

<b>Agenda Item</b>	A6
<b>Application Number</b>	23/01140/FUL
<b>Proposal</b>	Partially retrospective change of use of land to 3 no Gypsy/Traveller pitches comprising 3 touring caravans and 3 mobile homes, siting of a day room, erection of a barn, installation of a septic tank and creation of an area of hardstanding
<b>Application site</b>	Field 3225 Arna Wood Lane Aldcliffe Lancashire
<b>Applicant</b>	Mr E Jenkins
<b>Agent</b>	Dr Simon Ruston
<b>Case Officer</b>	Mrs Petra Williams
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Approval subject to conditions

(i) **Procedural Matters**

This application would normally be dealt with by Delegated powers but has been brought to Planning Committee at the discretion of the Planning Manager due to the public interest shown in regard to the proposal.

**1.0 Application Site and Setting**

1.1 The site that forms the subject of this application is a 0.27ha triangular parcel of land located approximately 2.3km to the south-west of the centre of Lancaster and approximately 600m to the south of the small settlement of Aldcliffe. The site lies between Lancaster canal to the east and the River Lune to the west. The site has an existing equine use (including a stable block and menage) through a previous planning permission granted before the field was subdivided from the adjacent field and equine structures directly to the east of the application site. The site is currently laid with hardcore and bound by a close board timber 1.8m fence along the western and southern boundaries. There are several existing private and commercial equine stables and facilities in close proximity to the application site.

1.2 The site is accessed via a narrow single-track lane (Arna Wood Lane) which also serves seven dwellings and has an exit from the United Utilities Waste Water Treatment Works (WWTW). The site access increases in gradient off Arna Wood Lane into the site, which itself is relatively level.

1.3 The nearest residential properties are located at Arna Wood Farm and Low Wood, approximately 180m to the north and 420m south-west (respectively) of the site. There is also a small hamlet, Stodday, located approximately 600m to the south of the site and a Grade II Listed Building, Lunecliffe House, approximately 480m to the south-east. The Waste Water Treatment Works are located approximately 120m to south-west of the site and Arna Wood Solar Farm is located to the west of the site.

1.4 The nearest bridleway is approximately 2km by road via Aldcliffe village and the Lune Estuary Cycleway runs approximately 500m to the west of the site. The site is within the Open Countryside and within the boundary of the Aldcliffe-with-Stodday Neighbourhood Plan Area.

## 2.0 Proposal

2.1 The application is partially retrospective and seeks a change of use of land to 3 no Gypsy/Traveller pitches comprising 3 touring caravans and 3 mobile homes, the erection of a day room and barn, the installation of a septic tank and creation of an area of hardstanding. The proposal seeks to provide accommodation for the applicant and his extended family. This is a resubmission of a recent application (21/01581/FUL) which was refused. The refusal reasons related to the sites unsustainable location, visual harm, and lack of information relating to foul and surface water.

2.2 The mobile homes will be set out in a U-shape within the southern end of the site with the barn site at the open end of the U. Parking provision will also be provided in the form of two spaces per unit.

2.3 The current submission differs from the previously refused scheme with regard to a revised layout and the inclusion of a Landscape Design Statement, Drainage Strategy and information regarding the personal circumstances of the applicant.

## 3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
21/01581/FUL	Partially retrospective change of use of land to 3 no Gypsy/Traveller pitches comprising 3 touring caravans and 3 mobile homes, siting of a day room, erection of a barn, installation of a septic tank and creation of an area of hardstanding	Refused
15/01001/FUL	Erection of a detached stable block	Permitted
09/00406/CU	Retrospective application for continued use of land as Menage and the relocation of stable block and hardstanding	Permitted

## 4.0 Consultation Responses

4.1 The following responses have been received from statutory and internal consultees:

Consultee	Response
<b>Planning Policy Team</b>	There is a lack of appropriate sites within or adjacent to the urban areas and the need for gypsy and traveller sites identified in the Gypsy and Traveller Accommodation Assessment 2017 have not been met. The site is not within a sustainable settlement but is close to the southern edge of Lancaster where services and facilities are available, and this location should be given weight when assessing the locational accessibility of the site.
<b>County Highways</b>	Requests that further information is submitted with regard to expected trip generation to and from the site and the frequency of movements by the touring caravans. A swept path drawing of a touring caravan entering and existing the site. No objections were raised by County Highways to the previously refused scheme.
<b>Natural England</b>	<b>No objection</b> subject to the provision of Homeowner Packs
<b>Environmental Health</b>	Request condition for the provision of three electric vehicle charging points

<b>Engineers</b>	<b>No objection.</b> Satisfied with the drainage information provided. Requests conditions relating to submission of final drainage design and maintenance.
<b>United Utilities</b>	No comments received. Concerns raised to previous application in relation to the location of new sensitive receptors close to Lancaster Wastewater Treatment Works due to amenity risks from odour, flies and noise.
<b>Aldcliffe with Stodday Parish Council</b>	<p><b>Objection.</b> The Parish Council maintains its previous strong objection to the proposed development and reiterates its request that the City Council refuses the application. This application does not fit with national and local statements that any development must be sustainable. There appears to be little material change between the refused and current application other than minor amendments to layout and landscaping.</p> <p>The submission fails to overcome the ‘in principle’ conflict with the development plan, the legislative starting point for the determination of any planning application unless relevant material considerations suffice to indicate otherwise. A failure to have proper regard to this legislative requirement is a matter that could be brought to judicial review. Despite the lack of five-year supply of deliverable sites for travellers, which must be afforded significant weight in the planning balance, this does not override conflict with the development plan when taken as a whole. The site’s open countryside location is unsustainable, and the proposal is in direct conflict with the development plan.</p> <p>Also concerns in respect of landscape harm and visual amenity. The site layout and boundary treatments fail to satisfactorily address previous concerns and the proposal would continue to erode the overall character of the landscape, resulting in an urbanising and domesticated form of development at odds with the typical low level agricultural / equestrian uses associated with neighbouring land. Concerns in respect of surface water and foul drainage, and highways safety given the narrow single-track roads leading to the application site and concerns over the transportation of mobile homes and likely trip generation owing to an intensification of the existing access in its current use (equestrian).</p> <p>It is noted that the ownership certificate (as contained within the application form) is incorrectly dated and suggests one of the landowners was served notice for the application on 1 November 2021. This is procedurally incorrect, contrary to Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and brings into question the validity of the application and/or any forthcoming decision which could be subject to judicial review.</p>

4.2 The following responses have been received from members of the public:

Seven items of public comments have been received, all raising objections on the following grounds:

- The site is completely unsustainable in that it is approximately a mile away from a bus stop and even further to facilities such as shops, schools, doctors etc and would entail a journey along a single track road with no pavement, that is already overwhelmed with traffic.
- The application site is farmland, which should not be used for such a large development, when a brown field site is more suitable.
- The site can be seen from the public highway and the lights at night cause light pollution and the disruption of wildlife habitats.
- Its position sited on the top of a drumlin appears as an intrusion causing visual harm the open landscape and open countryside.
- Access to the site is down a single track with no pavements and only one passing place 300 yards away. This road is used continuously by United Utilities waste wagons traversing through lower end of Stodday through the waste treatment works and out again on to Aldcliffe Lane.
- The application fails to demonstrate that a satisfactory arrangement for disposing of foul and surface water can be achieved.
- The occupier of the land has retrospectively uprooted the boundary hedgerow.
- The proposal is contrary to National, Local and NP policies.

## 5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Principle and need for Gypsy and traveller pitch provision
- Design and landscape impact
- Highway impacts
- Impacts on residential amenity
- Tree and ecology implications
- Flood risk and drainage
- Intentional unauthorised development

5.2 Principle and need for Gypsy and traveller pitch provision - NPPF Section 2 (Achieving sustainable development); Planning policy for traveller sites 2015 (PPTS); Strategic Policies and Land Allocations DPD Policies SP1 (Presumption in Favour of Sustainable Development), SP2 (Lancaster District Settlement Hierarchy); Development Management (DM) DPD policies DM1 (New residential development and meeting housing needs), DM4 (Residential development outside main urban areas), DM5 (Rural exception sites) and DM9 (Accommodation for Gypsies and Travellers, and Travelling Showpeople); Aldcliffe-with-Stodday Neighbourhood Development Plan policy ASNP5 (Housing)

5.2.1 In evaluating the principle of this proposal, full consideration and appropriate weight must be given to whether or not the proposal would represent sustainable development in terms of satisfying the requirements of the NPPF and in particular if the site is considered to be sustainably located to support a residential use. The NPPF must be read in conjunction with the Government's Planning Policy for Traveller Sites (PPTS). Policy H of the PPTS, requires applications for gypsy sites to be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in both the Framework and the PPTS.

5.2.2 The site is located on land outside of the main urban area and is identified as Open Countryside in the adopted Strategic Policies and Land Allocations DPD. The LPA would generally look to direct development to the main urban areas of the District. Whilst not precluding development outside such locations, it would need to be demonstrated how the proposal complies with other policies within the Development Plan and ultimately the delivery of sustainable development. The site is within the Aldcliffe with Stodday Neighbourhood Plan Area and policy ASNP5 of the NDP sets out that limited small-scale housing will be supported in the Parish where the development will enhance the vitality of the local community, meets the housing needs of the Parish.

5.2.3 The Lancaster Gypsy and Traveller and Travelling Showperson Accommodation Assessment 2017 (GTTA) uses the 2015 PPTS definition of "gypsies and travellers" as follows:

*"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."*

However, the case of *Lisa Smith v SSLUHC & Ors* found the 2015 definition discriminatory as it excluded those that have ceased to travel permanently, due to ill health or old age. On 19th December 2023, the PPTS was updated to revert to the 2012 definition, adding reference to gypsy and travellers who have ceased to travel permanently. The PPTS definition now reads as follows:

*"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or **permanently**, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."*

In terms of current provision of accommodation for Gypsies and Travellers, the Lancaster Gypsy and Traveller and Travelling Showperson Accommodation Assessment 2017 (GTTA) found evidence of Gypsy and Traveller pitch need (2017/18 to 2021/22) equating to 11 pitches under a cultural

definition, or 4 pitches under the PPTS 2015 definition of Gypsy and Traveller. For the full Local Plan Period (2011/12 to 2030/31) the GTAA has identified a cultural need for 24 pitches 8 pitches under the PPTS 2015 definition. The “cultural need” referred to in the GTAA relates to people who identify as Gypsy and Traveller.

The Planning Policy Officer has advised that given the court case, the PPTS figure should not be used as the ‘need’ figure and for the purposes of considering need, the upper figures for cultural need should therefore be viewed as the most appropriate figure. As the GTAA is now over 5 years old and given the definition used, it may be that the evidence available no longer adequately addresses the need.

5.2.4 Since the GTAA was published, planning permission has been granted for 7 pitches:

Land N of Bottomdale Road, E of M6, Halton	22/00874/FUL	Two mobile homes, three touring caravans, storage or two caravans, two outbuildings	2 pitches
Blackberry Hall Works, Blackberry Hall, Crescent, Heysham	20/01094/FUL	3 caravans	3 pitches
Woodend Stables, Kirkby Lonsdale Road, Halton	21/01268/FUL (Temp permission) 24/00851/FUL (Permanent Change of Use)	1 mobile home & 1 tourer	1 pitches
Adj 26 Oxcliffe Road, Heysham	23/00201/FUL	1 caravan	1 pitches

Although the Council has committed to bring forward a Site Allocations DPD for Gypsy and Traveller Accommodation to plan for needs over the lifetime of the plan, at this time the Council cannot demonstrate an up-to-date five-year supply of suitable sites and consequently great weight must be given to the level of unmet need in the context of the current application. As part of the preparation for the Site Allocations DPD for Gypsy and Traveller Accommodation the Council made an ongoing Call for Sites in June 2018. However, only 4 sites have been put forward to date and 3 of which were heavily constrained (due to flood risk, surrounding uses, lack of accessibility).

5.2.5 The submission must be considered against the national Planning Policy for Traveller Sites (2015) (PPTS) which runs parallel to the NPPF. The PPTS states that local planning authorities should very strictly limit new traveller sites in open countryside away from existing settlements or outside areas allocated in the development plan. This document sets out that the Government’s overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

5.2.6 Policy DM9 sets out that the Council will support proposals for new Gypsy and Travellers and Travelling Showpeople within the District providing they are in accordance with the general principles and locational requirements set out within that policy as well as all other development management policies. Although the policy does not refer to allocated sites, general principles of DM9 are that such proposals would be supported where they:

- i. *Demonstrate that the intended occupants meet the of definition of Gypsy and Travellers and Travelling Showpeople;*
- ii. *Provide no more than 15 permanent residential Gypsy and Traveller pitches; and,*
- iii. *Are in a sustainable location. Preference will be given to new sites within the urban areas of Lancaster, Morecambe, Heysham or Carnforth. However, sites in sustainable settlements will be considered where it can be demonstrated that appropriate sites cannot be provided within the specified urban areas and that the proposal would neither dominate nor be disproportionate to the scale of the existing community.*

From assessment of the submitted information it is considered that the applicant and his family meet the definition of Gypsy and Traveller under the current definition for planning purposes identified in the updated PPTS (2015) and therefore fall within a group with protected characteristics as defined by the Equality Act 2010. The scheme clearly accords with criterion (ii) as less than 15 pitches are proposed. As such the proposal accords with criteria (i) and (ii) of DM9. However, the site is not within a sustainable settlement but is close to the southern edge of Lancaster (approximately 1.7km) where services and facilities are available, and this can be given some weight when assessing the locational accessibility of the site.

5.2.7 In terms of locational requirements DM9 sets out that proposal for new Gypsy and Travellers and Travelling Showpeople sites are expected to take the following locational requirements into account:

- iv. Proposals can achieve safe access onto the highway network;*
- v. The site is located within reasonable proximity (preferably within walking distance) of public transport facilities and services;*
- vi. The site will not cause significant harm to the amenity of neighbouring properties;*
- vii. The site would provide satisfactory living conditions for intended occupants including appropriate consideration of flood risk, land contamination, land stability, and important nature sites; and,*
- viii. The site would not give rise to potential amenity of land compatibility issues (e.g. proximity to waste disposal facilities, electricity pylons and industrial areas)*

5.2.8 DM9 requires sites to be located within reasonable proximity (preferably within walking distance) to public transport facilities and services in order to access GP and other health services, education, employment and training, and other essential services. The site is 1.5km (measured linearly) from the urban boundary of Lancaster (2km from nearest GP and shop) where services and facilities are available. Although the agent argues that it would not be unrealistic to walk along the surrounding lanes, it is considered that pedestrian access would be difficult due to the lack of highway pavements and unlit lanes during the hours of darkness. In terms of accessibility, Arna Wood Lane runs off Aldcliffe Road, which links the site to Lancaster. Both Arna Wood Lane and Aldcliffe Road are largely single track with no pavement with informal passing places and no street lighting. Bus services in the vicinity of the site are limited. There is a bus route approximately 1.2km away along Ashton Road (Route 89) linking Lancaster to Knott End but this appears to be a school service only. As such it is considered that access and navigation would be difficult by either walking or cycling, given the nature of the road and distances and that this would be unrealistic throughout the year, particularly in the dark winter months. As such, the opportunities to use sustainable modes of transport to and from the site are limited. In terms of this, the proposal is not considered to form a sustainable form of development in locational terms and is therefore contrary to criteria V of Policy DM9. However, the need to travel by car applies to other rural dwellers nearby (and it is not uncommon in such areas) and the distances are relatively short, involving drive times of less than 10 minutes. Furthermore, paragraph 109 of the NPPF acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and that this should be taken into account in decision making.

5.2.9 Policy H of the PPTS provides national guidance on determining planning applications for Traveller sites. Paragraph 22 of this document states that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 23 goes on to say that applications should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific policies in the NPPF and the Planning Policy for Traveller Sites document. Paragraph 24 of the PPTS advises that consideration should be given to the existing level of local provision and need for sites, the availability (or lack) of alternative accommodation for the applicants and other personal circumstances of the applicant as well as other relevant matters. Paragraph 24 also advises that local planning authorities should determine applications for sites from any travellers and not just those with local connections.

5.2.10 Paragraph 25 of the PPTS states that local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Paragraph 25 goes on to advise that local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure. It is considered that the

scale of the proposal would not dominate the nearest settled community nor would it put undue pressure on local infrastructure.

- 5.2.11 In consideration of this application the Human Rights Act 1998 (HRA) and the Public Sector Equality Duty (PSED) under the Equality Act 2010 are acknowledged. Given the intended site occupiers are Gypsies, they have a protected characteristic for the purposes of the PSED. Article 8 of the HRA requires that decisions ensure respect for private and family life and the home. There is also a positive obligation imposed by Article 8 to facilitate the Gypsy way of life. When Article 8 rights relate to children, they must also be considered in the context of Article 3 of the United Nations Convention on the Rights of the Child. This requires a child's best interests to be a primary consideration. It is acknowledged that the refusal of the application could lead to the applicant's eviction from the site, as such affecting their private and family life. The application sets out the personal circumstances of the applicant and his family which is a material consideration in the determination of this application. The lack of a settled base would make it more difficult for residents to access the education and healthcare facilities they are currently engaging with. Therefore, the personal needs of the occupants (in terms of education and medical reasons) is a material consideration, and is afforded great weight, but this weight would not necessarily outweigh any harm which may be identified in the full consideration of the proposal.
- 5.2.12 As it stands there is a lack of allocated sites within or adjacent to the urban areas and the need for Gypsy and Traveller sites identified in the Gypsy and Traveller Accommodation Assessment 2017 have not been met. If it can be demonstrated that appropriate sites cannot be identified within the specified urban areas criterion (iii) of policy DM9 allows for sites in the sustainable settlements identified within policy SP2 of the SPLADPD where such sites will neither dominate nor be disproportionate to the scale of the existing community. In this case, the site is situated in the Parish of Aldcliffe-with-Stodday which does not include a sustainable settlement designated within policy SP2. The location is therefore contrary to the aims of national policy and the locational requirements of policy DM9.
- 5.2.13 Paragraph 26 of the PPTS advises that when considering applications, local planning authorities should attach weight to the following matters:
- a) effective use of previously developed (brownfield), untidy or derelict land
  - b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
  - c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
  - d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community
- 5.2.14 The NPPF glossary defines previously developed land as follows:  
"Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape."
- 5.2.15 The site has an existing equine use with stable block through a previous planning permission. As such, it is considered that the site is previously developed land within the definition of the NPPF. However, it is recognised that the former character and impact of the site was closely akin to prevailing agricultural land uses, so the policy objective to make effective use of previously developed land is considered to be of little weight in this instance. Prior to the unauthorised development taking place it is not considered that the land was untidy or derelict. As such, it is considered that limited weight should be applied to this consideration.
- 5.2.16 It is considered that whilst the sustainable credentials of the site are limited and this weighs against the proposal, this must be weighed against the fact that the proposal would contribute to a currently

unmet need for Gypsy and Traveller accommodation within the District and due regard must be given to the personal circumstances of the family and the Public Sector Equality Duty (PSED).

5.3 **Design and landscape impact** - NPPF section 12 (Achieving well-designed and beautiful places), Section 15 (Conserving and enhancing the natural environment); Strategic Policies and Land Allocations (SPLA) DPD policy EN3 (Open countryside); Development Management (DM) DPD policies DM4 (Residential Development Outside Main Urban Areas), DM29 (Key Design Principles) and DM46 (Development and Landscape Impact); Aldcliffe-with-Stodday Neighbourhood Development Plan policies ASNP3 (Protecting and Enhancing Local Character and Landscape) and policy ASNP4 (Promoting High Quality and Detailed Design)

5.3.1 Aldcliffe with Stodday lies within Natural England's National Character Area 31 - Morecambe Coast and Lune Estuary. More locally, A Landscape Strategy for Lancashire, Landscape Character Assessment, 2008 identifies the landscape character area as Low Coastal Drumlins. The site occupies one of the higher points within this area of rolling topography. The national guidance states that particular regard should be made to the aesthetic compatibility with the local environment and says that when considering applications, the local planning authority should attach weight to sites being well planned or soft landscaped in such a way to positively enhance the environment and increase its openness.

5.3.2 Policy DM46 seeks to protect and enhance landscape within the District. This policy offers support to development that is in scale and keeping with the landscape character and is appropriate to its surroundings in terms of siting, scale, massing, design, materials, external appearance and landscaping. Consideration must be given to both the individual and cumulative impacts of a proposal.

5.3.3 Policy DM29 states that new development should make a positive contribution to the surrounding landscape and should contribute positively to the identity and character of the area through good design. This is also reiterated by the policies contained within the Aldcliffe with Stodday Neighbourhood Development Plan (ASNP). Policy ASNP3 advises that topography should be considered in the positioning and layout of buildings and the distinctive drumlin landscape should be protected. Policy ASNP3 advises that development should demonstrate how the design codes in the Aldcliffe with Stodday Design Code 2021 as set out at Appendix 4 have been incorporated into designs. New buildings should be in harmony with their setting, proportional to each other and existing buildings, and enhance and complement the overall street character.

5.3.4 As well as setting out that preference will be given to new sites within the main urban areas and sustainable settlements, policy DM9 also sets out design principles for sites and requires the inclusion of soft landscaping. Concerns were raised in respect of the previously refused application regarding the landscape impacts of the proposal. Unlike the previous submission, this application is supported by a Landscape Design Statement which states that the site layout has been designed to minimise the landscape and visual amenity impacts of the development. The landscape proposals include the following:

- The introduction of 14 no. new native trees to provide landscape structure and improve the sites arboricultural and bio-diversity value. These trees would be planted in the southern end of the site.
- The introduction of 370 square metres of native woodland buffer planting to provide landscape structure and improve the biodiversity of the site. The native woodland buffer would comprise a 2m wide belt for an approximate height of 100m along the eastern site boundary following the removal of a 25m length of close boarded fencing. Tree planting is also proposed along a 56m length of the southern boundary which would range from 6m wide to 1.5m.
- The introduction of 70 square metres of native bulb drifts for seasonal colour and to improve the biodiversity of the site.
- A new fencing strategy to improve the 'openness' of the equestrian yard at the front of the site and re-introduce boundary treatments indicative of the character of the area. A length of existing 1.8m high close boarded timber fencing would be replaced with a 1.2m high post and rail fencing.

It is considered that the proposed planting would serve to soften the site and provide a biodiversity enhancement and implementation of the submitted landscape details could be conditioned in the event of an approval.



- 5.3.5 The landscape plan sets out that an approximately 100m length of 1.8m high close boarded timber fencing on the western edge of the site will be replaced with 1.2m high post and wire fencing. However, the plan indicates that an approximately 55m length of close boarded 1.8m high fencing will be retained along the southern site boundary and approximately 42m along the western boundary. Although this will be softened to some degree by existing and proposed planting, the fence will appear incongruous in this rural location. However, it is acknowledged that the site has planning permission for a stables and menage associated with the permitted equine use of the site in this unprotected landscape.
- 5.3.6 A pitch would normally be expected to comprise a mobile home, a touring caravan and parking for two vehicles and an amenity block. The scheme includes the provision a single large dayroom (rather than one per pitch) as well as a barn. The proposed dayroom would have a footprint of 13.72m by 6m and would have a maximum height of 4.7m. Externally this building would comprise timber cladding and a tiled roof. The barn would be open fronted with a footprint of 13.72m by 6.1m with a maximum height of 5.41m. Externally the barn would comprise timber panelling under a metal clad roof. The use of timber would be compatible with other structures in the vicinity of the site. Nevertheless, it is considered that the impacts of the built development will be particularly visible from Arna Wood Lane to the west which is set down from the drumlin where the development site is located. Notwithstanding this, the built development would also be viewed in the context of existing equestrian stables, including the one within the site. Furthermore, the site is also viewed in the context of the solar farm which slopes down towards the Lune Estuary and a multi-use path to the west.
- 5.3.7 During the last site visit it was noted that a small flat roofed building had been erected on site. This is understood to house toilet facilities required in connection with a medical condition experienced by one of the site occupants. This building is not shown on the submitted plans and it is expected that this will be removed following the erection of the day room. Clarification is being sought on the point and Councillors will be updated at the meeting.
- 5.3.8 The proposal will clearly alter the character of the site but the proposed planting will help to break up views of the development. Although there will undoubtedly be some moderate landscape impacts arising from the additional built development, these impacts must be weighed against the other relevant matters of consideration in relation to sustainability, need and highway impacts.
- 5.4 **Highway impacts** NPPF section 9; Development Management DPD (Promoting sustainable transport); policies DM61 (Walking and Cycling) and DM62 (Vehicle Parking Provision); Aldcliffe-with-Stodday Neighbourhood Development Plan policy ASNP2 (Supporting Walking and Cycling)
- 5.4.1 The site would utilise an established point of access off Arna Wood Lane which runs off Aldcliffe Road, which links the site to Lancaster. Aldcliffe Road is a largely single-track lane with no pavement and informal passing places. Bus services in the vicinity of the site are limited. There is a route along Ashton Road (Route 89) linking Lancaster to Knott End. It is noted that a number of public comments raise the issue of highway safety given the restricted widths of Arna Wood Lane and Aldcliffe Road. As a result of the narrow lanes, the nearby Waste Water Treatment Works (WWTW) have implemented a one way system with vehicles such as tankers and HGVs, accessing the works along Snuff Mill Lane entering the works at its southern end and exiting the works at the northern end along Arna Wood Lane. This means that vehicles exiting the WWTW will use the same road as the access to the application site. United Utilities have advised that nothing should prevent access to the Treatment Works either during construction or post completion of the development.
- 5.4.2 It is considered that the previous equestrian use of the site (stables and menage) would have generated a relatively low level of traffic movement. In comparison, the current proposal would generate vehicular trips associated with three households. As such it is reasonable to assume that the proposed use would result in an increase in traffic movements to and from the site.
- 5.4.3 Concerns have been raised by local residents with regards to the potential highway impacts as a result of the development particularly given the narrow roads in the vicinity of the site which have a lack of footways. It has also been brought to officers attention that during the summer a mobile home was brought on to site on a low-loader and during this process several sections of hedging and

branches were cut away/damaged along Arna Wood Lane and Aldcliffe Lane. It is also understood that this process temporarily impeded access along Arna Wood Lane.

- 5.4.4 During consideration of the previous application the County Highways consultee was of the opinion that the level of traffic generated from a development of this size and nature (3 pitches) at this location would not have an unacceptable impact on the function of the surrounding highway network. The County Highways consultee was also of the view that the size and alignment of the access and the available sightlines are acceptable for a development of this size and nature and that the site also has adequate parking and turning within. Consequently, County Highways raised no objections to the previous application and was of the view that that the proposal would not have a severe impact on highway safety and highway capacity within the immediate vicinity of the site.
- 5.4.5 In response to the current application (for 3 pitches) the County Highways consultee has requested an Operation Statement detailing the expected trips generated to and from the site and the frequency of movements by the touring caravans as well as a swept path drawing of a touring caravan entering and exiting the site to ensure that the internal layout is suitable for these movements. The County Highways consultee has also requested details of how the mobile homes will be transported to the site and have also questioned whether the stable will be commercialised. This request was put to the agent who questioned its reasonableness in light of the County Highways comments made in response to the previous submission.
- 5.4.6 It is considered that a refusal on Highways grounds could not be substantiated on the lack of the requested information as it was not a matter raised in relation to the last application. It is evident on site that visibility on exiting the access is acceptable and the turning of touring caravans within the site can be accommodated. When permission for the existing stables was granted, a condition was included to ensure that they were for private use only and not be used for any commercial/business purposes including livery use. In the event of an approval this condition could be reimposed. The agent has indicated willingness to accept a condition regarding the movement of mobile homes to and from the site but it is anticipated that this activity would be an infrequent one.
- 5.5 **Impacts on residential amenity NPPF section 12 (Achieving well-designed and beautiful places); Development Management (DM) DPD policy DM29 (Key design principles)**
- 5.5.1 The application site is located within a relatively isolated location with the closest neighbouring property, Arna Wood Farm located approximately 150m away to the north. As such, given the distances between the application site and this neighbour, it is not thought that the development would result in undue adverse impacts by way of noise or disturbance from the site.
- 5.5.2 In terms of residential amenity for the intended occupants, it is considered that the proposal sets out an acceptable layout and orientation of the pitches.
- 5.6 **Tree and ecology implications NPPF section 15 (Habitats and biodiversity); Strategic Policies and Land Allocations (SPLA) DPD policies SP8 (Protecting the Environment); Development Management (DM) DPD policies DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland); Aldcliffe-with-Stodday Neighbourhood Development Plan policies ASNP1 (Conserving and Enhancing Local Biodiversity).**
- 5.6.1 It is noted that public comments have raised concerns that a stretch of hedgerow and trees have been removed from the site. In reviewing Google Ariel images, it appears that there was previously a substantial hedge along the western site boundary which may have subsequently been thinned out when the timber fence was installed. The site was previously grass but has since been surfaced in hardcore and therefore is considered to have limited ecological value. However, as highlighted in paragraph 5.3.4 of this report, a condition for planting and landscaping could be imposed in the case of an approval. Whilst the application was validated prior to the mandatory legal requirement to deliver biodiversity net gain (BNG), the implementation of the proposed additional landscaping and planting will enhance the biodiversity of the site.
- 5.6.2 Following a Habitat Regulations Assessment (separate document) a homeowner information pack is required in order mitigate likely significant effects on European protected sites. This can be secured by condition in the event of an approval.

5.7 **Flood risk and drainage** NPPF section 14 (Planning for Climate Change), Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage) and DM35 (Water Supply and Waste Water); Strategic Policies and Land Allocations (SPLA) DPD policies SP8 (Protecting the Natural Environment); Aldcliffe-with-Stodday Neighbourhood Development Plan policy ASNP8 (Surface Water Drainage)

5.7.1 The site is within Flood Zone 1 which is an area of low risk of flooding. Policy DM34 requires surface water to be managed in a sustainable manner in new development through the implementation of Sustainable Drainage Methods (SuDS) in accordance with best practice and the proposed national standards and to provide attenuation to greenfield run-off rates and volumes. This is echoed within ASNP8 of the NDP.

5.7.2 During the course of the application a Drainage Strategy (including percolation testing) has been submitted in order to address concerns regarding surface water run off meeting the highway. This indicates a soakaway to be located within the south-east corner of the site. With regard to foul drainage a package treatment plant will be sited in the southern part of the site. The submitted drainage details have been considered by the Council's Engineer and found to be acceptable subject to a condition relating to the final detailed design and management and maintenance plan.

5.8 **Intentional unauthorised development** Written Ministerial Statement 2015

5.8.1 As noted in the description the application is partially retrospective with hardcore having been laid and residential occupation commenced. The local planning authority were made aware of this in October 2021.

5.8.2 The Written Ministerial Statement of 2015 provides that intentional unauthorised development is a material consideration to be weighed in the determination of planning applications. This arose from the Government's concern about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission. In such cases, there is no opportunity to appropriately limit or mitigate the harm that has already taken place.

5.8.3 When a Council Officer visited the site in October 2021, they were advised by the applicant that he thought a planning application had been submitted by his agent. The Council Officer then contacted the agent who acknowledged that they had been instructed by the applicant to submit an application but that the submission had been delayed due to illness of the agent. The first application was received in December 2021 but was not valid until January 2022. In light of this it appears that the applicant was aware of the need for planning permission but continued to develop and occupy the site. As such it is considered that there is a case of intentional unauthorised development but that the applicant did not intend for the development to remain unauthorised.

5.8.4 Occupation of the site has resulted in an unauthorised use and works which included the laying of hardcore and as a result it is not possible to understand impacts relating to biodiversity. As such the harm resulting from the intentional unauthorised development should be afforded moderate weight against the proposal.

**6.0 Conclusion and Planning Balance**

6.1 The current submission differs to the previously refused scheme with regard to a revised layout, proposed landscaping and additional information regarding the personal needs of the applicant and his family as well as drainage details submitted during the course of the application.

6.2 The development would result in harm to the character and appearance of the Open Countryside which is afforded moderate weight as is the harm resulting from the intentional unauthorised development. The site also has poor access to services and facilities by sustainable modes of transport and will inevitably result in increased vehicular movements to and from the site, albeit for a relatively short distance to access shops and services.

6.3 Weighed against this is the fact that the Council is unable to demonstrate a 5 year supply of Gypsy and Traveller sites, with no prospect of allocations being made in the near future. As such there is currently an unmet need and the lack of any suitable alternative sites available to the applicant and

his family carry great weight. Regard must be given to the protected characteristics of the applicant and his family including medical needs and the educational needs of the children under the Public Sector Equality Duty.

- 6.4 While the concerns raised within the public comments and by the Parish Council are acknowledged, the great weight afforded to the personal circumstances of the applicant and lack of allocated sites outweighs the moderate landscape harm and less than ideal sustainable credentials of the sites location. As such, on balance, the application is recommended for approval.

## Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Timescale for implementation of built development	Control
2	Development in accordance with submitted plans	Control
3	Submission of final detailed foul and surface water drainage scheme	Within 3 months of decision
4	Details of external lighting	Within 3 months of decision
5	Details of a refuse collection point	Within 3 months of decision
6	Highways operation plan	Prior to further movements of mobile homes being brought to or from the site
7	Submission of external material details	Prior to installation
8	Implementation of Landscape Plan	Within first planting season following construction
9	Layout as per approved plan	Control
10	No more than three static mobiles and three touring caravans	Control
11	Day room not to be occupied as a separate dwelling	Control
12	Use of barn in connection with stable use	Control
13	Occupation limited to Gypsies and Travellers	Control
14	No commercial activities	Control
15	Private use of stables	Control
16	Parking provision as per plan	Control
17	Provision of Homeowner pack	Within 3 months of decision

### **Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015**

Lancaster City Council has made the decision in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The decision has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

### **Background Papers**

None