concern about the effect of noise in those caravans.
48. With the safeguard of conditions to secure mitigation, satisfactory internal noise levels would be achieved in the mobile homes in both appeal schemes. Noise levels would, however, exceed guidelines for external amenity space on the western side of the site in both appeal proposals. I am mindful that BS8233 advises that in higher noise areas the guideline values for external amenity space may not be achievable in all circumstances where development may be desirable, and that, in such a situation development should be designed to achieve the lowest practicable noise levels in external amenity space but should not be prohibited. Element 3(iii) of ProPG contains similar advice about achieving the lowest practicable noise levels. However the appeal site is in the Green Belt, a location where most forms of development are restricted rather than being desirable, and where traveller sites are inappropriate development.
49. In both appeals, pitches on the western side of the site would be likely to experience noise levels in significant areas of external amenity space above the upper guideline value of 55dB. Although the Appellants suggest that the excess is not great, BS 8233 makes it clear that in the first instance it is

desirable that external noise levels do not exceed 50dB. Element 3(i) of ProPG advises that where external amenity spaces are an integral part of the overall design, the acoustic environment of those spaces should be considered so that they can be enjoyed as intended. I am concerned that the noise levels predicted would prevent the enjoyment and full use of that outdoor space, for example for just sitting outside, which should be an integral part of a satisfactory living environment. Those alternative opportunities for amenity space which would be nearby would not offer relatively quiet outdoor space, and, in any event, ProPG makes clear that such alternatives would only partially offset noise impacts.

50. I conclude that noise would have a significant observed adverse effect on external amenity space on the proposed traveller site, resulting in unacceptable living conditions on some pitches. The proposals would therefore conflict with Policy CS 10 of the Core Strategy, Policy D 20 of the DPD, and paragraph 185(a) of the NPPF.

Other considerations

Locational sustainability

51. The appeal site is situated in a countryside location, but it is not far from settlements. The centre of Stanley is only about 1.9km to the south, and to the north Ouzlewell Green and Carlton are about 0.9km and 2km respectively from the land on Castle Gate. Policy H of PPTS makes clear that sites should be very strictly limited in open countryside that is away from existing settlements or outside areas allocated in the development plan. This part of the open countryside is not away from existing settlements, and as yet there are no allocations for traveller sites in the Development Plan. The provision of a traveller site in this location would not conflict with paragraph 25 of PPTS.
52. There are a variety of facilities and services in the surrounding area. Stanley contains a post office, several shops, a health centre and a primary school. Other primary schools are at Outwood (about 2km away) and Carlton, and the nearest secondary school, Royds Academy, is about 2km to the north. The Appellants argued that 2km is an acceptable walking distance to reach local facilities. That will depend on circumstances: trips with young children to school, carrying shopping, or involving people in poor health are unlikely to be made on foot. However bus services providing access to nearby settlements and the larger centres of Wakefield and Leeds, are available from Lee Moor Lane which is about 0.4km from the site, and local facilities and services are within cycling distance. I am satisfied that the appeal site is accessible to shops, schools and health facilities by public transport, on foot or by cycle, thereby complying with criterion (b) in Policy CS 7 of the Core Strategy
53. Even if most journeys to reach facilities and services are made by car, these would not be unduly long, and I am mindful that paragraph 105 of the NPPF explains that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. There is no specific evidence before me to indicate that the proposals would cause traffic problems or reduce highway safety, and I consider that the proposals would be reasonably accessible to services without causing congestion or safety problems, as required by criterion (c) of Policy CS 7.
54. I find that the appeal site is a sustainable location for a traveller site.

Character and appearance

55. There are a variety of uses and structures in the vicinity, including conventional housing and warehouses, and the additional presence of a six pitch caravan site would not in itself be out of keeping with the form of development found along Castle Gate.
56. Due to tree cover alongside the motorway and on adjacent land, views of the site are restricted. Additional planting is proposed in both schemes, which would assist in assimilating the pitches into their surroundings and further limit views. From Castle Gate there would be a view of limited extent into the site at the access, and the upper parts of day-rooms and mobile homes would be seen in filtered views above boundary fencing. Neither aspect would be harmful. From the public footpaths near Lee Moor Lane and to the north of the M62, the presence of development on the appeal site would be apparent, but the proposed planting around the site would reduce its impact. The principal feature in these views is the large warehouse to the south of the site, and the development on the appeal site would not in itself appear as a discordant addition to the locality in this context. There would be no conflict with Policy D 9 of the DPD which is concerned with the design of new development.
57. Whilst I find no harm from the form of development proposed in appeals A and B, the loss of the open nature of the site, which contributes to the extent of open land in the area around Castle Gate would be harmful. Development would interrupt the continuity of the fields and paddocks between the road and the motorway, and the loss of openness would be apparent from Castle Gate and nearby footpaths. In consequence, I consider that the proposed developments would cause moderate harm to the character and appearance of the area and conflict with criterion (a) in Policy D 8 of the DPD.

The general need for traveller accommodation

58. It is common ground between the main parties that there is not a five years' supply of sites for traveller accommodation in Wakefield²¹. The Gypsy and Traveller and Travelling Showperson Accommodation Assessment Update 2018 (GTTSAA, Document L7), which provides evidence for the emerging Local Plan, is considered to be a robust assessment by the Appellants. It identifies a need for an additional 63 pitches in the initial five year up to 2022/23, and a need for a further 52 pitches by 2036²². It was agreed by the main parties that a minor adjustment should be made to ensure internal consistency within table 7.1 of the GTTSAA, and that in consequence, the figures for additional provision should be 64 pitches during 2021/18 – 2022/23, and 116 pitches in total by 2036. It was further agreed that the current five years' requirement figure should be the number outstanding from the initial five years period (64) together with a figure representing the number of pitches expected to be required in the next three years up to 2025/26 (13)²³. That amounts to a total of 77 pitches.

²¹ Document O11, para 21.

²² Document L7, tables 7.1 & 7.2.

²³ Table 7.2 of Document L7 gives the number of pitches required for the five years period 2023/24 – 2027/28 as 21. The annualised figure is 4.2, giving a requirement of 13 pitches (rounded) for an additional three years.

59. The LPA intends to identify traveller sites in the emerging Local Plan, and the Publication Draft refers to provision for 95 pitches²⁴. Discounting pitches on existing authorised sites (49) leaves additional provision of 46 pitches to set against the need for accommodation. An exercise assessing the capacity of existing sites suggests that between 24 and 30 pitches could be available from this source, and a further 9 pitches may be put forward as modifications to the Local Plan²⁵. Potential supply amounts to between 79 and 85 pitches, but none are available now to meet the existing need or contribute to a five years' supply. Moreover, in advance of the Local Plan hearings, the proposed allocations carry little weight, and, as the LPA acknowledges that additional capacity from existing sites would be dependent on the support of existing owners, there is uncertainty as to the number of pitches which may come forward from this source.
60. There is a substantial need for gypsy and traveller accommodation in Wakefield, and, whilst the LPA is working to address this situation, there are no sites currently available to meet the outstanding need and to contribute to a five years' supply. The appeal proposals would comply with Policy CS 7 (a) of the Core Strategy in helping to meet an identified shortfall in the supply of sites, and I give significant weight to the unmet need for traveller accommodation.

Policies for traveller sites

61. Paragraph 7.13 of the SSP sets out a commitment to identifying gypsy and traveller sites on Council owned land, and refers to giving further consideration to accommodation needs in a review of the Document. Sixteen sites have been identified in the emerging Local Plan. That was submitted for examination in May this year, and the LPA anticipates adoption towards the end of 2022. Policy CS 7 of the Core Strategy sets out matters to take into account in assessing applications for gypsy sites, and is of assistance in considering proposals which come forward. Currently, though, there is no policy in the Development Plan which allocates sites for gypsy and traveller pitches. Given the extent of the general need for accommodation, this circumstance adds some further weight in support of the appeal proposals.

The likely location of traveller sites

62. Many traveller sites are located outside settlements, and much of the land in Wakefield beyond the built-up areas is within the Green Belt. I note that several of the proposed allocations of traveller sites in the emerging Local Plan include land which is currently in the Green Belt, and the Green Belt Review Technical Paper explains that the provision of gypsy, traveller and travelling showperson sites to meet identified needs and local requirements is one of the exceptional circumstances for making changes to the Green Belt boundary²⁶. The likelihood of land to make provision for traveller sites being found within the existing Green Belt lends some additional support to the appeal proposals.

Personal need

²⁴ Para 6.28 of the emerging Local Plan refers to the provision of 95 pitches, and paragraph 6.25 refers to the existing 49 permanent pitches: appendix A26 in Document A22.

²⁵ Document L4, paragraph 6.1 and note on new sites.

²⁶ Document A29 includes a schedule of proposed changes to the Green Belt, paragraph 3.1 refers to the reasons for the proposed changes.

63. It is intended that, in both schemes, the six pitches at the appeal site would be occupied by the following households:

- Tom Spaven (the Appellant in appeal A and Joint Appellant in appeal B) and Elizabeth Spaven (Joint Appellant in appeal B), their adult son Thomas, and two children.
- Noeleen Buxton, and her daughters, Martina and Lily May. Martina is an adult, and Lily May was 17 when the inquiry sat in 2021.
- Mary Gaskin and her four children.
- Melita Peart, her partner Terrace Lee, her four children, and her sister Lorna Peart.
- Sarah Price and her adult daughter Nicole.
- Maisie Spaven (daughter of the Appellants), who was expecting a baby when the inquiry sat in 2021.

64. The Appellants had no objection to a condition restricting occupation of the appeal site to persons complying with the definition of gypsies and travellers in Annex 1 of PPTS. Details of their occupation and travelling were provided in a series of written statements, and in oral evidence at the inquiry. Both Mr Spaven and Mr Lee travel extensively seeking work: Mr Spaven is sometimes accompanied by his family, including Maisie, and Mr Lee and Ms Peart always travel together with their family. No-one from the other three households appeared at the inquiry to provide first-hand details about their lifestyle, with evidence on their behalf given by Ms Rogers of Leeds Gypsy and Traveller Exchange. All have previously travelled for economic purposes with their families, and although that has stopped at present due to health and caring responsibilities, I heard that all hope to resume that lifestyle in the future. The LPA does not dispute traveller status, and, on the evidence before me, I consider that the intended occupants of the appeal site are persons of a nomadic habit of life who comply with the definition of gypsies and travellers in PPTS.

65. The Appellants and their daughter, Maisie, currently live in caravans on land in Leeds owned by Mrs Spaven's mother. Planning permission for a mobile home in this location has expired (Document A27). I note that neither the Appellants nor their daughter were included as prospective occupants of the site when appeal A was submitted, and that they have kept a mobile home at Mrs Spaven's mother's property since about 2006/07. Nevertheless they do not have a lawful place to station their caravans.

66. Ms Peart and Mr Lee have no current base, lawful or otherwise. They have a roadside existence, pulling up where the opportunity arises.

67. The other three households do all have permanent accommodation. Both Ms Buxton and Mrs Price have a pitch on the Cottingley Springs site in Leeds. There is evidence of anti-social behaviour associated with the site and instances of crime in the locality, and I appreciate that the families feel vulnerable in this location. Ms Gaskin and her family live in a house in Leeds. She moved into the house in the absence of any other accommodation, and I appreciate that she has a cultural aversion to living in bricks and mortar accommodation.

68. I give substantial weight to the personal need of the Appellants and their family, Ms Spaven, and Ms Peart and Mr Lee and their family for accommodation as they have no lawful settled base. I also give substantial weight to the personal need of Ms Gaskin and her family as the house which they occupy does not provide culturally appropriate accommodation. Ms Buxton and Mrs Price and their households do have accommodation in the form of pitches on a traveller site. As this accommodation is not suitable for them, I give significant weight to their expressed need for pitches on the appeal site.

Personal circumstances

69. Three households (the Appellants, Ms Peart, Ms Gaskin) have children of school age: of these ten children, three currently attend school, and the other seven are home-schooled. School attendance provides no additional support for a pitch on the appeal site in respect of Ms Gaskin's household as she has permanent accommodation from which two of her children can attend school and which facilitates home education for the other two. However, the ability to attend school and to be home-educated from a permanent base carries additional weight in support of the proposal in respect of the other two households, and there are several schools which can readily be reached from the appeal site (above, para 52).

70. Specific health problems have been mentioned in respect of members of five of the six households, and medical care is also important for Ms Spaven due to her pregnancy. Ms Gaskin has explained in her statement that living in a house has worsened her mental health, which need to be managed with medication. Otherwise I do not consider that health conditions provide support for the three households who already have permanent accommodation. However, the provision of a settled base is of importance for those individuals with healthcare needs in the other three households, to assist with the continuity of treatment, and it would also facilitate access to healthcare facilities for the other members of those families.

Previously developed land

71. The appeal site contains a small stable building, with some patches of hardstanding on the western part of the site. A fence separates the stables and the areas where hardstanding is visible from the eastern part of the site. I heard that the fence is moved within the site, but it does not seem to me that the curtilage of the stables is coterminous with the appeal site, nor that the whole of the appeal site is previously developed land.

72. Previously developed land is not uncommon in the Green Belt, and in this case the stable building is a modest structure, and the hardstanding has to an extent blended into the landscape. Paragraph 142 of the NPFF supports first consideration being given to previously developed land when it is necessary to release land when reviewing Green Belt boundaries. That exercise is being undertaken separately as part of the preparation of the emerging Local Plan, and I consider that the presence of previously developed land at the site gives negligible weight to the appeal proposals.

Site security and animal welfare

73. The Appellants refer to incidents of vandalism and arson at the site, and the risk that this poses to the horses kept there. Both schemes involve the

removal of the stables, and neither shows any of the site retained for the keeping of horse and ponies. Site security and animal welfare carry no weight in support of the appeal proposals.

The previous appeal decision

74. The 2014 appeal decision also concerned a traveller site in the same part of the Green Belt and adjacent to the M62. Although adjacent to the appeal site, this land slopes down to the west where it is closer to the level of the motorway carriageway, and more exposed to traffic noise. Whilst the effect of noise was an important consideration in that case, there is no reference in the decision or report to detailed technical evidence as has been submitted in respect of the appeals which are before me. Furthermore the previous proposal was for a markedly larger development of 10 pitches, and I note that, as future occupiers had not been specifically identified, the personal circumstances of individual families were not considered to be of particular relevance. There are a number of clear differences between the previous scheme and appeal proposals A and B, and I must determine these appeals on their own merits.

Air quality

75. SRG and local residents expressed concern about the effect of air quality on residents of the appeal site. The site lies within the M62 Air Quality Management Area. The Council's Air Quality Officer has advised that since the declaration of the Air Quality Management Area, monitoring at Castle Gate Farm has shown levels of nitrogen dioxide declining to the point that they are comfortably below the limit for this emission set out in the national air quality objectives²⁷. No objection on this ground has been made by the LPA, and there is no specific evidence to indicate that air quality is a significant consideration in these cases. I note that, in dismissing the previous appeal, the Secretary of State commented that air pollution was not, in itself, a significant reason for resisting the development, and I do not consider that it weighs against the appeal proposals.

Conditions

76. I have already referred to conditions concerning the erection of acoustic fencing, requirements for all mobile homes to be constructed in accordance with the specification of BS 3623:2015, and to have double-glazing, acoustic ventilation and air-conditioning installed, for a register of mobile homes to be maintained, for the LPA to be notified when a new mobile home is brought onto the site, and to prevent touring caravans being used as living accommodation. All of these conditions would be necessary for the developments to proceed.
77. As the site is in the Green Belt where development is restricted, it would be necessary to limit occupancy to gypsies and travellers. To safeguard the character and appearance of the area, the number and type of caravans should be specified, and no commercial activities should take place on the land. For the same reason landscaping details, any external lighting scheme and material samples for the day-rooms should be submitted for approval. However, given that the site plans show fencing around and within the site, I do not consider

²⁷ Consultation response reported in the committee report on the planning application which led to appeal B.

that a condition restricting permitted development in respect of means of enclosure would be necessary.

78. To ensure that the site would be satisfactorily drained, surface and foul water drainage schemes should be submitted for approval, and in the interest of highway safety, the site access should be provided and arrangements made to clean vehicles during the construction period. The play area is an integral part of both proposals, and a condition would be required to ensure its provision. Finally, conditions specifying the relevant drawings would be important as this provides certainty. I address time-limited and personal conditions in my overall conclusions.
79. Conditions concerning landscaping, drainage, cleaning vehicles during the construction period and erection of acoustic fencing should be pre-commencement conditions since the matters with which they are concerned need to be resolved before development works take place. The Appellants have agreed to these conditions²⁸.

Conclusions

80. Both of the appeal proposals would comply with the relevant criteria in Policy CS 7 of the Core Strategy concerning proposals for traveller sites. They would help to meet a shortfall in supply of sites, be accessible to services and facilities by means of transport other than the car without causing traffic congestion or safety problems, and there is no evidence that on-site services could not be provided. The proposals would, though, be inappropriate development in the Green Belt, and would thereby fail to comply with Policy CS 1. Due to the effect of noise on living conditions there would be conflict with Policy CS 10 and with Policy D 20 of the DPD, and, although there would be no conflict with Policy D 9 of the DPD which is concerned with the design of new development, the loss of the open nature of the site would have an adverse effect on the character and appearance of the area, contrary to Policy D 8. The site is within the limit of the shallow coal resources. Policy MSA 6 of the SSP seeks to safeguard economically viable deposits of coal, but the site is part of a narrow strip of land where reserves could be difficult to extract and there is no objection from the LPA on this ground. Taking these considerations together, I conclude that the proposed development would fail to comply with the Development Plan considered as a whole.
81. The appeal proposals would contribute to meeting the need for gypsy and traveller accommodation in Wakefield, a benefit to which I give significant weight. I give substantial weight to the personal need of the households of the Appellants, Ms Spaven, and Ms Peart and Mr Lee, as they have no lawful settled base, and I also give substantial weight to the personal need of Ms Gaskin and her family as they do not have culturally appropriate accommodation. The traveller site on which Ms Buxton and Ms Price and their households live is not suitable for them, and their personal needs merit significant weight. Health and education needs provide important additional support for members of those households who do not have a permanent base. Some further weight in support of both appeals is provided by the policy

²⁸ The Regulation 2(4) notice is at Document O19, and the Appellant's agreement to the imposition of pre-commencement conditions is at Document A36.

position in respect of gypsy and traveller accommodation in Wakefield and the likelihood of sites being found within the Green Belt.

82. The harms which would be caused to the Green Belt, including definitional harm, the loss of openness and encroachment into the countryside, carry substantial weight. In addition, noise would have a significant observed adverse effect on external amenity space on the proposed traveller site, resulting in unacceptable living conditions on some pitches, and the proposals would cause moderate harm to the character and appearance of the area. Policy E of PPTS 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. There were children within three of the six households at the time of the inquiry in 2021, and a baby was expected in a fourth household. It is clearly in the best interests of children to have the security of a settled base on which to live. However the children in Ms Gaskin's household do have a permanent base, albeit in the form of a house, and I am concerned that the adverse effect of noise on outdoor living space would make the site unsuitable as a permanent place for children to live and grow up.
83. I have also considered the public sector equality duty. The public sector equality duty requires, amongst other matters, that a public authority must have due regard to the need to eliminate discrimination, and to advance equality of opportunity between persons who share a protected characteristic and those who do not share it. Race is a protected characteristic, and the courts have recognised Romany Gypsies and Irish Travellers as distinct racial groups. Their personal need for accommodation and the lack of any alternative sites on which caravans could be stationed mean that the outcome of these appeals is of great importance for the prospective occupants, particularly those without access to a lawful pitch. I recognise that dismissing the appeals would not advance equality of opportunity insofar as being able to access a suitable place to live is concerned, but I am concerned that, due to the impact of noise, favourable decisions would not bring forward accommodation with satisfactory living conditions on all of the pitches. Moreover, the harms to the Green Belt are weighty considerations to set against the personal need for culturally appropriate accommodation.
84. I conclude that the harms to the Green Belt caused by the establishment of a permanent gypsy site in this location and the other harms which I have identified would not be clearly outweighed by the various considerations which provide support for the appeal proposals. That is not the end of the matter. I turn next to consider the possibility of temporary planning permissions. The main parties agreed that a period of five years would be appropriate to enable other sites to become available, and I share this view. Given a fixed period, less harm would be caused to the Green Belt and to the character and appearance of the area, and the adverse impact of noise on living conditions would be of limited duration. In this situation, I conclude that the harms identified would be clearly outweighed by other considerations, notably the personal need of the intended occupants for accommodation. Accordingly it is necessary to attach a condition restricting occupancy on a personal basis to temporary permissions.
85. Should a temporary permission result in the eventual loss of their home, this would represent an interference with the human rights of the occupants of the

appeal site. However I do not consider that this interference would be disproportionate, having regard to the legitimate aim of protecting the Green Belt

86. For the reasons given above, and having regard to all matters raised, I conclude that the appeals should be allowed for a temporary period of five years.

Richard Clegg

INSPECTOR

Schedule 1 – Conditions in respect of appeal A

- 1) The development hereby permitted shall be carried out in accordance with the plans in Schedule 2.
- 2) At the end of the period of five years from the date of this decision, or when the land ceases to be occupied by those named in condition No 2 should this occur earlier, the use hereby permitted shall cease and all caravans, structures, materials and equipment brought onto the land in connection with the use, shall be removed. Within 3 months of that time the land shall be restored in accordance with a scheme previously submitted to and approved in writing by the local planning authority.
- 3) The occupation of the site hereby permitted shall be carried on only by the following persons:
 - Tom Spaven, Elizabeth Spaven, their resident dependants, and Thomas Spaven.
 - Noeleen Buxton, Martina Buxton and Lily May Buxton.
 - Mary Gaskin and her resident dependants.
 - Terrace Lee, Melita Peart, their resident dependants, and Lorna Peart.
 - Sarah Price and Nicole Price.
 - Maisie Spaven and her resident dependants.
- 4) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of the Planning policy for traveller sites.
- 5) There shall be no more than six pitches on the site, and no more than two caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than one shall be a static caravan or mobile home) shall be stationed on each pitch at any time.
- 6) No commercial activities shall take place on the site, including the storage of materials.
- 7) The development hereby permitted shall not commence until a scheme of landscaping works has been submitted to, and approved in writing by, the local planning authority. The scheme shall include details of existing trees and hedgerows on and adjacent to the site and measures for the protection of those to be retained, proposals for tree and shrub planting, details of retaining walls and fencing, other than those shown on plans refs 19_1011_006 and TDA.2116.07 revision A, and a programme for implementation. The landscaping shall be carried out in accordance with the approved scheme and programme, and it shall be maintained thereafter for the duration of the planning permission. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species.
- 8) No external lighting shall be installed on the site, other than in accordance with a scheme which has been submitted to and approved in writing by the local planning authority.
- 9) No development involving the erection of the day rooms shall take place until samples of the materials to be used in the construction of the external surfaces of the day rooms have been submitted to and approved

- in writing by the local planning authority. The development shall be carried out in accordance with the approved samples.
- 10) No development shall take place until a scheme for surface water drainage has been submitted to and approved in writing by the local planning authority. No part of the development shall be brought into use until the surface water drainage works have been completed.
 - 11) No development shall take place until a scheme for foul water drainage has been submitted to and approved in writing by the local planning authority. No part of the development shall be brought into use until the foul water drainage works have been completed.
 - 12) No development shall take place until equipment for cleaning the wheels and undersides of vehicles has been provided on site to prevent mud and debris being deposited onto the highway. The cleaning equipment shall be used to clean all vehicles throughout the construction period. Any mud or debris from the site which is deposited on to the highway during this period of works shall be removed immediately.
 - 13) The site shall not be occupied until all areas to be used by vehicles, including the site access, have been laid out in accordance with the proposed site plan ref 19_1011_003 revision K.
 - 14) No development shall take place until a scheme showing acoustic fencing along the northern side of the site and detailing the extent of acoustic fencing on the western and eastern sides of the site has been submitted to, and approved in writing by, the local planning authority. Notwithstanding condition No 1, none of the pitches shall be occupied until the acoustic fencing has been erected in accordance with the approved scheme and the fencing details on plan ref 19_1011_006. The acoustic fencing shall be retained and maintained thereafter.
 - 15) All mobile homes stationed on the site shall be constructed in accordance with British Standard BS3632:2015.
 - 16) None of the touring caravans stationed on the site shall be used as living accommodation.
 - 17) A register shall be maintained of all mobile homes stationed on the site. The register shall be made available for inspection on request by the local planning authority.
 - 18) The local planning authority shall be notified within 28 days of the stationing of any mobile home on the site. The mobile home shall be made available for inspection on request by the local planning authority.
 - 19) No mobile home shall be occupied until it has been fitted with double glazing, air-conditioning and acoustic ventilators in accordance with a specification which had been submitted to, and approved in writing by, the local planning authority.
 - 20) The site shall not be occupied until the play area has been provided in accordance with the proposed site plan ref 19_1011_003 revision K.

Schedule 2 – Plans for appeal A

- 1 Location plan ref TDA.2116.01 revision B.
- 2 Proposed site plan ref 19_1011_003 revision K.
- 3 Double day rooms floor plan and elevations ref TDA.2116.03 revision A.
- 4 Single day room floor plan and elevations ref TDA.2116.05.
- 5 Acoustic close boarded timber fence details ref 19_1011_006.
- 6 Post and rail fence and knee rail details on plan ref TDA.2116.07 revision A.

Schedule 3 – Conditions in respect of appeal B

- 1) The development hereby permitted shall be carried out in accordance with the plans and other details in Schedule 4.
- 2) At the end of the period of five years from the date of this decision, or when the land ceases to be occupied by those named in condition No 2 should this occur earlier, the use hereby permitted shall cease and all caravans, structures, materials and equipment brought onto the land in connection with the use, shall be removed. Within 3 months of that time the land shall be restored in accordance with a scheme previously submitted to and approved in writing by the local planning authority.
- 3) The occupation of the site hereby permitted shall be carried on only by the following persons:
 - Tom Spaven, Elizabeth Spaven, their resident dependants, and Thomas Spaven.
 - Noeleen Buxton, Martina Buxton and Lily May Buxton.
 - Mary Gaskin and her resident dependants.
 - Terrace Lee, Melita Peart, their resident dependants, and Lorna Peart.
 - Sarah Price and Nicole Price.
 - Maisie Spaven and her resident dependants.
- 4) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of the Planning policy for traveller sites.
- 5) There shall be no more than six pitches on the site, and no more than two caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than one shall be a static caravan or mobile home) shall be stationed on each pitch at any time.
- 6) No commercial activities shall take place on the site, including the storage of materials.
- 7) The development hereby permitted shall not commence until a scheme of landscaping works has been submitted to, and approved in writing by, the local planning authority. The scheme shall include details of existing trees and hedgerows on and adjacent to the site and measures for the protection of those to be retained, proposals for tree and shrub planting, details of the post and rail fencing, and a programme for implementation. The landscaping shall be carried out in accordance with the approved scheme and programme, and it shall be maintained thereafter for the duration of the planning permission. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species.
- 8) No external lighting shall be installed on the site, other than in accordance with a scheme which has been submitted to and approved in writing by the local planning authority.
- 9) No development involving the erection of the day rooms shall take place until samples of the materials to be used in the construction of the external surfaces of the day rooms have been submitted to and approved

- in writing by the local planning authority. The development shall be carried out in accordance with the approved samples.
- 10) No development shall take place until a scheme for surface water drainage has been submitted to and approved in writing by the local planning authority. No part of the development shall be brought into use until the surface water drainage works have been completed.
 - 11) No development shall take place until a scheme for foul water drainage has been submitted to and approved in writing by the local planning authority. No part of the development shall be brought into use until the foul water drainage works have been completed.
 - 12) No development shall take place until equipment for cleaning the wheels and undersides of vehicles has been provided on site to prevent mud and debris being deposited onto the highway. The cleaning equipment shall be used to clean all vehicles throughout the construction period. Any mud or debris from the site which is deposited on to the highway during this period of works shall be removed immediately.
 - 13) The site shall not be occupied until all areas to be used by vehicles, including the site access, have been laid out in accordance with the proposed site plan ref 19_1011A_003C revision C.
 - 14) No development shall take place until details of the acoustic fencing have been submitted to, and approved in writing by, the local planning authority. None of the pitches shall be occupied until the acoustic fencing has been erected in accordance with the approved details in the positions shown on plan ref 19_1011A_003C revision C. The acoustic fencing shall be retained and maintained thereafter.
 - 15) All mobile homes stationed on the site shall be constructed in accordance with British Standard BS3632:2015.
 - 16) None of the touring caravans stationed on the site shall be used as living accommodation.
 - 17) A register shall be maintained of all mobile homes stationed on the site. The register shall be made available for inspection on request by the local planning authority.
 - 18) The local planning authority shall be notified within 28 days of the stationing of any mobile home on the site. The mobile home shall be made available for inspection on request by the local planning authority.
 - 19) No mobile home shall be occupied until it has been fitted with double glazing, air-conditioning and acoustic ventilators in accordance with a specification which has been submitted to, and approved in writing by, the local planning authority.
 - 20) The site shall not be occupied until the play area has been provided in accordance with the proposed site plan ref 19_1011A_003C revision C.

Schedule 4 – Plans for appeal B

- 1 Location plan ref 19_1011A_001.
- 2 Existing site plan ref 19_1011A_002.
- 3 Proposed site plan ref 19_1011A_003C revision C.
- 4 Double day rooms floor plan and elevations ref 19_1011A_005.
- 5 Single day room floor plan and elevations ref 19_1011A_006.
- 6 Indicative landscape plan ref 19_1011A_010.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Miss R Stockley of Counsel	Instructed by Mr K Winter, Solicitor to the Council.
She called	
Mr G Blenkinsop BSc DipANC MCIEH	Service Director – Environment, Streetscene & Climate Change, Wakefield Council.
Mr N Ford BA(Hons) DMS MRTPI	Service Director – Planning & Transportation Policy, Wakefield Council.
Dr M Bullock BSc(Hons) PhD MMRS MCIH	Managing Director, arc4 Ltd.
Mr R Wood BTCP(Hons) BPI MRTPI	Director, Richard Wood Associates Ltd.
Mrs R Thackray ²⁹	Team Leader, Planning Services – Development Management, Wakefield Council.

FOR THE APPELLANTS:

Mr S Cottle of Counsel	Instructed by Green Planning Studio Ltd.
He called	
Mr T Green MSc MIPS	Director, TGSacoustics Ltd.
Ms H Jones	Former Chief Executive Officer, Leeds Gypsy & Traveller Exchange.
Mr T Spaven	Appellant in respect of appeal A, and Joint Appellant in respect of appeal B.
Mrs E Spaven	Joint Appellant in respect of appeal B.
Ms E Rogers	Chief Executive Officer, Leeds Gypsy & Traveller Exchange; and for Ms Gaskin, Ms Buxton & Mrs Price, all prospective occupants of the appeal site.
Ms M Peart	Prospective occupant of the appeal site.
Ms M Spaven	Prospective occupant of the appeal site.
Mr M Green BA	Director, Green Planning Studio Ltd.

INTERESTED PERSONS:

Mrs J Ineson	Stanley Residents Group.
Mrs V Stansfield	Stanley Residents Group.
Ms A Storey RN BSc MSc	Stanley Residents Group.

THE LPA'S DOCUMENTS

- L1 Statement of case for appeal B.
- L2 Appendices to Document L1.
- L3 Mr Blenkinsop's proof of evidence – 2021.
- L4 Mr Ford's proof of evidence – 2021.
- L5 Appendices to Document L3.

²⁹ Mrs Thackray was not called to give evidence in support of the LPA's case, but contributed to the session on possible conditions.

- L6 Dr Bullock's proof of evidence - 2021.
- L7 Wakefield District – Gypsy and Traveller and Travelling Showperson Accommodation Assessment Update 2018 – Final Report.
- L8 Mr Wood's proof of evidence – 2021.
- L9 Miss Stockley's costs application on behalf of the LPA.
- L10 Miss Stockley's opening statement on behalf of the LPA.
- L11 Acoustics Ventilation and Overheating – Residential Design Guide, Association of Noise Consultants and Institute of Acoustics, 2020.
- L12 Calculation of Road Traffic Noise, Department of Transport and Welsh Office, 1988.
- L13 Environmental Noise Guidelines for the European Region; World Health Organization; 2018.
- L14 ProPG: Planning and Noise; Association of Noise Consultants, Institute of Acoustics & Chartered Institute of Environmental Health; 2017.
- L15 Supplementary note to Document L4.
- L16 Appendix to Document L15.
- L17 The LPA's noise level table.
- L18 Miss Stockley's closing submissions on behalf of the LPA.
- L19 Email dated 4 August 2021 from Mrs Thackray concerning the revised NPPF.

THE APPELLANTS' DOCUMENTS

- A1 Bundle of authorities.
- A2 Statement of case for appeal B.
- A3 Appendices A1-A14 to Document A2.
- A4 Appendices B1-B22 to Document A2.
- A5 Mr T Green's proof of evidence (also in appendix A23 to Document A).
- A6 Appendices to Document A5 (also in appendix A23 to Document A22).
- A7 Ms Jones's statement.
- A8 Mr Spaven's statement.
- A9 Appendices to Mr Spaven's statement.
- A10 Mrs Spaven's statement.
- A11 Appendices to Document A10.
- A12 Ms Rogers's statement.
- A13 Ms Gaskin's statement.
- A14 Appendices to Document A13.
- A15 Ms Buxton's statement.
- A16 Appendices to Ms Buxton's statement.
- A17 Mrs Price's statement (also in appendix A23 to Document A22).
- A18 Ms Peart's statement.
- A19 Appendices to Document A18.
- A20 Ms Spaven's statement.
- A21 Mr M Green's proof of evidence.
- A22 Appendices A15-A36 to Document A21.
- A23 Appendices B23-B27 to Document A21.
- A24 Mr M Green's rebuttal proof of evidence.
- A25 Appendix A37 to Document A24.

- A26 Mr Cottle's opening statement on behalf of the Appellants.
- A27 Planning permission for mobile home at Urn Farm, Leeds.
- A28 Schedule of gypsy and traveller sites – need and potential provision.
- A29 Local Plan 2036, Publication Draft Plan, Green Belt Review Technical Paper.
- A30 Local Plan 2036, Publication Draft Plan, Green Belt Assessment Methodology and Findings.
- A31 Judgement in Doncaster MBC v Secretary of State for Communities & Local Government and AB.
- A32 The Appellants' noise level tables.
- A33 Response to Document L9 on behalf of the Appellant in appeal A.
- A34 Mr Cottle's closing submissions on behalf of the Appellants.
- A35 Extracts from Common Ground, CRE report.
- A36 Response to Document O19.
- A37 Email dated 2 August 2021 from Green Planning Studio Ltd concerning the revised NPPF.

OTHER INQUIRY DOCUMENTS

- O1 Bundle of policies.
- O2 Mrs Stansfield's supplementary documents.
- O3 SRG's statement of 1 February 2021.
- O4 SRG's statements of 26 May 2021.
- O5 Noise statement of common ground³⁰.
- O6 Extracts from the Core Strategy.
- O7 Extracts from the Development Policies Document.
- O8 Extract from the Site Specific Policies Local Plan.
- O9 Local Plan 2036: Publication Draft Policies Map 2020 – Western Area.
- O10 Bundle of documents. Submitted by SRG.
- O11 Planning statement of common ground.
- O12 Mrs Stansfield's statement on behalf of SRG.
- O13 Policies Map 2012: Western Area.
- O14 Ms Storey's speaking notes on behalf of SRG.
- O15 Leeds Local Plan Policies Map, Map 29a, and larger scale extract of area to the north of the appeal site.
- O16 Mrs Ineson's statement on behalf of SRG.
- O17 Schedule concerning possible conditions (excluding noise). Submitted by the main parties.
- O18 Schedule concerning possible noise conditions. Submitted by the main parties.
- O19 Regulation 2(4) notice.

³⁰ Although the statement of common ground is marked draft, the main parties advised that Document O5 is the agreed position on noise.