

2011/1020 LAND OFF SALTER STREET EARLSWOOD

Application No: 2011/1020/S

Ward/Area: BLYTHE

Location: LAND OFF SALTER STREET EARLSWOOD SOLIHULL

Date Registered: 24/06/2011

Applicant: MR JOSEPH DOHERTY

Proposal: RETROSPECTIVE CHANGE OF USE OF LAND TO
EXTENSION OF RESIDENTIAL CARAVAN SITE COMPRISING
3 No. PITCHES WITH ANCILLARY PARKING, LAYING OF
HARDSTANDING AND LANDSCAPING.

PROPOSAL

This, mostly retrospective, application seeks planning permission to extend a longstanding small Gypsy/Traveller site which was granted planning permission in October 2010. This involves a significant extension of the approved site, into a lower-lying field to the east, comprising the deposit of materials to raise the level of the land and form an extended stone-covered hardstanding split into 2 pitches, each to contain a static mobile home, plus 2 caravans, plus ancillary buildings, infrastructure/services and landscaping. The existing site would be split between a future third pitch, and a 'work area' for parking and storage in connection with the occupiers' business.

It should be noted that the submitted layout plan does not fully accord with the development as carried out on site, i.e. it fails to include the remaining grassed area at the eastern end of the site which is fenced in with the rest of the newly extended area and verbally stated by the applicants to be intended for use as a garden/play area (ramps have been built down into it from each plot); and ancillary buildings have been erected, and concrete bases laid, in positions which do not accord with the details shown in the submitted layout plan.

Background

Planning permission was granted in October 2010 regularising a longstanding unauthorised site at the end of a track off Salter Street occupied by two brothers of Irish Traveller background, with their wives and children, in two caravans, with associated outbuildings. Conditions were subsequently discharged. It was considered that very special circumstances to justify the approval were demonstrated.

In April 2011 the site occupiers sought some informal advice on the possibility of extending the site (into the lower-lying field to the east of their approved

site). They were informed of the considerable potential obstacles to such a proposal due to Green Belt policy and other material planning considerations and were advised that any such planning application would be unlikely to be successful at this time. They were also advised that, if they wished to pursue the idea notwithstanding that advice, then they could propose the site for consideration through the LDF - work was just beginning on a Gypsy and Traveller Sites Allocations Development Plan Document. They were assisted in filling in and submitting a proposal form. At the same time however, it was also reiterated to them that this was a long-term process, that it was not a planning application, and that they should not, in any circumstances, consider carrying out any development on the land in question without planning permission. They acknowledged this advice and gave assurances that they would not do so.

In early June 2011 a telephone complaint was received alleging non-compliance with some of the external lighting details on the site, and also that some material had been tipped on the slope down from the site into the field. Similar minor unauthorised works had occurred and been resolved in the past and a letter was sent seeking a site meeting in accordance with normal practice. However on 17th June 2011 another telephone call was received alleging that a much more extensive tipping had occurred over the previous day or two. A site visit was duly carried out later the same morning which confirmed that a significant quantity of bricks/rubble/hardcore and soil had indeed been brought onto the land, deposited, and spread. This was raising the level of the land, lessening the gradient of the slope, and forming a new hardstanding area on the field. Substantial timber fencing had been erected around the land, and bisecting it down the middle. Much of that fencing was within the lawful height limit of 2 metres, although at the northwestern corner it exceeded that due to changing land levels (measured at some 2.35 metres). Whilst there was no activity ongoing at the time of the visit, it was clear that this was an unfinished work in progress.

Following legal advice and consultation with senior officers in accordance with the Council's delegation arrangements for urgent situations such as this, a Temporary Stop Notice (TSN) was prepared and served later the same day aimed at preventing any further tipping, raising of land levels and/or similar operational development. No further works had occurred in the meantime.

On Monday 20th June, another telephone call was received alleging that works had continued over the weekend in breach of the TSN. A site visit was carried out which confirmed that this was indeed the case. Material was now deposited and laid across much more of the field, ending in a straight line almost halfway down and much further than previously. It appeared to have been mixed and/or topped with road planings or similar, and compacted and levelled to create a formal hardstanding. Three caravans had been sited on this area (two of them presumably moved down from the approved site), plus a small horse box/trailer.

On Thursday 23rd June, following legal advice and further consideration, a second TSN was issued to prevent the stationing of any further caravans on

the new hardstanding. This was served on site at about 12 noon where it was found that there were now 4 caravans on the land. No further extension of the tipped/raised area was apparent.

On 30th June 2011 another site visit found some works continuing involving, inter alia, the spreading of more imported stone surfacing.

On 6th July 2011 the matter was reported to Planning Committee and formal/legal action was authorised. Further visits have since taken place and enforcement and stop notices were served on site on 14th July 2011. It is understood that appeals against those notices are being lodged with the Planning Inspectorate.

CONSULTATION RESPONSES

Neighbours Notified	: 04/07/11
Site Notice posted	: 06/07/11
Press Notice published	: 08/07/11
Cheswick Green Parish Council	: Object - further inappropriate development in the Green Belt. Previously requested that any subsequent breaches of planning conditions should be dealt with severely.
Ecology	: Conditions recommended to enhance biodiversity.
Landscape	: Conditions recommended to secure planting.
Sustainable Development Team	: As this development increases the size of the site without any increase in the number of pitches, it will not contribute to meeting need for Gypsy and Traveller pitches in Solihull. There is therefore a policy objection.
British Waterways	: No objection subject to drainage condition.
Highways	: No objection.
Fire Service	: No objection.
Severn Trent Water	: No comments received.

REPRESENTATIONS

Letter of objection from Caroline Spelman MP - harm to Green Belt, not in keeping with surroundings and light pollution.

Letter of objection from Councillor Hawkins – highway safety and traffic generation; Green Belt; noise; effect on neighbouring properties; and damage to the character and ecology of this rural location.

POLICY

Regional Spatial Strategy for the West Midlands 2008

CF5 - Delivering affordable housing and mixed communities

QE6 - the conservation, enhancement and restoration of the Region's landscape

QE7 - Protecting, managing and enhancing the region's biodiversity and nature conservation resources

T2 - Reducing the need to travel

Solihull UDP (2006)

T1 : An integrated and sustainable transport strategy.

ENV2 : Urban Design

ENV11 : Conservation of Biodiversity

C2 : Control of development in the Green Belt

C8 : Landscape quality

Emerging LDF Core Strategy

Policy 5 - provision of sites for gypsies and travellers

Government Guidance

PPS1 Delivering Sustainable Development

PPG2 Green Belts

ODPM "Guidance on Managing Unauthorised Camping" Feb 2004

ODPM Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites

'Planning for Traveller Sites' - consultation draft of new PPS, 2011

ODPM - "Local Authorities and Gypsies and Travellers - Guide to responsibilities and powers" 2006

DCLG "Guide to Effective Use of Enforcement Powers - Part 2: Unauthorised Development of Caravan Sites" Oct 2007

DCLG "Designing Gypsy and Traveller Sites - Good Practice Guide" May 2008

RTPI Good Practice Note 4: Planning for Gypsies and Travellers (2007)

PLANNING HISTORY

The application site has no relevant planning history prior to the 2010 approval and the events referred to in 'background' above. However, in 2002 planning application 2002/2266, for a barn, stables, tack room and hardstanding was refused. Later, in 2005, planning application 2004/2540 for

the erection of 3 stables, tack room and hay store was granted conditional permission - though this has since lapsed.

SITE DESCRIPTION

Prior to the recent unauthorised development the application site comprised a rectangular parcel of land sub-divided from the rest of an agricultural field/grazing land of which it originally formed a part. The site is accessed via a private track alongside the Stratford-upon-Avon canal which begins off Salter Street, adjacent to the car park of St. Patricks C of E School. Nearby, off the same track, is another small Gypsy site occupied by one family which has existed for over 20 years - unauthorised for most of that time but now with planning permission granted in 2010. The surrounding area in all directions comprises open Green Belt countryside. To the east, the land slopes gently downwards in a natural valley to a watercourse, before rising again towards Warings Green Road. The site comprised a hard surfaced compound, fenced and gated, which contained 3 caravans and several incidental buildings providing ancillary domestic facilities. This has recently changed as an area of field approximately twice the size of the original 'yard' has been raised and hard surfaced. Caravans have been moved from the yard onto the newly formed area and ancillary timber 'sheds' have been erected. Concrete pads have been laid, presumably for proposed mobile homes, and it is assumed that drainage infrastructure including a septic tank has been installed. New fencing has been erected around the perimeter and subdividing the site down the middle.

The site is approximately 350m from St. Patrick's Church on Salter Street. The nearest dwelling houses are approximately 400m to the east in Warings Green Road; 170m to the west on the other side of the canal in Salter Street; and approximately 160m to the south on the other side of the canal in Lime Kiln Lane.

MAIN ISSUES

- Green Belt: Whether the general need for gypsy site pitches, together with the individual needs and circumstances of the proposed occupiers of the site, amount to very special circumstances sufficient to outweigh the presumption against inappropriate development in the Green Belt.
- Impact on the character and appearance of the area.
- Impact on biodiversity and landscape character.
- Impact on the amenities of the occupiers of nearby dwellings.
- Highway safety and sustainability

APPRAISAL

Whilst there is no direct evidence that the applicants do, or have ever, actively led a nomadic habit of life, there is no argument that they are part of an extended family of Irish Traveller background, and as the Inspector for an enforcement appeal in 2005 considered that they should be regarded as Gypsies for planning purposes, I do not consider that it

would be reasonable for the Council to take a contrary view at this time in the absence of any material change in circumstances in this regard. Relevant Gypsy and Traveller policy therefore applies.

Green Belt

The proposed development constitutes an inappropriate development within the Green Belt. There is a presumption against such development. Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances (VSC) to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In subsequent sections of this report I will seek to identify and comment upon the existence or otherwise of any VSC and any harm that the proposals may have. These considerations then need to be brought together in an overall balancing exercise in order to give due consideration to the Green Belt policy question.

In order to consider whether any VSC exist it is useful to review the advice in Circular 1/2006 – Planning for gypsy and traveller caravan sites. The main intentions of the guidance are:

- To create and support sustainable, respectful and inclusive communities where gypsies and travellers have fair access to suitable accommodation, education and health and welfare provision, and promoting mutual respect;
- To reduce the number of unauthorised encampments
- To increase significantly the number of gypsy and traveller sites in appropriate locations with planning permission
- To recognise, protect and facilitate the traditional travelling way of life of gypsies and travellers whilst respecting the interests of the settled community;
- To underline the importance of assessing needs and for local authorities to develop strategies to ensure that needs are dealt with fairly and effectively;
- To identify and make provision for the resultant land and accommodation requirements;
- Ensure that DPD's include fair, realistic and inclusive policies and to ensure identified need is dealt with fairly and effectively;
- To promote more private gypsy and traveller site provision in appropriate locations;
- To help avoid gypsies and travellers becoming homeless through eviction from unauthorised sites without an alternative to move to.

At the time of drafting this report the Secretary of State has informed parliament that the approach in Circular 01/2006 is "flawed" and that planning rules should be the same for all. In these circumstances therefore, although

the Circular remains extant and applicable, it is open to members to give less weight to those parts of the Circular which do not appear to sit comfortably with the Secretary of State's recent statements. It should be noted that the Secretary of State has not said that the "intentions" of the Circular set out above (e.g. the need to increase sites with planning permission in appropriate places and to reduce the incidence of unauthorised camping) are flawed. Gypsies and travellers are believed to experience the worst health and education status of any disadvantaged group in England. Research has consistently confirmed the link between the lack of good quality sites for gypsies and travellers and poor health and education.

On 13th April 2011 CLG published "Planning for Traveller Sites" for consultation, which includes a draft PPS intended to replace Circulars 1/2006 and 4/2007. Whilst the existing Circular currently remains a material consideration, the new draft is also now a significant material consideration and indicates the 'direction of travel' of Government policy on this issue. It aims to create a 'fair, light-touch' policy that puts provision of sites into the hands of elected local Councils and makes traveller policy more like planning policy for housing.

The applicant cites the following material considerations which he contends, collectively, to amount to very special circumstances:

- identified local unmet need for Gypsy/Traveller pitches in the Borough
- personal needs and circumstances of the applicant families
- absence of suitable alternative sites in the area
- lack of planning policies capable of bringing forward new sites

I believe the key consideration is whether the specific needs and circumstances of the site occupiers, together with any general local need for gypsy sites, collectively outweigh the harm to the Green Belt (and any other harm). This requires an analysis in two parts, to enable an overall balancing exercise to follow.

1. Individual needs and circumstances of the occupiers

It is contended that the two families have an immediate and long-term need for authorised accommodation in the Solihull area. However this was recognised and accepted last year when their application (2010/1336) to retain their original site here was granted full planning permission. Then, as now, the site actually constituted just 2 pitches accommodating 2 families, but the submitted scheme included a third pitch to meet future needs. That permission met the claimed needs and provided them with an authorised site which had already been meeting their needs for some years without any apparent problems. The approved scheme was that submitted by them and presumably they considered it sufficient to meet their needs at the time of the application.

The current submission now contends that the approved site is too small to accommodate their needs. The permission was conditioned to reflect the

scheme as submitted – i.e. 3 pitches, each containing one caravan. The applicants argue that each of the two families has 3 children, and a single caravan is insufficient to give each family the space and privacy they need, particularly as they grow older. Also, they argue that the site is too small to provide a safe play area for the children, separate from the parking of vehicles including the commercial vehicles and trailers used by the applicants in their business. It is the case that the conventional modern design of a plot on a Gypsy/Traveller site, in accordance with Government design advice, includes a large static unit, a smaller touring caravan, plus space for parking and amenity space. However it should also be noted that the applicants have the right to replace their current caravans for larger mobile homes on the approved site, thereby creating more accommodation space. Also, there is an approved third pitch still available, providing the potential to lawfully site a third caravan and/or better organise and manage the available space so that parking space is distinct from play space. The Good Practice Guide states that there is no ‘one size fits all’ measurement of a pitch, but it does state “*as a general guide, it is possible to specify that an average family pitch must be capable of accommodating an amenity building, a large trailer and touring caravan, (or two trailers), drying space for clothes, a lockable shed (for bicycles, wheelchair storage etc), parking space for two vehicles, and a small garden area*”. Bearing in mind the number of substantial ancillary buildings erected on the site, and the extensive amount of open space in the centre, I consider the size and space already provided by the approved site was reasonably in accordance with this guidance for the two families occupying the site. In reaching this conclusion I am also mindful that no permission has been previously sought or granted for mixed residential/business use of this site. Therefore it can reasonably be expected that the two families should generate no more than 2 ordinary family cars, plus whatever commercial van or small lorry each of the two brothers drives home in at the end of each working day (up to a maximum size of 3.5 tonnes).

Having regard to the above I do not consider that the individual needs and circumstances of the applicants justify an extension of the site on this very large scale.

2. General Need

The 2004 Housing Act and Circular 01/2006 reintroduced a duty on local authorities to assess and provide for gypsy and traveller accommodation needs. Assessment should be through a Gypsy and Traveller Accommodation Assessment (GTAA). This Council carried out a GTAA, jointly with Birmingham and Coventry, in 2008. This identified a need within Solihull for 17 permanent residential pitches up to 2012, and a further 9 permanent residential pitches to accommodate family increases and possible in-migration, up to 2017 (26 permanent residential pitches in total) - as well as stopping places.

The emerging Core Strategy has identified the accommodation needs of gypsies and travellers as a key issue and proposes a strategy to consider first

opportunities presented by suitable existing established sites which do not currently have full planning permission. There are already several well-established in the Borough without a permanent permission and therefore as a first measure to meet immediate need to 2012 the Council proposes to assess the suitability of these existing sites using criteria identified in Policy 5 of the emerging Core Strategy (a copy of which is attached to this report). Several applications have been submitted and approved in that context, seeking to regularise longstanding existing unauthorised sites and thus contribute towards the identified need, including the 2010 application for this site. As a result a total of 12 pitches have been approved since the GTAA, leaving a reduced unmet need of just 5 to 2012 and a further 9 to 2017. The GTAA indicates that 4 pitches in the overall unmet need will need to be socially rented and that a small number of transit pitches should be provided. The provision of sites beyond 2012 is to be determined through the preparation of a DPD which is currently underway. The new draft guidance does not require LPA's to carry out a GTAA, referring instead simply to 'robust evidence of local need'. However the 2008 GTAA amply satisfies this requirement.

The emerging Core Strategy has been published for consultation. Whilst not yet formally adopted therefore, it should nevertheless be accorded some weight in considering applications for Gypsy and Traveller sites. However this application does not seek permission for a new site, or retrospective permission for an existing site, approval of which would make a contribution towards identified local need. Instead it seeks retrospective permission for a physical extension of an existing site - but without providing any additional pitches. This lessens the relevance of Policy 5 of the emerging core strategy, nevertheless it still provides criteria for assessment which, in the interests of consistency, it is appropriate to have regard to in this case. Some of these will apply to the extension as they did to the original site, i.e. it is not in area prone to flooding; it has the same safe highway access; and, whilst on the edge of what is normally considered a reasonable walking distance for access to services, having regard to the wider definition and factors applicable to Gypsy and Traveller sites, the site can reasonably be regarded as being in a sustainable location. However the extended site has materially greater impacts with regard to other identified criteria as follows :

- **Size and scale of the site and the number of caravans stationed –**

The developed area of the site as extended, is three times the size of the original approved site (from 0.16 hectares to 0.47 hectares). This a large area for just 2 pitches and, together with the fact that 3 units are proposed on each pitch, plus other ancillary buildings spread over a wholly hardsurfaced area, this is now a significantly larger site;

- **Whether the site has any adverse visual impact –**

The site is well-distanced from the public highway and any footpaths and, whilst adjoining the canal, it is so high above it with substantial screening between, that it cannot be seen from the towpath or from boats. This means there are no readily available 'public' views of it.

However, the natural contours of the land are such that the site is quite prominent in more distant views from the east, across the 'valley'. Whilst there are no public viewpoints in this direction, there are views from dwellings on the relevant section of Warings Green Road, from the rear of which the site can be seen. This means it does intrude on an important view from those properties across otherwise largely unspoilt countryside. The weight to be attributed to this was previously considered to be diluted by the small number of dwellings potentially affected, and by distance, and this was considered to be capable of being tackled by conditions (e.g. appropriate planting across the eastern boundary of the site). However the unauthorised extension brings the site very much closer to those dwellings, increasing its visual prominence and the degree of impact. I am no longer convinced that this can be effectively by condition. Planting, even if implemented and surviving long-term, could not wholly tackle this significant intrusion into what should be a view of unspoilt Green belt countryside and it is unlikely that the proposed "tree screen" shown on the submitted plan could ever be implemented in practice, for functional reasons and due to the nature of the ground which is built-up land comprising rubble, road planings and stone.

- **Whether the site has any adverse impact on the landscape or local nature conservation designations -**
The adjoining canal (and some other nearby but not adjoining land) is a proposed LWS/SINC but has no current statutory designation. Given the difference in land levels, and the boundary screening of established trees/hedge and newer fencing, I am satisfied that the site has no material impact on that nature conservation interest, and as it has been physically established and occupied for some years already, there is little likelihood of that established use causing future material harm to nature conservation interests. As for the extended area, whilst undoubtedly having caused some degree of harm, the land concerned had no formal designation and any harm has already occurred. Regarding landscape, the site is undoubtedly inappropriate in the context of the natural landscape character as defined in the Arden Landscape Guidelines and, whilst the degree of harm was formerly reduced by some extent due to the limited size, the significant increase in size causes a corresponding increase in harm.
- **The potential for noise and disturbance to neighbouring land uses from the movement of vehicles to and from the site and from the stationing of vehicles on the site -**
There are only 2 other sites/uses accessed from the same joint access track - one is a long-disused site formerly used many years ago by a landscape contractor and currently the subject of an enforcement case regarding an unauthorised new building, and the other is another small Gypsy site occupied by one family. The passage of vehicles associated with just 3 pitches, past this site, should not, in my view, be any more than might be expected by most dwellings and within reasonable limits. In terms of noise and disturbance more generally

however, there is plainly an intention to use the site for a mixed use including some degree of commercial activity (part of the proposed new layout is labelled as a "work area", and the extent of external lighting has previously been the subject of concern and complaints. This will undoubtedly be increased by an increase in the size of the site and thus be likely to lead to greater impact on the nearest dwellings, in addition to increased visual harm.

Overall Balancing Exercise and Conclusion

As described earlier, the proposed development represents an inappropriate development in the Green Belt. As such there is a presumption against the proposal unless very special circumstances exist that clearly outweigh the harm caused by inappropriateness and any other harm. The circumstances that have been advanced by the applicant could, in theory, constitute very special circumstances. It is for the decision maker to determine how much weight they should carry.

In this case, in addition to definitional harm, harm is caused to the character and appearance of the Green Belt and also by reason of encroachment into the countryside - the prevention of which is one of the main purposes of Green Belt policy. There is also harm to landscape and visual amenity, and potential harm by way of increased noise and disturbance. A very convincing set of material considerations would be needed to amount to very special circumstances sufficient to clearly outweigh such harm. In my view such circumstances have not been demonstrated. For the reasons explained above I am not persuaded that the individual needs and circumstances of the applicants, and/or the identified need for additional pitches in the Borough, is sufficient to justify this large and harmful site extension which provides no additional pitches. Both carry, at best, only limited weight in this case.

In any case, the Council has made significant progress in addressing local need, through the proper plan-led process. Some existing sites have been approved, reducing the number of pitches remaining to be found, and further applications are likely to be coming forward to be determined. The core strategy, including Policy 5 on Gypsy/Traveller sites, is progressing towards formal adoption, and an issues and options paper (including a call for sites) has gone through the consultation process with a view to adopting a DPD next year which will, inter alia, identify and allocate future sites. The Council is therefore discharging its responsibilities in this regard and this unauthorised development represents a deliberate and unlawful attempt to circumvent the proper planning process.

Human Rights

Regard must be paid to Articles 8 (the right to respect for private and family life and for the home) and 14 (the right to freedom from discrimination) of the European Convention on Human Rights. This includes related considerations of proportionality when weighing the harm caused to the public interest by the development, against the harm caused to the applicants by the interference in

those rights caused by a refusal of permission compelling the persons concerned to leave the land and (it is argued) thus continue the cycle of unlawful occupations.

The provisions of the European Convention on Human Rights should be considered as an integral part of local authorities' decision making – including its approach to the question of what are material considerations in planning cases. Local planning authorities should consider the consequences of refusing or granting planning permission, or taking enforcement action, on the rights of the individuals concerned, both gypsies and travellers and local residents, and whether the action is necessary and proportionate in the circumstances. The obligation on public authorities to act compatibly with Convention rights does not of course give gypsies and travellers a right to establish sites in contravention of planning control.

This issue has previously been considered in July 2011 when Members authorised enforcement and stop notice action. My advice at that time was as follows :

Formal action aimed at removing caravans from the field and undoing the unauthorised operational development would of course represent an interference in the occupiers rights under the Human Rights Act (Article 8 - the right to family life etc, and Article 1 of the First Protocol - freedom from interference with property etc). However both are 'qualified' rights, i.e. they can be subject to lawful interference where such interference is necessary in the public interest ('in the interests of a democratic society'). This requires consideration of the proportionality of the proposed action when weighed against the needs of, and effect upon, the families concerned. This is a particularly important consideration in cases of Gypsy and Traveller developments because their caravans are their homes, there is a recognised shortage of lawful sites and pitches, and there are often health, welfare and educational issues.

However this is not a typical set of circumstances. In this case, whilst there is an accepted need for a settled base for the two families concerned, not least in the interests of the children's education and health needs (one child has a particular medical problem needing regular treatment), that need has already been addressed by last year's planning permission regularising the site they had already occupied for some 6 years. The occupiers are free to continue to occupy that site, and indeed the permission allows for a third pitch within it. There has been no suggestion that the development is aimed at meeting the immediate needs of some other family/families. Having regard to this, and the harm to the Green Belt, countryside and amenity caused by the recent unauthorised development, I am satisfied that formal action would be proportionate and lawful in this case.

This remains the position.

Race Relations

The Race Relations Act 1976 prohibits racial discrimination by planning authorities in carrying out their planning functions. In addition, the majority of public authorities, including local authorities, have a general duty under the Act to actively seek to eliminate unlawful discrimination and to promote equality of opportunity and good race relations to all they do. The duty on local authorities to actively seek to eliminate unlawful discrimination, and promote good race relations does not of course give gypsies and travellers a right to act in breach of planning control and I do not consider that a refusal of planning permission would be contrary to this legislation in this case.

CONCLUSION

Having regard to all of the above, I conclude that very special circumstances have not been demonstrated in this case sufficient to outweigh the harm caused by definition and other harm. The development therefore constitutes inappropriate development in the Green Belt, which is contrary to national and local Green Belt policy.

RECOMMENDATION

For the reasons outlined above I recommend REFUSAL for the following reason :

The site to which this proposal relates is in an area where Green Belt policies apply. Policy C2 of the adopted Solihull Unitary Development Plan 2006 states that development will not normally be permitted in the Green Belt except where certain broad criteria apply. Having regard to the nature of this proposal and to Green Belt policies, the Local Planning Authority considers that the development represents inappropriate development. It is not considered that any general need for Gypsy and Traveller site pitches, or the personal circumstances of the applicants, constitute very special circumstances as they are not of sufficient weight to clearly outweigh the harm caused by inappropriateness; impact on the openness of the Green Belt; encroachment into the countryside; impact on the character and appearance of the Green Belt, and harm to amenity.