



**PLANNING COMMITTEE: Thursday,
21 November 2024**

Report of: Assistant Director Planning & Regulatory Services

Contact for further information: Rachel Lightfoot (Extn. 5177) (E-mail: plan.apps@westlancs.gov.uk)

SUBJECT: PLANNING APPLICATION REF: 2024/0535/FUL

PROPOSAL: Erection of 2 additional pitches and 2 day rooms, relocation of stable building at existing gypsy and traveller family caravan site (retrospective)

APPLICANT: Mr J Doherty

ADDRESS: White Moss Road South Caravan Park, White Moss Road South, Skelmersdale, WN8 9TH

REASON FOR CALL IN: Application has been called in by Cllr Rigby to consider the retrospective nature of the application

Wards affected: Rural South;

1.0 PURPOSE OF THE REPORT

1.1 To advise Planning Committee on an application which seeks retrospective planning permission for the retention of 2 additional pitches and 2 day rooms along with the relocation of a stable building.

2.0 RECOMMENDATION TO PLANNING COMMITTEE

2.1 That planning permission be APPROVED subject to conditions

3.0 THE SITE

3.1 The site lies between White Moss Road South and the M58. It is approximately 0.9ha in size and relatively level. Access is taken from White Moss Road South.

3.2 The site is within the Green Belt as defined by the adopted West Lancashire Local Plan 2012-2027.

4.0 PROPOSAL

- 4.1 The application seeks retrospective planning permission to increase the number of pitches on the site to 3 (an increase of 2) and relocate the stable building formerly granted planning permission under reference 2023/0251/FUL

5.0 PREVIOUS RELEVANT DECISIONS

- 5.1 2023/0251/FUL – Retrospective change of use of land to form a 1 pitch gypsy family caravan site, there erection of a day room, a stable building and horse paddock for the keeping of horses with access off White Moss Lane South – APPROVED
- 5.2 2023/0032/FUL – Change of use from agricultural land to use of land for the keeping of horses, the erection of 1no stable and 1no mobile home, the formation of sand paddock and hardstanding area – WITHDRAWN
- 5.3 2013/1040/FUL – Change of use from agricultural land to use of land for the keeping of horses. Erection of 3no stables and 1no mobile stable. Formation of sand paddock. Formation of hardstanding area - APPROVED

6.0 OBSERVATION OF CONSULTEES

- 6.1 Coal Authority (01.07.24) – no objection
- 6.2 LCC Highways (09.07.24) – no objection. Consider that the proposal will have a negligible impact on highway safety and capacity
- 6.3 Health and Safety Executive (18.07.24) – no objection
- 6.4 Sabic Petrochemicals (23.07.24) – Recommend a maximum of 3 caravans mobile or static be limited to the site [inner zone]
- 6.5 WLBC Drainage (06.08.24) – no objections

7.0 OTHER REPRESENTATIONS

- 7.1 There have been 4 objections which have been received prior to the receipt of amended plans, it was requested that the objections remain private. One objection was received on behalf of the wider community.
- 7.2 The objections raise the following material planning issues:
- effect on the Green Belt
 - demonstration of exception circumstances
 - fear of crime/anti social behaviour
- 7.3 The following non material issues are raised:
- effect on house prices
 - need for wider community consultation
 - unofficial gypsy/traveller site within 200 yards of this which does not have permission
 - community already affected by landfill site

8.0 SUPPORTING INFORMATION

8.1 Planning Statement

9.0 RELEVANT PLANNING POLICIES

9.1 The National Planning Policy Framework (NPPF), Government planning policy 'Planning Policy for Traveller Sites' (PTTS) 2023 and the West Lancashire Local Plan 2012-2027 provide the policy framework against which the development will be assessed. National Planning Practice Guidance (NPPG) is also relevant.

9.2 The application site is located within the Green Belt as designated in the West Lancashire Local Plan 2012-2027.

9.3 West Lancashire Local Plan 2012-2027

SP1 – A Sustainable Development Framework for West Lancashire

GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development

EN2 – Preserving and Enhancing West Lancashire's Natural Environment

9.4 The West Lancashire Local Plan does not contain any specific policy on traveller sites. Policy DE4 of the West Lancashire Replacement Local Plan (Caravan Sites for Gypsies and Traveling Showpeople) remains extant but due to its age and superseding national policy has limited weight in decision making.

10.0 OBSERVATIONS OF ASSISTANT DIRECTOR OF PLANNING AND REGULATORY SERVICES

10.1 The main considerations for this application are:

- Principle of Development – Green Belt
- Openness
- Sustainable Location
- The Need for Gypsy and Traveller Sites
- Human Rights and Family Circumstances
- Very Special Circumstances
- Drainage
- Impact on Surrounding Land Uses
- Highways

Principle of Development – Green Belt

10.2 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, development proposals must be considered in accordance with the development plan unless material consideration indicate otherwise. The development plan for West Lancashire consists of the West Lancashire Local Plan 2012-2027. Policy GN1 advises that proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies. The NPPF and Planning Policy for Traveller Sites (PTTS) are material considerations.

- 10.3 The site lies within the Green Belt. The NPPF and PPTS advises that the use of land for the siting of caravans and their residential occupation, along with the erection of the day rooms, represents inappropriate development within the Green Belt.
- 10.4 Government guidance in the PPTS states at para 16:
Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.
- 10.5 Only where very special circumstances exist and those circumstances outweigh the resultant harm to the Green Belt and any other harm, can development be supported. Substantial weight is applied to the harm caused to the Green Belt.

Openness

- 10.6 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The openness of the Green Belt has a spatial aspect as well as a visual aspect.
- 10.7 In spatial terms the site has been developed with pitches defined by close boarded fencing, there are internal fences to delineate the pitches. This results in an intrinsic loss of openness. However, the pitches are generously proportioned and this results in a retention of a sense of openness minimising the spatial impact.
- 10.8 Visually, the site is well hidden by existing vegetation which results in a limited loss of openness.
- 10.9 In summary, the development represents inappropriate development in the Green Belt causing a limited loss of openness. The NPPF advises that substantial weight should be given to inappropriate development in the Green Belt and this is given in the consideration of this application.

Sustainable Location

- 10.10 The site is separated from other built form by surrounding agricultural land within the rural area. The larger field of which it formed part of is separated by a close boarded fence.
- 10.11 The site is considered to be on the periphery of the nearest settlement on a road which is characterised by residential and employment development. There will be some reliance on the private car to access nearby services. The site is approximately 215m to White Moss Road and approximately 700m to the nearest bus stop. The nearest supermarket is the new Aldi, Westgate which is 0.6miles from the site, equating to a 15 minute walk.
- 10.12 The site is considered to be detached from the main settlement but reasonably related in relation to sustainability. The location and the level of development on

the site could not be considered to dominate the nearest settled community or place undue pressure on its local infrastructure.

The Need for Gypsy and Traveller Sites

- 10.13 The PPTS requires that local planning authorities make their own assessment of the need for traveller sites, setting targets which will meet the need and identifying specific deliverable site sufficient to provide a 5-year supply of sites meeting locally identified set targets.
- 10.14 The PPTS at Policy H: Determining planning applications for traveller sites says that local planning authorities should consider the following issues, amongst other relevant matters, when considering planning applications for traveller sites:
- a. The existing level of provision and need for sites
 - b. The availability (or lack) of alternative accommodation for the applicants
 - c. Other personal circumstances of the applicants
 - d. That the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites.
 - e. That they should determine applications for sites from any travellers and not just those with local connections.
- 10.15 In consideration of the above:
- a) The existing level of local provision and need for sites
- 10.16 Work undertaken by RRR Consultancy Ltd in order to support the delivery of a new Local Plan established a need for 21 pitches between 2017-2037. 6 new pitches have been granted to-date. At the time of determining this application there is no supply of identified sites to meet this need. Additionally, the definition of Gypsy for planning purposes has changed in law which could have impacts on need.
- b) The availability (or lack) of alternative accommodation
- 10.17 The applicant's agent has confirmed they have no alternative accommodation available.
- c) Other personal circumstances of the applicant
- 10.18 Other personal circumstances of the applicant are set out under the Human Rights family circumstances below.
- d) Local planning policy
- 10.19 The West Lancashire Local Plan 2012-2027 does not include a policy or any allocations for gypsy and traveller sites. Policy DE4 of the West Lancashire Replacement Local Plan (2006) remains extant. Policy DE4 indicates that the development of sites for gypsies and travelling show people will be permitted outside of the Green Belt. There is therefore a conflict with this policy. However, due to the age of the policy and the replacement national guidance and policy which has been brought out since the adoption of this policy (containing much

stronger guidance on decision taking for proposals within the Green Belt) Policy DE4 is considered to carry little weight in the determination of this planning application.

e) Considering applications from any travellers

10.20 The Council has considered the supporting evidence submitted by the applicant and is determining the application on the merits of the case. The application is not based on any local connection but the need for the pitches in general and therefore satisfies this requirement.

10.21 The lack of site provision in the Borough and the absence of allocation through the Local Plan is considered to carry weight in the decision-making process. The PPTS advises: *if a local planning authority wish to make an exceptional, limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a traveller site, it should do so only through the planning process and not in response to a planning application*'. This site would not necessitate a change to the boundaries of the Green Belt and would remain a Green Belt site. There is a level of conflict in this regard to which significant weight must be attributed.

Human Rights and Family Circumstances

10.22 The refusal of this application in the absence of any other alternative sites available to the applicant is likely to result in a roadside existence for the applicants. This has now become a more difficult existence given the introduction of the Police, Crime and Sentencing Act 2020 which makes unauthorised camping by a single caravan a criminal offence. This carries significant weight in the decision-making process given the direct impact of this Act on the families' circumstances.

10.23 The development includes the retention of 2 static caravans, 2 trailer caravans and 2 day rooms. The occupants would consist of a family group made up of 3 families (6 adults and 7 children) whose ages range from 2-26; 1 of the adults and 3 of the children have long-standing medical conditions.

10.24 The family are considered to meet the definition of Gypsy/Traveller as defined in Annex 1 of the 2023 PPTS.

10.25 There are 7 children living on the site. The retention of the caravans will provide a settled base for the children, 3 of which have long-standing medical conditions. It is in the interests of the children that they benefit from a settled base and not be forced into a roadside existence which is considered to carry moderate weight in favour of the application.

10.26 It is considered that in the absence of any alternative pitches and the lack of identified sites within the Local Plan for a 5-year supply (taken as an indicator of need and supply) weighs in favour of the application. In the absence of available or suitable alternative accommodation, refusal of this planning application would amount to a breach of Article 8 of the European Convention of Human Rights in relation to respect for private and family life and of Article 1 of the First Protocol in relation to the protection of property, both within the Human Rights Act 1998.

10.27 As the applicants are considered to meet the definition of gypsies and travellers as defined by Annex 1 of the updated PPTS, due regard must be given to the Public Sector Equalities Duty to (a) eliminate discrimination, harassment, victimisation and any other prohibited conduct (b) advance equality of opportunity between persons who share a relevant protected characteristics and so not share it and (c) foster good relations between people who share a relevant protected characteristic. Due regard has been given to this as above.

Very Special Circumstances

10.28 The development is considered inappropriate development within the Green Belt. The Framework states that inappropriate development in the Green Belt 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 harm, is clearly outweighed by other considerations.

10.29 The Council is unable to demonstrate a supply of gypsy/traveller sites which carries significant weight in the planning decision as there is no indication that the shortfall between need and provision in the near future. The lack of any suitable, affordable and available alternative accommodation for the applicant is accorded significant weight. In relation to Green Belt, it is likely due to the nature of this development type that any other sites would also be in the Green Belt.

10.30 The site benefits from having approval for a single pitch. It uses a pre-existing access and is well located in relation to other development along the road side as well as being a location influenced by the M58.

10.31 The site is screened via existing landscaping to three boundaries with fencing to the roadside. This is considered to reduce visual harm and ensures that the development's impact on its surroundings is acceptably reduced.

10.32 Whilst personal circumstances and unmet need are usually unlikely to establish very special circumstances, I consider that in this instance due to the location of the development in relation to existing development and the M58 and the mitigation provided by the landscaping already present on site, along with the lack of alternative sites to meet the identified need in the 2017 Study, that the applicant has demonstrated very special circumstances sufficient to outweigh the harm to the Green Belt which has been identified.

Drainage

10.33 The site lies within Flood Zone 1 which is land at the lowest risk of flooding. The Council's Drainage Officer offers no objection to the scheme, and I consider that it meets Policy GN3 of the West Lancashire Local Plan.

Impact on Surrounding Land Uses

10.34 Objections have been received regarding concerns about potential unneighbourly behaviour from the occupants. While fear of crime can be a planning consideration, the NPPF and case law (e.g., *Smith v FSS [2005] EWCA Civ 859*) highlight that

such fears must be substantiated by evidence. There is no evidence suggesting that the occupants of this development would generate crime levels higher than those of the general population. Consequently, it is considered that the proposed use of the land would not result in increased crime, and the application is deemed acceptable in this regard.

- 10.35 It is considered that the application is in accordance with Policy GN3 , particularly havin regard to the minimising of impacts on nearby land uses.

Highways

- 10.36 LCC Highways have been consulted on the application and confirmed that there is no objection to the application. It is therefore considered acceptable in regard to highway impact.

Other Matters

- 10.37 Concerns have been raised in relation to impacts on house prices. This is not a material planning consideration and holds no weight in the decision-making process.
- 10.38 The retrospective nature of the application has been raised as an objection. It is not illegal for works to start prior to a planning application being made and the Town and Country Planning Act 1990 specifically allows for retrospective applications to be made. Additionally, any access rights to the ditch are a civil matter.
- 10.39 Comments have been received in relation to the nearby landfill site and the existing burden it already places on the community. However, this is not relevant to this planning application which must be determined on its own merits.
- 10.40 Comments have been made in relation to consultation. In accordance with the requirements of the Development Management Procedure Order 2015 via the erection of a site notice and notification of neighbouring properties the Council has consulted in accordance with the regulations and in doing so has adhered to its Statement of Community Involvement.

11.0 CONCLUSION

Planning Balance

- 11.1 Significant weight is given to the harm caused to the Green Belt as required by the NPPF and PPTS. However, this is considered to be outweighed by other material considerations.
- 11.2 In particular, substantial weight is given to the lack of a supply of deliverable sites, usually expressed as the requirement for a 5-year supply in order to demonstrate that the Council is meeting the need for sites. Substantial weight is given to the personal circumstances of the applicants in particular in forming a settled base for

7 children. Moderate weight is given to the location of the site, use of existing access and screening by existing vegetation.

- 11.3 It is considered that the material considerations, when weighed together, result in very special circumstances being demonstrated. These circumstances are not based solely on the personal circumstances of the applicant but also take into account the lack of alternative sites, which justifies the need for this development. While the harm caused to the Green Belt by reason of inappropriateness and loss of openness is substantial, the combined weight of these factors – particularly the urgent need for deliverable sites – outweighs the harm, thereby demonstrating very special circumstances.
- 11.4 Therefore it is concluded that the proposal accords with the Development Plan when considered in its entirety, after taking into account all relevant material considerations.

12.0 RECOMMENDATION

12.1 That planning permission is APPROVED subject to conditions:

1. The site shall not be occupied by any persons other than gypsies and travellers defined as persons of a nomadic habit of life, whatever their race or origin, including such persons who on grounds only of their own or their families or dependants education or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such.

Reason: To ensure that the site is occupied by such persons to support the use of the land in the Green Belt to comply with Policy GN1 of the West Lancashire Local Plan 2012-2027.

2. No more than 3 static caravans and 2 tourers shall be stationed on the site at any time.

Reason: To ensure that the accommodation is proportionate to the occupiers of the site and to ensure that the character and appearance of the area is not adversely affected in accordance with Policy GN1 of the West Lancashire Local Plan 2012-2027.

3. No more than a total of three caravans (either static or tourer) shall be stationed at any time, inside the Inner Zone of the adjacent pipeline as shown on drawing number 3 rev A.

Reason: In order to ensure that the safety of residents is maintained in support of Policy GN3 of the West Lancashire Local Plan 2012-2027.

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

Reason: To ensure that the use remains appropriate within its surroundings in accordance with Policy GN3 of the West Lancashire Local Plan 2012-2027.

5. In the event that the site is no longer needed to provide accommodation for a qualifying person, all hardstandings, buildings and structures shall be removed and the site returned to grass within 6 months of the termination of the use.

Reason: In order to ensure that the site is returned to an appropriate state in the event that the use ceases to support Policy GN1 of the West Lancashire Local Plan 2012-2027

13.0 SUSTAINABILITY IMPLICATIONS

- 13.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

14.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 14.1 There are no significant financial or resource implications arising from this report.

15.0 RISK ASSESSMENT

- 15.1 The actions referred to in this report are covered by the scheme of delegation to officers and any necessary changes have been made in the relevant risk registers.

16.0 HEALTH AND WELLBEING IMPLICATIONS

- 16.1 There are no health and wellbeing implications arising from this report.

Background Documents

In accordance with Section 100D of the Local Government Act 1972 the background papers used in the compilation of reports relating to planning applications are listed within the text of each report and are available for inspection in the Planning Division, except for such documents as contain exempt or confidential information defined in Schedule 12A of the Act.

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore, no Equality Impact Assessment is required.

Human Rights

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article 1 of Protocol 1 (the right of peaceful enjoyment of possessions and protection of property).

Appendices

None.