

WALTON

PARISH COUNCIL

www.waltonparishcouncil.org.uk

DAVID PLAUT
Clerk to the Council

Gissing House
9 Wentworth Terrace
Wakefield
W Yorks
WF1 3QW
Tel: (01924) 376747
waltonclerk@btinternet.com

Mr Ian Thomson,
Director of Planning and Highways,
Wakefield MDC,
Newton Bar,
Wakefield,
WF1 2TX.

23rd August 2011

Dear Mr Thomson

Re :- Proposed temporary use of land (until 2022) for the stationing of caravans for residential purposes for 18 no. Gypsy pitches together with the formation of additional hard standing and utility / dayrooms ancillary to that use. Planning Application Reference : 11/01525/FUL

The Parish Council has held two Public Meetings in respect of the above and at the second meeting, specifically called for villagers to comment on the application, there was a unanimous vote objecting to it. The Parish Council therefore **OBJECTS** to the above application on the following grounds:

The need for the Development – The Applicant indicates that the proposal is “to meet a recognised need for such facilities”. He does not however identify the nature of this need, whom the accommodation is for, or why it must be provided on the proposed site. We enclose correspondence from the Planning Inspectorate dated 27th April 2011 in respect of another site (for the same Applicant – Maurice Black) in Billingshurst in which it is clear that the Inspectorate expects an Applicant to provide:-

1. Evidence of Gypsy Status including family background and travel for work purposes over 10 years;
2. who will be living on the site and if more than one family is intended to occupy the site, how long they have travelled together and how important it is that they stay together;
3. whether any of the residents have any particular educational or health needs;
4. whether any business use of the site is proposed;
5. the reasons for choosing the site; and
6. what efforts the **Applicant** has made to find alternative sites e.g. approaching Council's housing and planning departments including applications for a pitch on a Local Authority site, estate agents, land owners, other gypsies and travellers.

The Applicant provides none of the above and hence does not demonstrate any of the required evidence necessary by the Planning Inspectorate to consider an application for a Gypsy proposal.

This application is a speculative application being made by Mr Black who clearly makes several such applications nationally. There is no evidence that this application is being made to meet any specific local needs that must be met with Walton or indeed Wakefield and as such the Applicant has not demonstrated the specific Gypsy needs that he seeks to meet.

The adopted Local Development Framework (LDF) Core Strategy indicates that the Council will “*carry out a local assessment of need and land will be allocated accordingly in the Sites Specific Proposals document*”. This is reinforced by the adopted Local Development Framework Development Policies Document. The Coalition Government has issued a Draft Planning Policy Statement (April 2011) which indicates that it “*...will put planning for traveller sites back in the hands of local planning authorities*” and that it will remove the top-down traveller site targets that were imposed on local councils. The Government no longer wants Local Authorities to rely upon the previous Regional Spatial Strategy Gypsy site targets. The Government wants a more “*Plan led*” planning system which gives people more say over how growth is achieved in their local areas. The LDF Site Specific Proposals Document has just been “*submitted*” to the Government for approval and it indicates in paragraph 6.11 that “*significant levels of gypsy and traveller accommodation needs are being met...*” and hence it does not allocate any new Gypsy sites.

Earlier appeal cases (such as 101 Briar Lane, Havercroft APP/X4725/C/09/2119340) referred to the West Yorkshire Housing Partnership assessment identifying a need for 32 additional pitches in Wakefield up to 2015 of which 26 are required by 2012. This is no longer the case as the following has changed since then:-

1. Additional pitches are being provided at Brier Lane, Havercroft (6 pitches) and Pineapple Farm, Warmfield (3 pitches).
2. The LDF Site Specific Proposals Submission Document has been issued. This indicates in para 6.8 that Councils are encouraged to provide **in consultation with the local community**, an appropriate number of travellers sites that reflect local and historic demand. It is clear with regard to the application site that the local community do not support this proposal and hence it falls at the first hurdle. The Document then notes in para 6.11 that the Heath Common site provides 38 family pitches (for 250 gypsies) and together with a number of smaller pitches, “*..a significant level of gypsy and traveller accommodation needs are being met.*” It then goes on to state that “*several of the neighbouring districts do not provide any permanent gypsy and traveller accommodation. Lack of available accommodation in these areas has led to an increased demand within the Wakefield district. Regional and sub-regional planning processes are unlikely to resolve the mis-match between districts in terms of permanent accommodation..*”. Paragraph 6.13 indicates that “*individual proposals will be assessed against Policy CS6 and in light of **local evidence on accommodation needs***”. This creates a different local policy context from that considered in summer 2010 for the Havercroft appeal.
3. The Planning for Travellers sites Planning Policy Statement has been issued in April 2011. It confirms the Government's intention to withdraw the existing traveller planning circulars (Circular 01/2006 and 04/2007). It confirms that “**the policies in this Statement are a material consideration which must be taken into account in development management decisions, where relevant**”. The letter from the Planning Inspectorate dated 27th April 2011 in respect of another site (for the same Applicant – Maurice Black) in Billingshurst states that “**the current circulars remain in existence for the time-being and the Inspector is required to take them into account. S/he will also have regard to the fact that the Secretary of State has described them as flawed and due to**

be replaced..." Ministerial Statements have significant weight in the decision making process and hence the Council must attach significant weight both to the fact that the Circulars are **"flawed"** and are due **"to be replaced"** and also to the contents of the draft Statement that will replace them. The significant weight to be attached to Ministerial Statements is confirmed by the approach that the Government is taking in the Ministerial Statements accompanying the draft National Planning Policy Framework (NPPF), in which the Minister confirms that the policies of the NPPF are operational now even though the document remains as a draft. The Draft Planning Policy Statement on Travellers indicates that it will **"give local planning authorities the freedom and responsibility to determine the right level of traveller site provision in their area in consultation with local communities, while ensuring fairness in the planning system"**. It also confirms that the Government's key policy commitments are to **"abolish undemocratic regional strategies and the top-down housing and traveller pitch targets they contain"**. It places **.."a duty on councils to work together across boundaries in a way that reflects their genuine shared interests"**. This creates a very different national policy context from that considered in summer 2010 for the Havercroft appeal.

4. The West Yorkshire Gypsy and Traveller Accommodation Assessment was produced in May 2008 and the Overview of Gypsy and Traveller Accommodation Assessment – Yorkshire and Humber Regional Assembly was produced in 2009. Both of these documents pre-date the Coalition Government's latest advice (April 2011) and both are Regional Assessments which the Government intends to abolish. There is no evidence of any specific Local Needs assessment having been undertaken by Wakefield Council or the Applicant. Rather as the Local Development Framework Submitted Site Specific Proposals Document indicates in para 6.11, neighbouring authorities are not meeting their own needs which has increased demand within Wakefield district. This regional imbalance is exactly the type of situation that the Planning Policy Statement seeks to address. It is for each Local Authority to meet its own needs and hence it is for the neighbouring authorities to Wakefield to meet their own needs rather than requiring Wakefield to do so for them. The Submitted Site Specific Proposals Document paragraph 6.10 confirms that **"in light of Government announcements this evidence may need to be reviewed"**. We strongly support this confirmation in the LDF Site Specific Document that the previous outdated regional and sub regional needs assessments are flawed, and superseded by more recent Governmental Statements. This creates a different local needs context from that considered in summer 2010 for the Havercroft appeal and hence there is therefore no **"recognised need"** for Gypsy accommodation as set out by the Applicant.

The above confirms that these are significant materially changed circumstances from when the Havercroft decision was issued (August 2010) to demonstrate that the need identified at that time is flawed and cannot be relied upon.

Temporary or Permanent? The Application proposal is for a use that is to subside until 2022. This would mean that if permission is granted in 2011, the use would subside for a period of 11 years. Such a length of time is significant and its effects will be felt for a significant length of time. Circular 11/95 Use of Conditions in Planning permissions paragraph 109 confirms that *"..the material considerations to which regard must be had in granting any permission are not limited or made different by a decision to make the permission a temporary one"*. The effects of this application were it granted for such a period would be "permanent" in nature. Any permission for this length of time would not therefore be temporary in nature. Such a permission would prejudice and pre-judge decisions that would be made about future Gypsy provision through a Local Needs study and an assessment of suitable sites.

Alternative available sites. It is clear from the Billingshurst approach, that the Inspectorate expects the Applicant to show **"what efforts have been made to find an alternative site"**. The application provides no information whatsoever on the efforts made to find alternative sites

and hence is flawed in this regard. The Council have produced a Strategic Housing Land Availability Assessment (SHLAA) which identifies sites available for housing purposes. It identifies more than sufficient sites to meet all housing needs up to and beyond the Plan period. Similarly Employment Land Studies have assessed the amount and suitability of land to meet employment land requirements and have also concluded that there is more than enough land to meet the employment land requirements. The Applicant has not shown that he has assessed all the sites in the SHLAA and the Employment Land Study and that none of them are suitable to meet the "perceived" gypsy need. Rather there is no evidence that he has assessed any other alternative sites. We are aware from our own research that there are many sites in higher order (sustainable) settlements that could meet this "perceived" need and hence could accord with Policy CS7. The application also shows no evidence of the Applicant having approached the Council's housing and planning departments, estate agents, land owners or other gypsy and travellers (as required in the Billingshurst case). Rather we are aware that the Council are considering their landholdings at present to ascertain whether they have any suitable sites to meet any future identified Gypsy needs and that the outcome of this assessment is due in the next few months. Current Gypsy provision is being met at Heath Common; Havercroft and Warmfield, all of which are in the same South East Quadrant of Wakefield as Walton. There is therefore no geographic spread across the District which means that any "perceived" needs elsewhere in the District will not be met. The LDF Site Specific Proposals Document para 6.13 indicates that *"the Council will work with the gypsy and traveller communities to bring sites forward through the planning process **as and when needs arise**"* and that ***"a number of smaller sites spread throughout the district may be a more effective means of providing sustainable and flexible accommodation needs"***. The concentration within the South East Quadrant of the District is therefore in conflict with this approach. The above planning application is deficient in its assessment and premature in advance of this local assessment which is the more appropriate way to assess the alternative available sites.

Protected Area of Search site. Protected Area of Search sites are held in reserve to meet any longer term needs beyond the plan period. The recently submitted LDF Site Specific Proposals Document has demonstrated that all housing needs (including those for gypsies) can be met without the need to release the applicant site from its Protected Area of Search status. This demonstrates that the Council have recently considered all housing needs and concluded that the site should remain undeveloped for the next 10 years. The current application is therefore directly contrary to the LDF Site Specific Proposals Document. Since the application proposal is for a period in excess of 10 years then it cannot be considered as a temporary activity and hence would also fall foul of the policy.

The role of Walton - Walton is identified as a Village in the LDF Core Strategy and as such is not a sustainable location for significant development which delivers more than that which is required to meet local need. The Applicant has not identified the nature of his perceived "need" and has produced no evidence that the "perceived" gypsy need is for gypsies who need to be within Walton. Rather he seeks to justify the need based upon the regional targets which clearly are not "local" in their nature. The Application proposal does not therefore meet a local Walton based "need" for Gypsy accommodation. Based upon the number of people who live at Heath Common site (approx 250 in 38 pitches), then the proposed 18 pitch scheme at Walton would house in excess of 100 people. This reinforces that the need is not Walton based and the scale of development is inappropriate for Walton. Policy CS1 of the LDF Core Strategy seeks to focus most new development within Urban Areas. In terms of identifying future site allocations, the first part of Policy CS7 seeks to focus new Gypsy accommodation to "previously developed land within or on the edge of urban areas ...before sites in rural locations". The application site falls outside the village settlement of Walton and is allocated as a Protected Area of Search for Long Term Development. It is Greenfield not previously developed. The LDF also identifies that in Villages, development in excess of 10 dwellings would not be "small scale" and hence could not meet the policy requirement. As Walton is not an urban area, the site is Greenfield, the proposal is in excess of 10 "dwellings" and does not meet a "local" Walton based need, then the application

proposals are contrary to Policies CS1, CS3 and CS7 of the LDF Core Strategy. The second part of Policy CS7 relates to proposals on unallocated sites. The application site is not unallocated but rather is specifically allocated as Protected Area of Search for future development beyond the plan period. The second part of policy CS7 therefore does not apply to the application site and reinforces why the application site is unsuitable for the proposed use. Since there is neither an established “need”, nor a site search assessment of all “urban areas” then there is no justification to develop a site in Walton and especially not a Protected Area of Search site. As part of the LDF Site Specific Proposals Submission, the Council reviewed the need to release the application site for development and concluded that the Council could meet all development needs without releasing the site for development. The Applicant has shown no changed circumstances from this conclusion.

Lack of services - One of the main reasons why Walton was not identified as a suitable location for significant future development is due to its lack of services and facilities. The Government's draft Planning Policy Statement and the LDF Core Strategy Policy CS7 require any new Gypsy sites to be easily accessible to shops, schools and health facilities. Whilst the site is close to a Junior School, there is neither a Senior School nor any health facilities within Walton. The “sustainability” of the Havercroft site was a key consideration in the Inspector's reasoning (para 28) where he noted that “*the site is within walking distance of nearby settlements containing places of worship, a post office, local shops, a primary school, library and GP surgery*”. The Government's draft Planning Policy Statement indicates that access to education and health services is particularly important for the Gypsy community due to the comments particularly on the poor health of Gypsies – Gypsies are 12 % more likely to have a long term illness compared to comparable members of the settled community. The proposed Application therefore does not meet the access to education and health criteria of the Government's draft Planning Policy Statement, the Havercroft Inspector's sustainability criteria or the LDF Core Strategy Policy CS7. **The application should be rejected on these grounds alone.**

Inadequate access and road safety – The application proposal comprises 18 Gypsy pitches which will each have two caravans. The application does not include any information on the number of vehicle movements, or how they will be accommodated by the existing road network. The Grove gives access to existing housing and Walton Junior and Infants School. There are existing problems with traffic congestion and on street parking on the Grove around the start and end of the school day. The increase in traffic movements from the proposed development will make this congestion worse and will introduce large vehicles into an area where many children cross congested roads. This will lead to significant safety problems for school children whilst significantly increasing the existing congestion. The proposed use is incompatible with the School use which lies on the sole access to the proposed Gypsy site.

Residential Amenity – The site is adjoined by the existing Northern Counties Retirement Homes. The residents of the retirement homes expect a quiet environment which is incompatible with the proposed use. The Gypsy camp is an external living environment that has the potential to generate noise and external burning. Similarly the nature of the proposed use could also have business operations associated with it, which will also generate noise and disturbance.

Protected species – the previous application for a Retirement village indicated the presence of protected species on the wider site. The current application is not accompanied by any ecological assessments to demonstrate whether such species are on the application site and if so how such species will be protected. The potential for outdoor storage, living and parking means that the habitat for the protected species could be adversely affected.

Flood – the proposed hardstandings will lead to an increased amount of surface water that needs to be accommodated within the watercourses. Many areas of Walton have been the subject of flooding due to overtopping of watercourses and the proposed development will exacerbate this problem.

Procedural irregularities–

1. The Applicant served notice upon Mr and Mrs Finnerty of 27 The Balk, Walton by letter dated 27th July 2011, indicating that *"although we have not been able to establish your interest in the land to which this application pertains we understand from the registered owners that you have been notified of previous planning applications on the wider parcel of land"*. Mr and Mrs Finnerty have written to you separately to confirm that they do not own any land within the application site and hence that the ownership certificates served with the application are misleading and incorrect. We consider that you should require the Applicant to amend the application forms accordingly and if he does not know definitively who owns all the land within the red line planning application boundary, he should be required to serve a certificate "C" or "D" with the requisite periods for the advertisement to expire.
2. We also understand that the land between the end of The Grove and the existing field which forms part of the application site is owned by Northern Counties Housing Association. The Applicant has again incorrectly completed the Certificates and should be required to serve notice upon the registered owners of the land with the requisite periods of advertisement being allowed to expire.
3. The initial site notices for the Public Consultation were made with a site address of Land at Grove House Farm rather than the current application address. Whilst this was pointed out to the Applicant's Agent, he failed to rectify his mistake and this misled the public of Walton and caused confusion. This resulted in a flawed public consultation exercise by the Applicant.
4. The planning application contains insufficient information and should not have been registered. It certainly contains insufficient information to allow all material considerations to be assessed as follows:-
 - a. No evidence of Gypsy Status;
 - b. No evidence of Gypsy need;
 - c. No evidence of alternative sites;
 - d. No Protected Species assessment;
 - e. No Transport Assessment;
 - f. No Flood Risk Assessment;

The Council should either request that the applicant provides all these assessments prior to determination of the application, or the Application should be refused in the absence of any evidence to demonstrate a lack of harm relating to these matters.

Conclusions

The Parish Council has undertaken Public meetings at which villagers have unanimously objected to the above application. We therefore object to the above application and request that it is refused for the reasons set out above. It is contrary to the Policies of the LDF Core Strategy CS1, CS3 and CS7. There is no evidence of a need for Gypsy accommodation in light of the materially changed circumstances since the determination of the Havercroft Appeal. The settlement of Walton is inappropriate both in policy terms (due to its village status) and also its poor service base such that it is inappropriate for the proposed use and hence does not meet the requirements set out for new Gypsy sites in the Government's draft Planning Policy Statement and Core Strategy policy CS7. The specific site chosen could not be more inappropriate as it sits at the head of a cul-de-sac next to Retirement Homes and past a Junior School where there is already a pre-existing congestion and safety problem. The outdoor nature of the use along with the scale and nature of traffic generated by the proposal will lead to highway safety and residential amenity harm. Finally the site contains protected species which will be harmed by the proximity and nature of the proposed use.

The latest Government guidance stresses the need for the local communities to be engaged in planning decisions and to be empowered in the future of their communities. This application has been put forward with flawed consultation, inaccurate notices and certificates and incomplete information. The village is united in its opposition to the application and trusts that the Planning committee will support the village by rejecting this application.

Please register this objection and keep the Parish Council aware of progress with the application, including any requests for additional supporting information.

Yours sincerely

D L Plaut
Clerk to Walton Parish Council

Enclosed:
Letters from the Planning Inspectorate to Horsham District Council