



Appeal Decision

Site visit made on 25 October 2022

by R Merrett Bsc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2022

Appeal Ref: APP/J4525/W/22/3301532

Land adjacent to 2 & 3 Wylam Close, Usworth, Washington, Sunderland NE37 3DR

- 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 Colin Noble against the decision of Sunderland City Council.
 - The application Ref 21/01805/FUL, dated 28 February 2022, was refused by notice dated 24 March 2022.
 - The development proposed is construction of 4 no. houses.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would be an acceptable form of accommodation and whether it would compromise the provision of sites for travelling showpeople.

Reasons

3. The appeal site located off Wylam Close, at the southern end of Stephenson Road, forms part of an established travelling showpeople's yard. From my visit it was apparent that the yard is currently in use for the storage of numerous vehicles and equipment, in many cases large in scale, associated with fairground activity. The storage of vehicles and fairground equipment is taking place on the appeal site itself and on land immediately adjacent to the south and to the north-east (shown on the location plan as an area for vehicle storage).
4. A number of caravans were present on the site. I also noted the residential properties, both permanent 'bricks and mortar' and a mobile home, along the southern and western perimeter of the yard respectively, as referred to by the parties. At least two of these properties are undisputed to be occupied by persons associated with the use of the yard.
5. The Council's approach to the provision and protection of sites for travelling showpeople is set out within Policies H4 and SP3 of Sunderland's Core Strategy and Development Plan 2020 (CS). Policy H4, in particular, states that existing travelling showpeople sites, including at Stephenson Industrial estate where the appeal site is located, will be safeguarded unless it can be demonstrated

- that there is no longer a need for the site, or capacity can be better met elsewhere.
6. Travelling showpeople usually live in caravans as an integral and necessary part of their nomadic lifestyle; living in a caravan facilitates travel for work. However, being nomadic does not preclude having a permanent base which an individual or family can return to and live on for periods of time when they are not travelling. This is a point which is not disputed by the parties.
 7. Such yards are often in a mixed use for the siting of caravans for residential use plus use for the storage, maintenance and repair of rides, vehicles and equipment. Within a previous Council officer report, which recommended approval of a residential dwelling in this location, it was stated that the principle of the development was accepted given that the overall use of the site for both showmen's storage and residential purposes had been established by previous consents¹. Furthermore, the Council states, within the officer report relating to the present appeal, that following adoption of the CS it is a matter of fact that the application site forms part of a wider parcel of land safeguarded to provide accommodation for travelling showpeople. Therefore it also appears to be undisputed that, in principle, mobile living accommodation for residential occupation by travelling showpeople may be sited there.
 8. I am mindful the Council does not say, as part of its policy for safeguarding travelling showpeople sites (Policy H4), the development of permanent residential accommodation or static mobile homes there will be prohibited. Nor does that policy specifically state that the purpose of safeguarding land is to provide space for mobile living accommodation. The Council has not set out that there would be any issue if an equivalent number of residential caravans were proposed on the site, instead of permanent dwellings. As such there is no suggestion that the proposed level of residential use on the site, in itself, is a problem.
 9. The Council does however state, in its Committee report, that the land should be safeguarded to provide space for 'transient' accommodation to suit the mobile nature of travelling showpeople. The refusal reason on the decision notice sets out that the site would be compromised. It is therefore the appellant's task at appeal to demonstrate how space on the site would not be compromised.
 10. It seems to me that the construction of permanent accommodation will inevitably take up space on the site that could otherwise be used for the siting of mobile living accommodation. The appellant has referred to the modern showperson, having a more settled status. However this does not mean that showpeople would not continue to rely on mobile living accommodation when travelling and raises the question as to where such accommodation may be stored, when not in use, if the permanent dwellings were built. It appears the type of accommodation occupied would depend on whether the person was living away from the permanent base. They would however utilise one form of accommodation or the other at any given time.
 11. If the potential site occupiers, have such settled status so as not to warrant mobile living accommodation at all, then I concur with the Council that a compelling reason has not been provided as to why it would not be possible to

¹ Planning application reference 18/01569/FUL

- acquire existing 'bricks and mortar' accommodation in the wider area. I acknowledge that occupying a permanent dwelling may suit the aspirations of staff and their families. However the argument that such accommodation should be on the appeal site, for this reason alone, is simply not persuasive.
12. The appellant has not demonstrated clearly, such as through the provision of a detailed layout plan, how once the proposed development is implemented sufficient capacity would remain within the site to accommodate the various vehicles, equipment and mobile living accommodation.
 13. It may be possible to demonstrate that the site is able to continue with its intended purpose, with the proposed development in place. However, I am not persuaded, from the information before me, that the development would not compromise the use of the site for such purposes, such that sufficient space would be left over for all of the various mobile living accommodation, vehicles and equipment needed in relation to the business.
 14. Whilst it may be usual for travelling showpeople to live in caravans, whether when travelling or as part of a permanent base, I have not been provided with any information to suggest that as a matter of policy it would be inappropriate, say for cultural reasons, for travelling showpeople to live in 'bricks and mortar' accommodation. Indeed that is what the appellant, undisputed to be associated with this type of business, advocates in this case. A planning condition could be imposed restricting the occupation of the new dwellings to use by travelling showpeople. I therefore do not agree with the Council that there is reason to refuse planning permission purely in relation to the permanent nature of the accommodation proposed, as a matter of principle.
 15. Furthermore it seems to me that the proposed dwellings, because of the provision of accommodation on three floors, would potentially allow for a better range of facilities, and therefore living conditions, for occupiers and / or a more efficient use of the land, when compared with the potential provision of mobile home(s) there as an alternative. In this context I have taken into account the personal statements made by an employee of the appellant's business, currently living on the site, and his partner which refer to their desire for a more suitable, permanent form of accommodation. I am also mindful that parking within the yard area, adjacent to the site, was at the time of my visit somewhat haphazard. If it were better organised, it seems that parking and storage capacity could be optimised.
 16. However the considerations in paragraphs 14 and 15 above do not overcome the concerns that I have raised about the development resulting in the amount of space within the site being compromised.
 17. I have no reason to doubt that the site would be in a sustainable location in terms of access to public transport, or that the development would be of sufficient quality not to harm the character and appearance of the area. Such lack of harm would have neutral weight in the planning balance, and I am not persuaded that the quality of the development would be of such a high standard as to outweigh the aforementioned harm.
 18. Furthermore Policy H4 of the CS seeks to address the identified shortfall in plots for travelling showpeople², by allocating land and identifying broad

² identified in The Gypsy and Traveller and Travelling Showpeople Accommodation Assessment Update 2017

locations for new sites in alternative areas. The argument that there is need for the permanent dwellings at the appeal site, on the basis of meeting a shortage, is not therefore compelling. Although the appellant states that the assessment of need is out-of-date, it is the most recent information and assessment presented to me. The appellant cites previous planning permissions granted for permanent dwellings at the site as precedent justifying planning permission for what is now proposed. However it would appear that those permissions were granted prior to the adoption of, and policy constraints within, the Core Strategy. That the appellant is aggrieved with regard to the circumstances leading to the site being allocated for its current use is not a matter relevant to my considerations in this case.

19. I conclude that the proposed development would not, in principle, result in an unacceptable form of accommodation for travelling showpeople. However, on the basis of the information before me, I am unable to rule out that it would compromise the available space and therefore capacity of the site to serve its intended purpose, resulting in the need for related storage space elsewhere. On this basis I conclude that the site would not be safeguarded. As such the development would conflict with the CS insofar as it seeks to safeguard existing travelling showpeople sites. I also find conflict with Policy H1 of the CS insofar as it seeks to secure housing appropriate to its location. I do not find conflict with Policy SP8 of the CS which sets out the strategy, in broad terms, for the supply and delivery of new housing.

Conclusion

20. For the reasons given above I conclude that the appeal should be dismissed.

R Merrett

INSPECTOR