

## PLANNING COMMITTEE – 23<sup>rd</sup> April 2024

**REFERENCE NUMBER:** 23/01081/FL      Application Expiry      30<sup>th</sup> April 2024  
Date:      2023

**Application Type:** Full Planning Permission

**Proposal Description:** **Change of use of land to use as a residential caravan site for 4 Gypsy households with 5 caravans, including no more than 4 static caravans/mobile homes, together with construction of a driveway, laying of hardstanding and the erection of an ancillary amenity building.**

**At:** **Land approximately 50 metres east of Stretton View Padley Wood Lane, Pilsley**

**For:** **Mr Kane Sykes**

**Third Party Reps:** O/S      **Parish:** Pilsley Parish

**Ward Name:** Pilsley and Morton Ward

**Author of Report:** Adrian Kirkham      **Date of Report:** 11.04.2024

**MAIN RECOMMENDATION: GRANT planning permission subject to conditions**

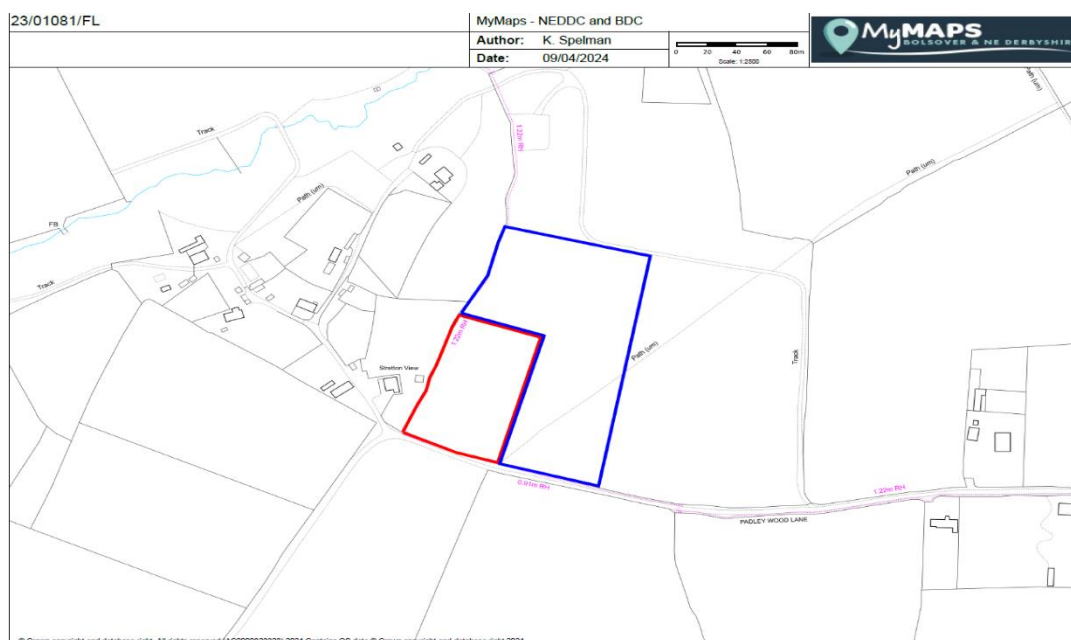


Fig 1: Location Plan (NTS) (app. site in red/other land owned by applicant in blue)

## 1.0 Reason for Report

- 1.1 The application has been called in for Planning Committee consideration and decision by Councillor Cooper to consider highway safety concerns both at the access and on to Padley Wood Lane from Morton Road.

## 2.0 Proposal and Background

- 2.1 The application site formerly comprised an open piece of land situated approximately 1km (as the crow flies) west of Pilsley. It is situated off Padley Wood Lane, a made road and bridleway (shown green in Figure 2), which itself lies off Morton Road. A further public footpath (purple in Figure 2) is located east of the site.

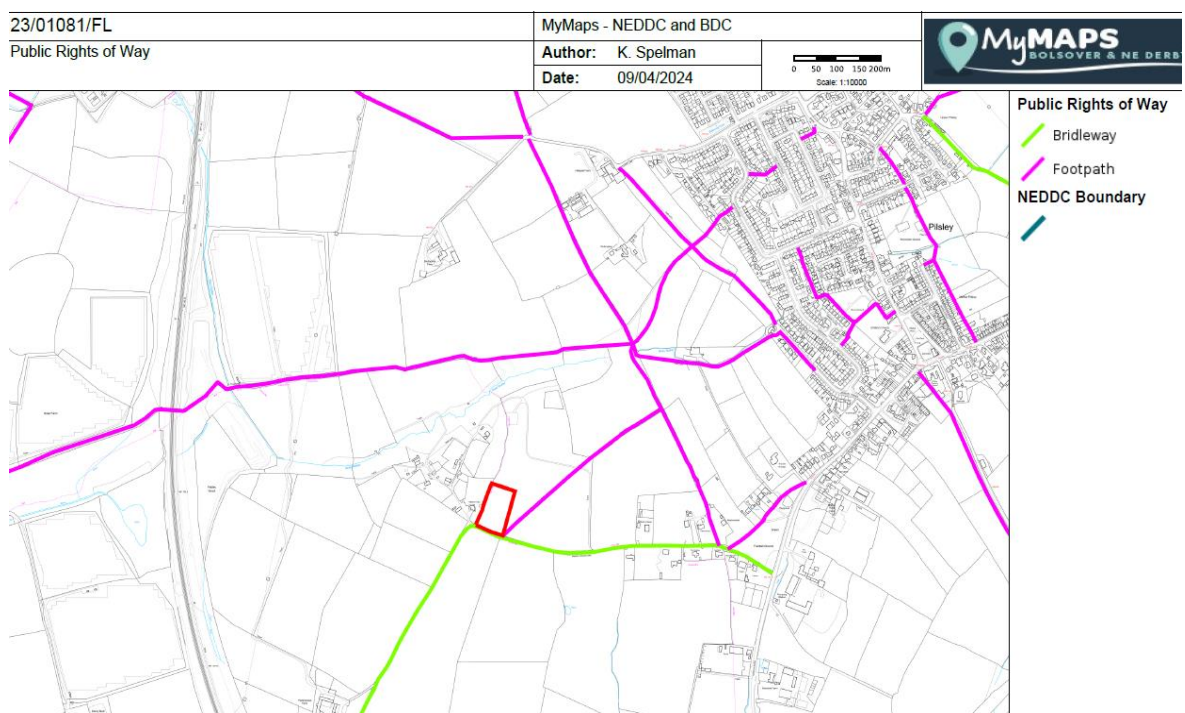


Fig 2: The site (edged red) in relation to bridleways (green) and footpaths (purple) (NTS)

- 2.2 The application site is bordered to the west by Stretton View, a residential property set in an extensive area of associated land (See Figure 1 above). The applicant also owns further land to the north and east of the site itself as shown in blue (the application site in red) in Figure 1.
- 2.3 The application seeks consent to change the use of the land to a use as a gypsy site comprising the stationing of 4 mobile homes and 1 touring caravan, the provision of parking for 9 vehicles (5 cars and 4 light goods vehicles are proposed to use the site), the construction of an amenity block (boarded with a tile/slate roof), the provision of a treatment plant and a bin store along with the erection of fencing and landscaping. The proposed site plan is shown at

Figure 3 below, the proposed amenity block at Figure 4 and the proposed fencing at Figure 5.

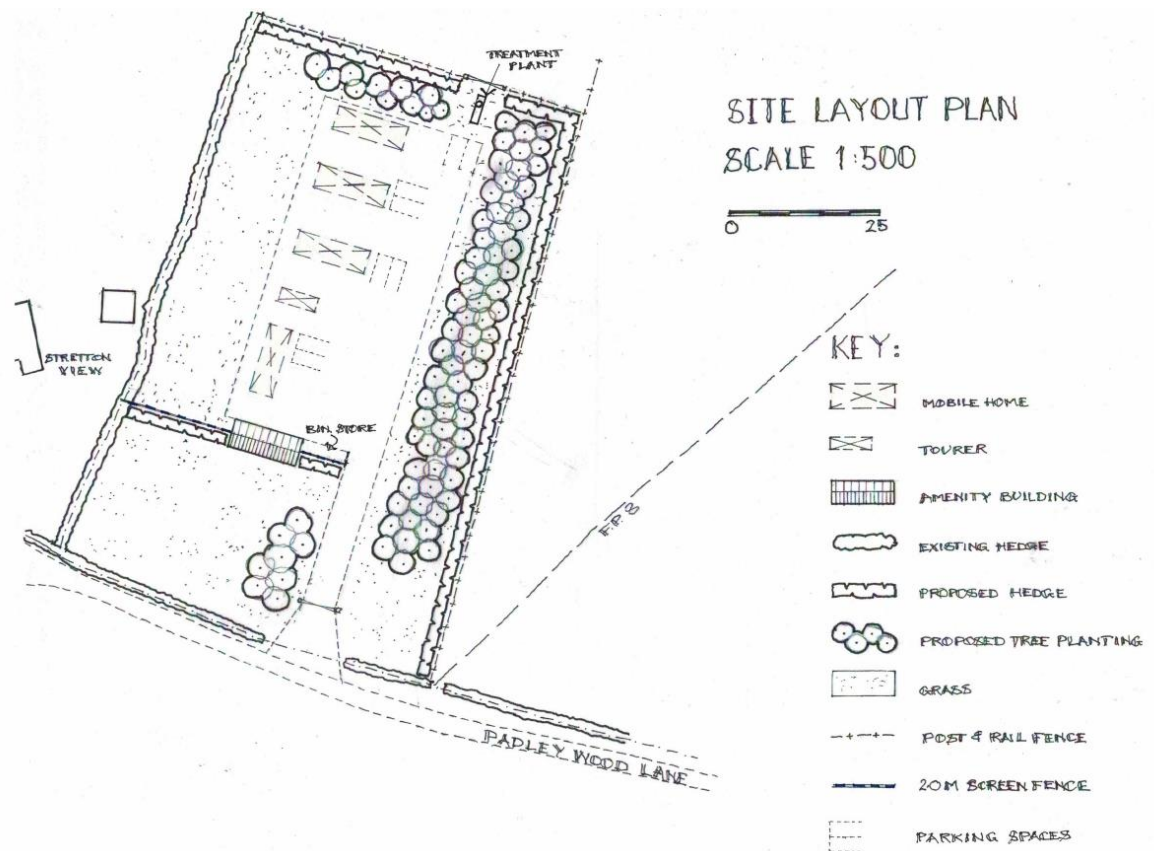


Fig 3: Proposed site layout plan



Fig 4: Proposed amenity block (not to scale)

DRAWING No. PBA 4

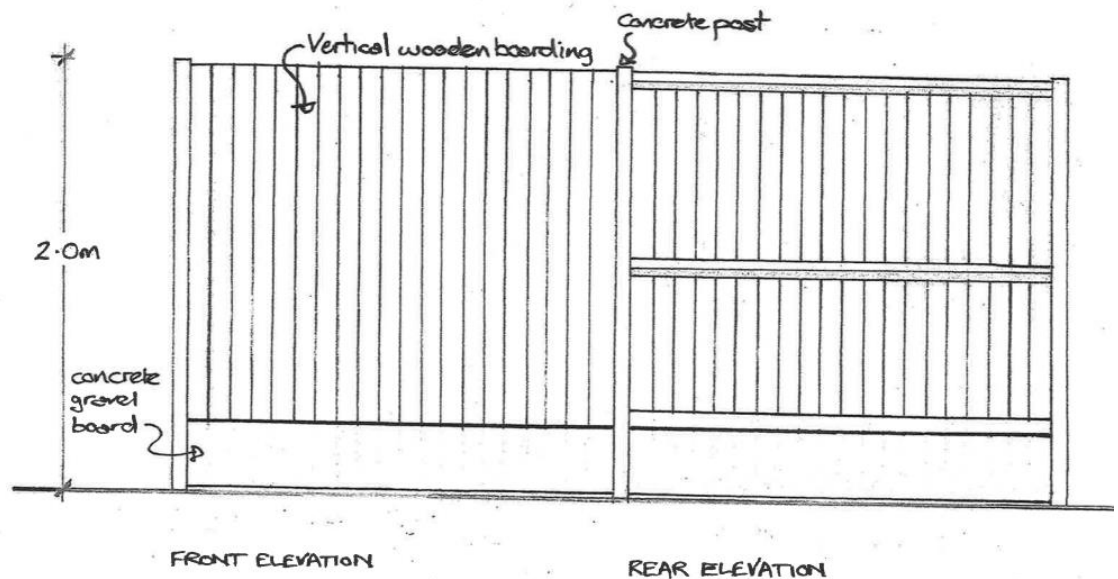


Fig 5: Proposed close boarded fencing.

- 2.4 The application is largely a retrospective application (despite the application form identifying that the change of use has not already started) as the site is already in use as a caravan site with the field having a depth of hard surfacing laid upon it, fencing installed to either side of a new access point and caravans placed on the site. Additionally, some mixed hedging has been planted. It is the view of Officers that the site has not been developed in accord with the plan submitted in respect of the application. However, the applicant's agent has confirmed that it is the submitted site plan for which consent is sought rather than the site as currently developed. Therefore, Officers have based their assessment on the plan as submitted. Two photographs of the site in its current form are given at Figure 6 and 7 below.
- 2.5 The application site measures just under 100m in depth and 60 metres in width. Within that area, an area of hardstanding is proposed measuring approximately 55m by 27m, on which would be located the caravans and the vehicle parking areas. The amenity block, bin store and treatment plant would be situated just off this area which would access Padley Wood Lane via a drive and vehicle access point. Landscaping is proposed to the north, east and south of the caravan hardstanding area with further hedging beyond that which, along with post and rail fencing, encloses the site. To the site frontage a section of 2m high screen fencing is proposed beyond hedging. Additional land, owned by the applicant, adjoins the application site to its north and east.





Fig. 6: Application site viewed from Padley Wood Lane.



Fig 7: Application site from current gate to the site.

### **The Applicant's submissions.**

- 2.6 The **applicant** in the submitted Design and Access statement sets out that the amenity block has been designed to resemble a stable building in keeping with its rural surrounds and the site is 880 metres from the edge of Pilsley. It also states that the proposal is in accord with policy SS9 and LC9 of the Local Plan and, in quoting from the national guidance set out in "Planning Policy for Traveller Sites" (PPTS), that such sites may be located in rural and semi-rural locations providing they are of a scale appropriate to their location. It acknowledges that the PPTS also sets out that new sites should be very strictly limited in open countryside or outside areas allocated in the development plan but that in this instance the site is located no more than 300 metres from residential development along Padley Wood Lane and only 880 metres from the edge of Pilsley itself. In the applicant's opinion, the site is clearly not in an isolated or remote location and not located away from the closest settlement.

The applicant goes on to state that the Council's current Gypsy and Traveller Accommodation Assessment (GTAA) has a base date of 2014 and was published in 2015. It established a need for 15 additional sites between 2014 and 2034 with 6 required between 2014 and 2019 with the need for a further 3 pitches in each of the 5 year periods to 2024. The applicant also states that the PPTS requires local authorities to have an up to date understanding of the need for accommodation and the GTAA is now 9 years old and "well past its sell by date". Permission has been granted for 9 sites and 5 pitches are allocated in the Local Plan. The applicant sets out that the approved sites or those allocated are private sites and not available to the applicant in this case and the allocated sites do not have permission and are not available now and so are not deliverable (and so can't be considered to contribute to the 5 year supply). In addition, the applicant sets out that 12 pitches should have been delivered up to 2028/29 and only 9 pitches have been provided and the Council cannot demonstrate a 5 year supply of deliverable gypsy sites. In the applicant's opinion the unmet need for sites, the absence of a 5 year supply and the long standing failure of the Development Plan to meet the identified need are matters which weigh in favour of the application and these deficiencies can be traced back to 2006.

The applicant goes on to state that he considers the application complies with the criteria of [Local Plan] policy LC9 being in close proximity to amenities and services, the site is large enough for on site facilities to be provided and 4 pitches is an appropriate scale compatible with the site's rural location.

It is acknowledged that there are "inevitable consequences" of proposals such as this and some degree of visual harm must be accepted and "be acceptable". The test should be whether or not the impact is "unacceptable". It is the applicant's view that sites do not have to be adequately screened from the outset, hidden from view, may be assimilated into their surroundings and be more visible in the winter and in this case the harm would be limited due to the site's offset from the road and the provision of landscaping and the consideration that the site would be largely laid to grass. The applicant would be prepared to plant more woodland and screen the site.

The site would accommodate the applicant, his own family and his extended family. They have not had a settled base and this has impacted the education of the children and medical care and this lifestyle is no longer tenable.

The applicant refers to the Public Sector Equality Duty and the requirement not to place any single factor above the best interest of any child living on the site.

In conclusion, the Council is reminded of its Public Sector Equality Duty and not to place any single factor above the best interest of any child living on the site. The applicant concludes that there is not an unacceptable effect on the area and the site satisfies the Council's own criteria and is acceptable in planning terms meeting the small but significant unmet need for ethnic gypsy and traveller sites and there are no alternative sites available now.

### **3.0 Relevant Planning History**

- 3.1 There is no site-specific relevant planning history but planning consent has recently been granted to change the use of the land adjoining the applicant's land (to the east) for equestrian use (NED/23/00724 refers).

### **4.0 Consultations and Representations**

- 4.1 Rambler's Association: No objection. Notes the new access and asks that this is safe for all users of the footpaths.
- 4.2 DCC Rights of Way: No objection.
- 4.3 Derbyshire Wildlife Trust (DWT): Set out that records of various species are within or adjacent the application area and Padley Wood Poultry Farm Local Wildlife Site (LWS) is located immediately west of the site and that the land use within the LWS immediately adjacent is that of gardens and the ancient woodland within the LWS is located 9 metres from the site boundary. Natural England's guidance that a minimum 15 metre buffer should be maintained between any development and ancient woodland should be adhered to. Advise that an ecological Impact Assessment and Biodiversity Net Gain assessment should be submitted prior to determination.
- 4.4 DCC Archaeology: No objection.
- 4.5 Environmental Health: Request details of waste disposal. In additional correspondence a condition is recommended to address this use.
- 4.6 Coal Authority: No objection but asks that informatives advising of the presence of shallow mining activities in the area are added to any consent issued.



4.7 Parish Council: Object to the application as follows:

1. Previous Appeal Decisions: The history of planning decisions in the area, dating back to 1976, consistently denies permission for new dwellings on Padley Wood Lane due to concerns about the lane's capacity to handle increased traffic. The proposed development goes beyond the scope of previous refusals, raising serious concerns about its impact on traffic, vehicular access, and highway safety.

2. Highway Issues: The proposed development does not align with the criteria outlined in the NEDDC Local Plan 'Provision for Traveller Sites.' Padley Wood Lane, being a single-track narrow lane with no pavement and limited passing places, does not meet the standards for accessibility outlined in the local plan. In line with point 1, above, the proposed development represents an intensification of use of Padley Wood Lane by motorised vehicles. This raises serious concerns about the developments impact on traffic, vehicular access, and highway safety.

Padley Wood Lane is also designated as a Bridleway. Equestrians regularly use the lane for exercising horses and leisure purposes. Cyclists also regularly use the lane. In addition, pedestrians use of the lane is frequent for local shopping trips, personal business and leisure purposes; indeed, several footpaths connect to Padley Wood Lane.

Equestrians, cyclists and pedestrians would not benefit from increased traffic on the lane, in particular with relation to highway safety.

3. Adverse Impact on Nature Conservation: The development site borders the North East 109 Padley Wood Wildlife site, raising concerns about the impact on skylarks and hares. Given the decline in hare numbers and the importance of protecting biodiversity, we request detailed information from the applicant on how the development will avoid adversely affecting the adjacent Local Wildlife Site.

4. Capacity of Physical Infrastructure: Concerns about water runoff and the adequacy of the drainage infrastructure, coupled with the installation of a septic tank, require thorough examination to ensure the development does not contribute to flood risk.

5. Government and Planning Inspectorate Requirements: The proposed development contradicts the NEDDC Local Plan's goal to protect and enhance green spaces, impacting the distinctive character of Pilsley. Additionally, the development does not meet the requirements outlined in Policy SS9 and LC8 of the Local Plan, indicating a misalignment with the established policies.

6. Local Plan Provision for Traveller Sites: Policy SS9: The development doesn't meet any of the categories in this policy which only allows for approval to be given for developments in countryside locations outside the Settlement Development Limits. Policy LC8 of the Plan allocates two traveller sites, neither in Pilsley, with a combined capacity for 5 pitches. There is a similar



site, for which planning permission was granted, on Pilsley Road, around a mile away as the crow flies. There have been no measures to mitigate the impact of the proposal in order to overcome any issues as set out in para 5.102 of the local plan, for example, consultation with the travelling community, discussion with applicants and community representatives to consider solutions relating to access arrangements or limits on activities.

7. Inconsistencies in Application Details: Numerous inaccuracies in the application details, such as the incorrect commencement date, misrepresentation of vehicular access, and omissions regarding trees and hedges, raise questions about the accuracy and completeness of the information submitted. For completeness we list these inaccuracies for you to consider and check with the applicant:

a. It states that development commenced on 8th December 2023 but it actually started over the weekend of 4/5 November.

b. 'Is a new or altered vehicular access proposed from the public highway'. The answer is 'no', however it was observed that over the weekend of 4/5 November an entrance to the site was created, allowing access directly off Padley Wood Lane. This work included laying hardcore in the new entrance, the erection of fences and removal of hedgerows.

c. 'Are there any trees and hedges on the proposed development site' The answer is 'no'. However, the plan accompanying the application shows multiple new trees. Also, hedges have already been planted along the new fencing lines

d. 'Are there trees or hedges on land adjacent to the proposed development site that could influence the development or might be important as part of the local landscape character?' Again the answer is shown as 'no'. However, the land is bounded on the south by Padley Wood Lane with hedgerows and to the west - Padley Wood - by hedgerows and trees.

e. 'Is there a reasonable likelihood of the following being affected adversely or conserved and enhanced within the application site, or on land adjacent to or near the application site? To assist in answering this question correctly, please refer to the help text which provides guidance on determining if any important biodiversity or geological conservation features may be present or nearby; and whether they are likely to be affected by the proposals.

f. Protected and priority species, on the development site, on land adjacent to or near the proposed development.' The applicant has stated no, however, there have been concerns expressed in relation to the existing planning application for the adjacent field that it will affect the habitat of Skylarks (on the red list). The Derbyshire Wildlife Trust have said in their comment for the other application to change the use from agricultural to equestrian, that Skylarks have been identified on site.

g. Designated sites, important habitats or other biodiversity features. The applicant answers 'no'. However, the boundary of the site that borders Stretton View and Padley Wood is the boundary of the NE 109 Padley Wood Wildlife site. Stretton View and much of the adjacent property is inside this Wildlife site. This site and its boundaries can be clearly seen on the Local Plan. The DWT also mention this Wildlife Site in their comments for the other Planning Application.

h. Site Plan attached to the application. This is extremely inaccurate. It is not

to scale and the dimensions of the mobile homes and other buildings shown on site bear no relationship to reality. This gives the impression that there is no further space for other buildings etc to be erected, which is not the case. Additionally, the fence line on the east side of the site is not in the correct location. This fence actually bisects the existing footpath a considerable distance to the east of that shown. It does not show the location of services, nor does it show the site where the septic tank has been buried.

i. The Application is for 4 households with no more than 4 static caravans/mobile homes, and 5 mobile caravans. It is assumed that each household, is likely to have more than 1 vehicle. The applicant has indicated that each of the static caravans will have two adults and there will be a minimum of 10 children in total living on the site. Also, there will be vehicles used for trade purposes, for example, light trucks, which are already on site. Residents are aware that the site is already being used as a base for building and related services, with the consequent vehicle usage. It is felt, therefore, that the application significantly underestimates the numbers of vehicle which will be parked on the site as follows: 'Vehicle Parking - Vehicle Type: Cars. Existing number of spaces: 0 - Total proposed (including spaces retained): 5 - Difference in spaces: 5 - Vehicle Type: Light goods vehicles / Public carrier vehicles. Existing number of spaces: 0 Total proposed (including spaces retained): 4 - Difference in spaces: 4

Given these material concerns, we urge the planning authority to carefully assess the objection points raised by Pilsley Parish Council and the community. It is crucial to ensure that any decision made is in line with established policies, considers environmental impacts, and prioritises the safety and well-being of the local residents.

Finally, and whilst not a material consideration, one that accentuates concerns of integrity and transparency displayed through the inconsistencies in the application - it has been brought to the Council's attention that at least 2 of the expressions of support on the Planning Portal have come from people and addresses that don't appear to exist and a third comes from a person who lives in the other Pilsley in Derbyshire.

4.8 Ward Councillor – See section 1 above.

4.9 Highways (LHA) – It is proposed to create a site access directly off Padley Wood Lane, which is an adopted single track road. The LHA have reviewed the submitted details and note it is currently unclear as to the width of the proposed access in the absence of dimensions.

The LHA would typically expect a site access of 5.0m in width for a distance of 10.0m from the carriageway, given the access would need to accommodate a Vehicle and Caravan, and two-way movements the applicant has not demonstrated vehicular visibility splays at the proposed site access.

Given the proposals are for a change of use and there is likely to be an intensification of use, the applicant should provide by way of scaled drawing, achievable visibility splays in both directions.

It should also be pointed out that visibility splays should be over the applicants or highway land, and not over any third-party land to a point 1m into the highway.

The applicant may wish to undertake a speed survey in the vicinity of the site access, in order to demonstrate that appropriate visibility, in line with the 85th percentile speeds of passing traffic can be achieved.

The LHA request the applicant to demonstrate parking provision on the proposed plan, each parking bay should measure a minimum of 2.4m x 5.5m, furthermore parking should be provided for caravans.

Notwithstanding the above the LHA request the applicant to provide further detail regarding how the static caravans/mobile homes are to be constructed or transported to site. Should they be transported to site the LHA request the applicant to submit a swept path analysis assessment for the vehicle type (usually wide-load), which would transport the mobile homes. This should be carried out from the Morton Road junction to the site access.

In conclusion the LHA does not consider that the application fully assesses the highway impact of the proposed development and further information is required as set out in this response.

The **applicant** has been advised of the comments made and has submitted further information in reply stating that the visibility splays are considered acceptable and in accord with those required in respect of the adjoining site to the east for which consent for equestrian uses has been approved, parking can be accommodated on site and mobile homes can be delivered along Padley Wood Lane as a recent example shows.

The LHA have been asked to respond to the information submitted but no further response has yet been received. Any further update will be reported as appropriate to the Planning Committee.

- 4.10 26 submissions have been made to the application objecting to it. 7 letters of objection (3 anonymous) have been received and 17 (2 anonymous) (2 from the applicant's spouse) of support. These make the following points (N.B. the points made by the anonymous contributors have not been included and very limited weight is placed on their submissions):

*Comments of Objection.*

The approval of the scheme would strain the limited infrastructure of Pilsley (doctors/dentists and schools).

The proposal would impact adversely on Pilsley's historical heritage and visual appeal.

The proximity of the site to a primary school raises concern about child safety. The Council has been hoodwinked by the application for equestrian development next door. [Officer note: This is a non-material matter]

The works to develop the site have already damaged grass verges.  
Dogs are barking when they weren't before.  
People feel unsafe walking the footpath and in the area generally.  
Development took place before permission had been granted. How can the applicant be trusted if permission is granted. [Officer note; This is a non-material matter]  
Padley Wood Lane is narrow and a right of way and can't take any further traffic. There will be several vehicles on site, used for work and gatherings will take place.  
The access [from Padley Wood Lane] on to Morton Road has seen numerous near misses.  
No more houses should be allowed along Padley Wood Lane and in 1976 an application for one house was refused.

[The comments made by the anonymous contributors generally reflect comments made by others.]

#### *Comments in Support.*

The footpath remains open.  
Many plants have already been planted.  
The applicants are an English Romany family.  
What impact will one more family have when new homes are being built in the area?  
There is a shortage of sites suitable for gypsies and travellers and everyone should have their own home. There are no suitable pitches available locally.  
The occupants are not causing problems, are a delightful family and just need a home. They have connection with the area and it is good that they have found a good location to be based at.

[The comments made by the anonymous contributors generally reflect comments made by others.]

Comment has been made that some of the supporting comments come from addresses that are non-existent. For sake of completeness all the comments made (other than by anonymous contributors) have been included but Members should note that the objection comments are from addresses located within close proximity to the site whereas those from supporters are generally from further afield including from Chesterfield, Clay Cross, North Wingfield, Tibshelf and Alfreton. In addition, it should be noted that some addresses given appear incomplete and cannot therefore be verified by Officers.

The full transcripts of all/any comments made can be seen on the Council's planning portal.



## 5.0 Planning Policy Considerations

### 5.1 The Development Plan comprises the **North East Derbyshire Local Plan**.

The following policies are considered those most relevant to the determination of this application:

SS1 Sustainable Development  
SS2 Spatial Strategy and the Distribution of Development  
SS9 Development in the Countryside  
LC8 Allocation of traveller Sites  
LC9: Provision of Traveller Sites  
SDC3: Landscape Character  
SDC12: High Quality design and Place Making  
ID3: Sustainable Travel

### 5.2 National Planning Policy Framework

The National Planning Policy Framework (NPPF) is also material to the determination of this application. It sets out that the need for various groups (including travellers) should be set out in planning policies and references the **Planning Policy for Traveller Sites (PPTS)**.

The PPTS re-iterates that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise, in accord with the presumption in favour of sustainable development and the policies of the NPPF and the PPTS. It goes on to state 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 local provision and need for sites
- b) the availability (or lack) of alternative accommodation for the applicants
- c) other personal circumstances of the applicant
- 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

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. 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.

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

If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission.

Local planning authorities should consider how they could overcome planning objections to particular proposals using planning conditions or planning obligations including: a) limiting which parts of a site may be used for any business operations, in order to minimise the visual impact and limit the effect of noise b) specifying the number of days the site can be occupied by more than the allowed number of caravans (which permits visitors and allows attendance at family or community events) c) limiting the maximum number of days for which caravans might be permitted to stay on a transit site.

## **6.0 Planning Issues**

### Principle of development

- 6.1 The application site is located in open countryside for planning purposes with the nearest settlement being Pilsley. In countryside areas policy SS9 of the Local Plan (LP) identifies that the use of land for a Traveller Site will be approved where it is in accordance with policy LC9 of the LP.
- 6.2 Policy LC9 identifies that (in addition to the 2 allocated sites as set out in the LP at Calow and North Wingfield) “The Council will seek to ensure the provision of further sufficient pitches within the District to meet the full accommodation needs of gypsies and travellers as assessed through the current GTAA (or its replacement).”
- 6.3 In accord with the most up to date GTAA (which was published in 2015) the accommodation needs for gypsy pitches in the District between 2014-2035 is for a further 15 pitches to be provided. There is currently supply for 14 of these (9 granted planning permission and 5 allocated in the Local Plan). This affords the District as a whole with, currently, a 8.33 years supply of sites which exceeds the 5 year supply required.
- 6.4 A further GTAA has been prepared and will be published shortly. This identifies that a further 22 pitches are needed between 2020-2040 with 14 of these required up to 2030. This need is met by the permissions granted (see above) and the allocations such that, even on this assumption, the Council has a demonstrable 5 year supply of sites up to 2030.

- 6.5 Therefore, it is concluded on this issue alone that there is no need for the Council to deliver further sites at the present time.
- 6.6 However, the level of gypsy/traveller provision identified is not an upper limit and more sites can be provided exceeding that number. Additionally, Officers note that the Council's policy is based on a reactive approach, such that it is dependent on site's coming forward through applications such as this, rather than identifying and allocating them; and as such there can be no guarantee that further sites will actually come forward to supplement the existing supply.
- 6.7 In addition, the Council's provision is only sufficient for its purposes up to 2030. As such, Officers conclude there is significant advantage in supporting this scheme in principle to provide a range of sites available across the District to meet projected future need. Officers attach significant weight to this consideration.
- 6.8 Officers have considered whether the applicant and his family, meets the relevant definition of gypsy to benefit from the special provisions set out in the PPTS. Officers are satisfied that the applicant in this case does so, travelling to work, keeping livestock, including horses, and so has a lifestyle that accords with that set out in the PPTS.
- 6.9 Additionally, Officers note the apparent lack of suitable alternative accommodation available to the applicant and, as per the advice of the PPTS, attach weight to that factor.
- 6.10 Accordingly, subject to other matters being found acceptable, Officers are of the view that the proposal accords with the overarching advice contained in the PPTS and the Council's own LP and that the principle of this Traveller Site is acceptable and accords with policy LC9 of the LP.
- 6.11 The second strand of policy LC9 comprises 3 elements and each is taken in turn as follows:

*A. The site is reasonably accessible to local amenities and services including schools, shops, health services, public transport and other community facilities.*

The site is located approximately 1 km west of Pilsley, a settlement where there are many local amenities such as schools, shops and other community facilities and access to good public transport links (there is also a bus service along Morton Road). It is slightly further when using roads/paths but there is pavement provision along Morton Road although not along Padley Wood Lane (PWL) itself. However, overall, Officers conclude there is ready access to nearby services and it is not precluded that these can be accessed by a variety of means, and not necessarily the car.

*B. The site provides adequate space for on site facilities, including storage, in particular for equipment for travelling show people and, where appropriate, mixed use yards to allow for on site business use.*

The site has adequate space within it to provide for all necessary on site facilities. However, it is considered the site is not appropriate to be used for business purposes (see para 6.35 below) and it is therefore recommended that such rights in this instance are specifically restricted by condition.

*C. The site is reasonable in scale in relation to the nearest settled community or surrounding built up area.*

In terms of its scale, it is noted that consent is sought for 4 mobile units in total. This is not considered an overwhelming number in comparison to the overall size of Pilsley and so reasonable in scale.

#### Impact on the character of the area

- 6.12 In all cases, to be acceptable in rural areas, Policy SS9 of the LP requires new development to respect the form, scale and character of the landscape through careful siting, scale, design and use of materials.
- 6.13 The application site occupies a location directly off PWL. It is also visible from the Pilsley to Morton Road (Figures 8, 9 and 10 below) to the south across farmland and from close quarters from PWL itself and the local footpath network. There are also some views south from Pilsley village itself.



Fig 8: Site viewed from Morton Road.





Figure 9: Site viewed from Morton Road



Fig 10: Site viewed from Morton Road (magnified)

- 6.14 The site, whilst not included within an area identified as carrying a special designation, is part of a rolling, agricultural landscape characterised by small pockets of development, comprised of farmsteads and single or groups of dwellings, interspersed with occasional areas of woodland.
- 6.15 The development of the site as proposed will undoubtedly impact on the area and it would be visible in the wider landscape. However, as per the advice set out in the PPTS and case law set out in *Dowling v SSCLG/Chichester DC and*

*Wendy Dawn Kent (2007)*, it is not possible to accommodate sites, such as that proposed, in rural areas without some impact. To be unacceptable any adverse impact should be significant or material overriding other considerations.

- 6.16 It is noted that the site is set against a backdrop of some woodland. There is significant landscaping proposed to the east of the site and to a lesser degree to both the north and south and there is ample scope to further landscape the site on its southern flank (without seeking to enclose it inappropriately). If that further landscaping is undertaken, as the caravans and amenity building proposed on the site will not in themselves be greater in height than single storey structures, Officers conclude that the site could be integrated into the area acceptably such that it would respect the character of the landscape in which it would be located with a wooded area already directly to the west of the site.
- 6.17 It should be noted that close boarded fencing currently encloses the access splay. However, no fencing or enclosure is proposed forward of the amenity building such that with suitable softening any currently experienced harsh appearance would be removed.
- 6.18 The proposed amenity building would be 12m (long) by 6m (wide) by 4.4m (high) (see Figure 4 above). This would be located towards the front of the site closest to PWL but set back 29 metres from it within a (proposed) hedge line. Whilst the applicant sets out that it would take on the appearance of a stable, Officers retain the view it is utilitarian in appearance looking like a small bungalow. The applicant has agreed to clad the building in boarding but otherwise the structure would be as proposed.
- 6.19 Whilst the building would be visible from PWL, Officers are of the view that it is small structure, not dissimilar to other single storey buildings in the locality, and, if clad as proposed, and further softened by additional site frontage planting, bearing in mind its proposed use, it would not be so harmful to the area to justify refusal of the application in its own right.
- 6.20 A treatment plant is proposed to the far north of the site and a bin store area close to the access point. Officers consider that neither of these features would be detrimental to the character of the area being small scale and limited in extent.

#### Highway safety

- 6.21 The test set out at paragraph 115 of the NPPF is that “Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”
- 6.22 The comments of the Highway Authority (HA) are noted. However, the site plan shows an access point of 11 metres width reducing to 6 metres width 10 metres back from the highway. The access track would then run at 6 metres



width for a further 28 metres to the site proper. This accords with the minimum requirements of the HA.

- 6.23 Officers have noted the request of the HA regarding visibility splays and the comments in response from the applicant. Adequate visibility splays are clearly apparent in both directions from the site access across unrestricted land and, in any case the road is lightly trafficked such that the movement onto and off the highway will not impact safety of other users or unacceptably impact the free flow of traffic along PWL and the ongoing highway network. Photographs showing the visibility in both directions are given at Figure 11 and 12 below.



Fig 11: Currently formed access – viewing west/south (critical direction)



Fig 12: Currently formed access – viewing east.

- 6.24 Additionally, recently an access to serve the adjoining field for equestrian purposes was permitted. This adds weight to the conclusion that a further access to serve the applicant's site can be accommodated without adversely affecting other road users.
- 6.25 The junction of PWL and Morton Road has limited visibility and it is narrow. However, it is already used by residents and others and the additional traffic that would use the junction would not adversely affect its ongoing proper safe use.
- 6.26 The plans identify specific parking areas for each pitch as requested by the HA (2 spaces for each pitch) and adequate space is otherwise available to park the further vehicles proposed and it is recommended that only those vehicles identified in the application submission are permitted to use the site and no business use is permitted.
- 6.27 Finally, the applicant has submitted evidence to show that a mobile home can be transported to the site with photographs showing one being delivered recently to the neighbouring property (See Figure 13 below). Notwithstanding this, it is not the intention to move mobile homes onto and off the site on a regular basis. There would be a single movement to the site only with purely the one touring caravan accessing and leaving the site more regularly. As such, it is not considered that a swept path analysis is necessary to support the application.



Fig 13: Photo by applicant showing a mobile home on PWL.

- 6.28 In conclusion on this issue, whilst the final comments of the HA are still awaited, Officers conclude that there is no overriding highway safety reason why permission should not be granted in this case subject to conditions to control parking, limit the number of vehicles to be located on the site to those specified in the application form, the provision and retention of adequate visibility splays, the maximum size limit of any vehicles permitted on the site and a restriction on business activity to ensure the site is not used for inappropriate commercial



reasons.

## Ecology

- 6.29 The comments of Derbyshire Wildlife Trust, as consultee, are noted. Various records of species seen within the site or on the adjoining land are noted as is the site's location close to the Local Wildlife Site as shown on Figure 14 below with an area of Ancient Woodland located within the site.

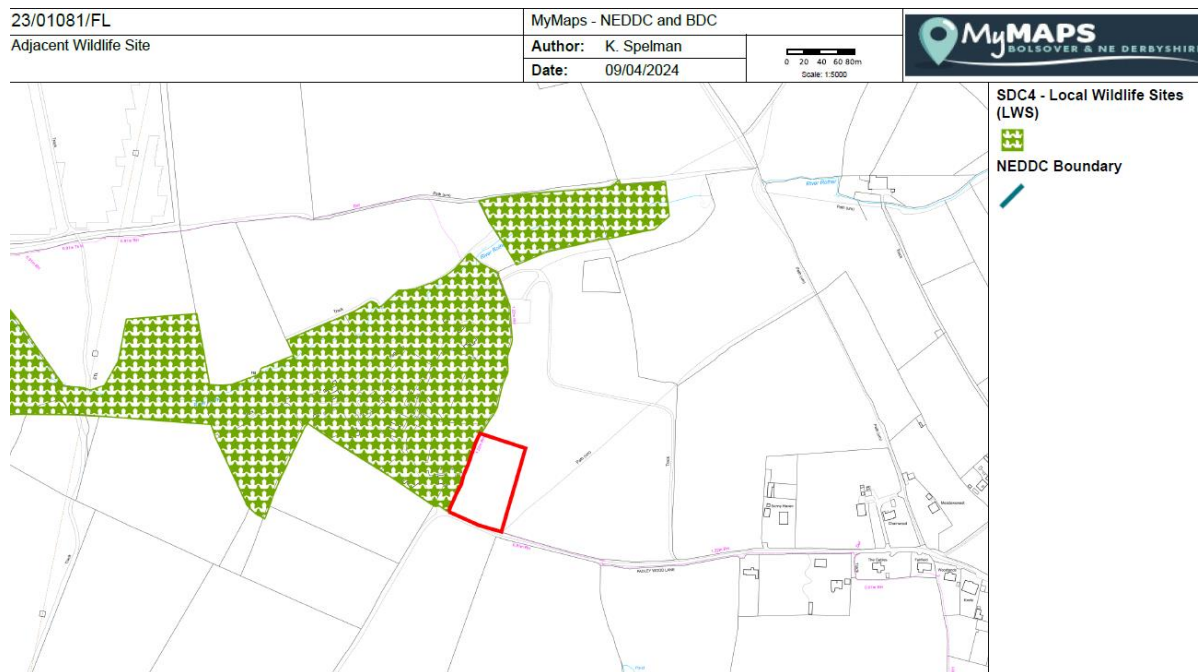


Fig 14: Local Wildlife Site (hatched green) (application site edged red)

- 6.30 It is noted that any ancient woodland should be located over 15 metres from any development. The area of proposed hardstanding would be at least 15 metres from the edge of the site and so there would be protection of any ancient woodland near the site appropriately.
- 6.31 It is noted that no ecological information has been submitted to support the application identifying any pre development habitats located on the site or of any impact or mitigation proposed to offset any adverse impacts identified. The applicant has been advised of this issue but no further information has yet been submitted.
- 6.32 Officers note the advice given in respect of the land to the east of the application site, and which used to form one single field (see Figure 15 below) with the application site and for which planning consent has recently been granted to change its use to allow for equestrian activity. It is considered appropriate to treat the application site similarly. In the case of the adjoining field, the impact of development was considered most notably on sky larks and their nesting and it was concluded that an enhancement of hedgerows combined with areas protected from intense grazing would provide sufficient habitat enhancement

to outweigh the harm to nesting skylarks. This matter was addressed by securing a habitat enhancement plan by condition.



Fig 15: View east of application site.

- 6.33 In this case, the area occupied by the hard standing would be lost to any ecological habitat and use that it may have held as an arable field. However, the remainder of the applicant's land holding could be enhanced ecologically with a large amount of hedgerow already having been planted as have some trees. This could be further enhanced by further planting and the identification of areas kept free from any formal use as per the site to the east. Therefore, it is recommended this matter is treated by way of condition to require a suitable habitat enhancement plan and this is considered sufficient to outweigh any harm caused to the former arable field.

#### Neighbouring amenity

- 6.34 The only near neighbour is the residential property to the west of the site, Stretton View (SV). The property itself is located some 35 metres from the location of the nearest proposed caravan which is some 20 metres from the boundary with SV. This distance and the mature hedgerow/tree line in between (See Figure 16 below) lead Officers to conclude there is no adverse impact on residential amenity by the stationing of caravans on the site in the location proposed.
- 6.35 The site is located in a rural location with other residential properties located both east and south along PWL. These other units would not be impacted by the use of the site as a residential site but maybe if it were to be used for other activities. As such, it is recommended that a condition restricting the use of the site to residential purposes only would safeguard the overall general amenity of others in the area and the surrounding residential occupiers.





Fig 16: View from site to Stretton View.

#### Other Matters

- 6.36 The comments made in respect of the public rights of way that pass and cross the wider site are noted. However, the paths/bridleways will be retained without interruption.
- 6.37 The County Archaeologist advises there are no archaeological issues of concern in this case.
- 6.38 The comments of the Environmental Health Officer are noted. Suitable waste disposal facilities are shown to be provided on site as required but a specific condition requiring their formal provision and subsequent retention is recommended.
- 6.39 The comments of the Coal Authority are also noted and the informatives requested can be attached to any approval granted.
- 6.40 The site will be served by a package treatment plant. This is considered an acceptable manner in which to address the foul sewage from the site. A condition to control the discharge of surface water from the site is recommended to allow control over this issue.
- 6.41 Overall, there appears no technical reason why permission should not be granted in this case.
- 6.42 The particular statutory duties of the Council are noted as are the Human Rights of all the interested parties in this case. They have all been taken into account in considering this application and weighed against the relevant guidance set out in advice and regulation.

## Conclusion

- 6.43 The Council can currently demonstrate that it has a 5 year supply of sites for Traveller accommodation. However, this relies on the coming forward of the sites allocated in the Local Plan and, rolling forward, other sites being identified, seeking and obtaining planning permission. In addition, the provision of a 5 year supply does not preclude other sites being granted consent. As such, Officers place significant weight on this site delivering a further 4 pitches that secures the Council supply of suitable sites beyond 2030 particularly as the applicant sets out that he is unable to find other suitable accommodation locally for himself and his family.
- 6.44 The site is located in a countryside area where Traveller Sites may be located subject to various provisos and there being no overriding and adverse impact on the character of the area. The proposed site is located in relative proximity to Pilsley and would not be out of scale with it. The site would impact on the character of the area. However, due to the low level scale of the on site development and the opportunity to soften the impact through planting (as set out in the PPTS) and further landscaping it is concluded that the adverse impact of the development is not so significant or unacceptable.
- 6.45 The impact on highway safety has been quantified and it is concluded that there would not be a severe impact on highway safety or the free flow of traffic as per the test set out in the NPPF. There are no technical reasons to refuse the application and so these technical matters are neutral in the planning balance.
- 6.46 There is little ecological evidence to support the application. However, in view of the issues discussed in respect of the adjoining site it is concluded that, subject to further control, ecological enhancements can be accommodated on the site and so this carries limited weight in favour of the application.
- 6.47 There is no adverse impact on residential amenity identified.
- 6.48 Therefore, weighing all these issues in the balance, Officers conclude that the benefits of providing additional Traveller accommodation is overriding and this is not outweighed by any other harm identified. Accordingly, it is recommended that planning consent is granted.

## **7 Recommendation**

- 7.1 To **GRANT** planning permission subject to the following conditions, the final wording of which is delegated to the Planning Manager (Development Management)

## Conditions

- 1 The development hereby permitted shall be started within 3 years from the date of this permission.

- 2 The development hereby approved shall be carried out in accordance with the details shown on the following drawings XXXXX (as approved).
- 3 Permission is hereby granted for 4 caravan pitches only, laid out in accordance with the details shown on the approved drawing. Each pitch shall only be used for the stationing and residential use of one static caravan, located as shown on the approved plan.

In addition, permission is hereby granted for the stationing of one touring caravan (i.e. a caravan capable of being towed by a car as opposed to requiring a larger vehicle to tow it) only in accordance with the details shown on the approved drawings. No residential occupation of the touring caravan is permitted at any time.

Twin unit caravans are not permitted.

- 4 Permission is hereby granted for 4 pitches only for the sole use and occupation of travellers as defined in "Planning Policy for Traveller Sites (2023)". Prior to the first, or any subsequent, occupation of any of the pitches, hereby approved, details of the pitch occupants shall be submitted to and be approved in writing by the Local Planning Authority. The pitch(es) shall then be occupied solely by the person(s) so agreed.
- 5 Prior to their first stationing on the site, hereby approved, the precise details/specifications of any/all caravans to be stationed there shall be submitted to and be approved in writing by the Local Planning Authority. The details/specifications shall include the size, type and design, including the sound insulation specification, of each caravan. Only those caravans so approved shall then be installed/placed on the site and no other caravans shall be located there.
- 6 Notwithstanding any other submitted details, only those fences/boundary treatments expressly shown on the approved plans shall be erected/placed or located on the site.

Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order) no other means of enclosure/boundary treatments shall be erected/constructed/placed on the site without first obtaining planning permission.

- 7 Notwithstanding any other submitted details, prior to the first occupation of any caravan on the site, the following shall be submitted to and be approved in writing by the Local Planning Authority:
- a) a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land,
  - b) the details of any trees and hedgerows to be retained, together with measures for their protection during development,

- c) a schedule of proposed plant species, size and density and planting locations (indicating that all trees to be planted shall meet the definition of “heavy stock” in BS 3936-1 on first planting) and
- d) an implementation programme.

8 All planting, seeding or turfing in the approved scheme of landscaping agreed under the terms of condition 7 above shall be carried out in the first planting and seeding season following the first occupation of any caravan on the site. Any trees or plants which within a period of 5 years from the first occupation of caravans on the fifth pitch, hereby approved, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

9 Prior to the stationing of any caravan on the site, hereby approved, details of the disposal of surface water drainage and any discharge to a public sewer(s) shall be submitted to and be approved in writing by the Local Planning Authority.

The approved scheme shall then be implemented as approved prior to the first occupation of any caravan on the site and be retained as such thereafter. There shall be no piped discharge of surface water from the site prior to the completion of all approved surface water drainage works.

11 Prior to the commencement of development, detailed designs shall be submitted to and be approved in writing by the Local Planning Authority, for the storage of plant and materials, site accommodation, loading, unloading and manoeuvring of goods vehicles, and parking and manoeuvring of employees and visitors vehicles. The approved scheme shall then be implemented within 7 days of the development hereby approved commencing and shall be retained free from any impediment to their designated use throughout the construction period of the site.

12 No caravans, hereby approved, shall be occupied until the space identified on the approved plan has been laid out within the site in accordance with details first submitted to, and agreed in writing by, the Local Planning Authority, for the parking and manoeuvring of vehicles. The space(s) so provided shall then be maintained free from any impediment to their designated use thereafter and for no other purpose. No other hard surfaced areas shall be laid out/created/provided.

13 No caravan, hereby approved, shall be occupied until the area identified on the approved plans for the storage of bins and the collection of waste in relation to the site have been provided in full. The approved facilities shall then be retained as such thereafter.

14 Notwithstanding the provisions of Article 3(1) of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking and re-enacting that Order) no development otherwise permitted by Part 5 Class B of the Order shall be erected/constructed/undertaken without first obtaining planning permission.



- 19 The site, hereby permitted, shall be used for residential uses only and not for any trade, business or commercial purposes.
- 20 No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site, the subject of this permission.
- 21 Prior to the commencement of the use hereby permitted, a Biodiversity Enhancement Plan, including a timetable for its implementation and a schedule of future management, shall be submitted to, and be approved in writing by, the Local Planning Authority.

The scheme shall include, but not limited to:

- the location of a suitably sized fenced off grassy margins along the site's western and northern boundary sown with wild bird seed mixes
- enhancement of hedges with gap planting using native species (as outlined in the planting guidelines for the coalfield village farmlands landscape character area of the South Yorkshire, Nottingham and Derbyshire Coal fields landscape character area).

The approved scheme shall then be implemented in full as agreed and then be retained thereafter in accordance with the approved details.

Within 1 month following the full implementation of the approved measures, photographs showing the approved features in situ shall be submitted to the Local Planning Authority.

- 22 Within 56 days of the date of this permission the precise materials that will be used to clad the approved amenity block (walls and roofing) shall be submitted to and be approved in writing by the Local Planning Authority. The amenity block shall then be clad in accordance with the approved details, and be retained as such thereafter.