

**Officer Report to Committee**

---

**Application reference:** 20/0038  
**Ward:** STANLEY  
**Application type:** Full Planning Permission  
**Location:** LAND ADJACENT 433 MIDGELAND ROAD, BLACKPOOL

**Proposal:** Use of land for the keeping of horses and as a residential caravan site for two traveller families, each with two caravans (one static caravan/mobile home and one touring caravan), together with the erection of two ancillary amenity buildings and extension to hardstanding.

**Recommendation:** Refuse

**Case officer:** Pippa Greenway  
**Case officer contact:** 01253 476222

**1.0 BLACKPOOL COUNCIL PLAN 2019-2024**

- 1.1 The Council Plan sets out two priorities. The first is 'the economy: maximising growth and opportunity across Blackpool', and the second is 'communities: creating stronger communities and increasing resilience.
- 1.2 This application does not accord with any of the Priorities of the Plan and is considered to be at odds with the Council Plan with regards to sustainability.

**2.0 SUMMARY OF RECOMMENDATION**

- 2.1 The application site falls within the designated Marton Moss Strategic Site and Marton Moss Conservation Area. Policy CS26 of the Core Strategy makes it clear that development proposals not directly related to agriculture, horticulture or rural recreation will not be supported in advance of the production of a Neighbourhood Plan for the area. The impact of the proposal on the character of the surrounding area and the amenities of the occupants and neighbours can be mitigated by suitable landscaping and conditions. Currently there is no unmet need for traveller sites, as that need was met by planning permission granted by Committee in a more sustainable location (19/0094 adjacent 161 School Road). The scheme the subject of this application would not directly contribute towards meeting an identified gypsy and traveller requirement and therefore the proposal does not outweigh the objection in principle. As such, Members are recommended to refuse the proposal. Part 2 of the Council's Local Plan has been subject to an informal consultation and

although it suggests some potential sites for travellers and travelling showpeople, the weight that can be attached to the plan at this stage is limited. Members will also be aware that work on the Neighbourhood Plan for the Marton Moss Strategic Site is ongoing, however the weight that can be attached to the plan at this stage is also limited.

### **3.0 INTRODUCTION**

3.1 This application is before the Planning Committee because it constitutes a departure from the development plan and because the proposal is of interest to the wider public.

3.2 Members will be aware that the Government requires local authorities to undertake an assessment of the need for traveller and travelling showpersons sites in their area. This Council commissioned a joint study with Wyre and Fylde Councils and the initial report was published in 2014 and subsequently updated in 2016. The study sets out the requirements across the Fylde coast. For traveller sites this Council's need for sites over the period 2016-2031 is six pitches. However our neighbours Fylde Borough Council have over-provided by four pitches and, as the study considered the Fylde coast as a whole, this reduced the need in Blackpool to two pitches at the end of 2018. In February of 2019 the Planning Committee approved one pitch at 411 Midgeland Road (18/0156 refers) leaving a need for one pitch.

3.3 At Planning Committee on 31 July 2019, three applications were before Members relating to traveller sites:

- **19/0094 - LAND ADJACENT LAND ADJACENT TO GREENACRES, 161 SCHOOL ROAD**
- **19/0150 – LAND ADJACENT 433 MIDGELAND ROAD**
- **19/0317 - STATELEY LODGE, 41 SCHOOL ROAD**

3.4 The first proposal was recommended for approval, being in a more sustainable location than the second proposal, which was recommended for refusal, subject to the Committee granting approval of the first one. The Stately Lodge site (also approved) was an increase in numbers at an existing family plot. The current application is a resubmission of the second proposal (19/0150), which was withdrawn by the applicant just before it was due to be considered by Planning Committee.

### **4.0 SITE DESCRIPTION**

4.1 The application site is 0.8 hectares of agricultural land with a derelict timber/corrugated building on part. To the rear (east) is the Midgeland Road tip (within Fylde), behind an open watercourse and belt of trees; and there is sporadic residential development in the vicinity. It is located within Marton Moss on the south eastern fringe of the borough, and shares a boundary with Fylde borough. The area has a distinctive semi-rural character formed by the mix of horticultural, equestrian, residential and other uses present, reflecting its historic past as a market

gardening area. While more development exists along the main highway frontages, the land behind these frontages retains an essentially rural character, although it is very different from typical more open countryside.

- 4.2 The site is located within Marton Moss Strategic Site as defined in the Blackpool Local Plan Part 1: Core Strategy, adopted January 2016; within Marton Moss Conservation Area and within the Marton Moss Neighbourhood Forum area.

## **5.0 DETAILS OF PROPOSAL**

- 5.1 Planning permission was granted in 2018 (18/0123 refers) for the erection of a building to house four stables and one storage room and formation of paddock, hardstanding area and access road/track. The current proposal is to implement that permission, in addition to the use of the land as a traveller caravan site for two static caravans, two touring caravans and two amenity buildings. The development would be to the rear of the site in proximity to the borough boundary with Fylde; and an existing hedge would be to the front of the caravans, screening them from view. It also includes the provision of four car parking spaces and associated hardstanding. The development would not encroach onto the front of the site (to be a paddock), so the developed area would amount to approximately 1000 square metres.

- 5.2 The application has been supported by:

- Design and Access Statement
- Heritage Statement
- Planning Statement - an explanation of who the applicant is and their situation. The applicant is a Romany Gypsy, who still lives the nomadic way of life to earn a living from his work in the horse trade. This includes travelling the country to horse fairs such as Appleby in Cumbria, Stow on the Wold, Leigh Gap etc. He has done this for the last 50 years along with his family and is keen to continue to do so, although it has become harder because of health reasons and the lack of places to stop and rest on their travels. With regard to family and friends sites, they need the space to accommodate their own growing families, so it is harder to accommodate extra travellers. It is also more difficult to rest on traditional stopping grounds because of new legislation regarding gypsy and traveller stopping rights. The applicant is keen to carry on with his traditional way of life by continuing to attend horse fairs, but understands the importance of having a home for rest and recuperation, which would then allow him to carry on living the nomadic way of life for many years.

The statement goes on to say that the need for healthcare and education is paramount in the case of the applicant and his family. Living on the site would be the applicant and his wife, their son and daughter in law and two grandchildren. The applicant has three of his children and 15 grandchildren living on the Fylde coast. Both the applicant and his wife have recently undergone surgery and need easy access to healthcare; one of the grandchildren is a frequent visitor to

Blackpool Victoria Hospital and attends clinic once a week. The applicant is determined to give the youngest grandchild an education and to this end he attends a local nursery and is registered at St. Nicholas pre-school, which he can attend from 22 June 2020. The grandchild already has family and cousins who attend this school and this would help him be less isolated in society. Another grandchild is expected in June 2020 and a settled home with access to running services would be of great benefit, and would make access to GPs and midwives easier.

- Details of Gypsy Status - extracts are submitted from Circular 01/06 regarding Gypsy Status and the need to identify sufficient site provision through the production of a Fylde Coast Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA). Other material considerations with regard to applications for planning permission include: gypsy status; the need for sites and the availability of alternative sites; the applicants need for a gypsy or traveller site; personal circumstances; and human rights [Circular 01/06 was replaced by guidance in the Planning Policy for Traveller Sites in March 2014].

A letter of support is included from Violet Cannon, an author and activist for the Gypsy and Traveller Communities and Director of York Traveller Trust. She confirms that the family are ethnic Romany Gypsies whose needs should be met under the requirements of the Equality Act. She considers them to be a well-respected and prominent Gypsy family with links to many other families, including hers. She considers that their presence would have a positive impact on the local area and they would be a great asset to the community.

A series of photographs shows the applicant and family members/relatives attending fairs etc. through the years.

- Personal Circumstances – extracts from Planning Law with regard to Gypsy and Traveller proposals have been submitted, particularly with regard to the Human Rights Act 1998 (HRA). Highlighted are paragraphs in relation to the education of children of preschool (nursery) age and raising the achievement of Gypsy and Traveller pupils. Article 2 of Protocol 1 of the HRA provides that no person shall be denied the right to education and the children of Gypsies and Travellers require a minimum of stability in order to be able to attend the same school and receive continuous education.

A letter from Durham County Council Gypsy and Traveller Education Advisor states that she has met the family several times (the applicants' son and daughter in law) particularly after the birth of their youngest son and advises they are keen to put down roots. Their plans to settle coincide with their son accessing early year's provision and subsequently primary education in the local area.

There is also a right to healthcare and the applicant has submitted details of his wife's South Tees hospital records and his grandson's clinic record book (currently registered at a home address in Thornton Cleveleys).

- The availability of alternative sites – the applicant has submitted a letter from the Council run gypsy/traveller site on Chapel Road, which states that they know of at least eight families looking to buy plots of land to develop for their own families. They state that as families grow it becomes increasingly harder to find space on relatives and friends sites because they need space for their own children who have married and had children of their own. They consider that although GTAA's are a good idea, they have limited information and are only a snapshot in time and not 100% accurate. They do not take account of health and personal circumstances. Gypsy/traveller life expectancy is poor and significantly less than the sedentary population; and health problems are between 2 – 5 times more common than the settled community. There has been nowhere identified as appropriate land suitable for gypsy/traveller sites in the Blackpool area.

A letter has been submitted from Kinross Caravan Park on Whalley Lane advising that the applicant had asked to pull on the site, but the site is full up.

- With regard to Sustainability, more planning law has been highlighted with regard to Circular 01/06, particularly that local authorities should take a holistic approach to the issue of sustainability when considering whether to grant planning permission for a Gypsy or Traveller site; and that a distance of two miles is reasonable walking distance to school for children.

In response to a questionnaire from the Council, the applicant states that in the last year, more than five trips (living in a caravan or trailer) have been made away from their permanent base by the whole family (except the grandson), for reasons of work visiting fairs and gatherings to ply their trade as horse traders. They travel all year and stay on the roadside, or with friends and family; and they intend to travel in the future, but realise the need for more rest, easier access to healthcare and education.

- Letters of support have been submitted from 417, 433 and 462 Midgeland Road. They consider that the land has been a dumping ground for fly tipping over many years and they would prefer to see it tidy and become a family home. The siting of two mobile homes is preferable to vandalism/drug use/fly tipping, with the ultimate preference for a permanent dwelling.

## **6.0 RELEVANT PLANNING HISTORY**

- 6.1 19/0150 - Use of land for the keeping of horses and as a residential caravan site for two traveller families, each with two caravans (one static caravan/mobile home and one touring caravan), together with the erection of two ancillary amenity buildings and extension to hardstanding – APPLICATION WITHDRAWN.
- 6.2 18/0123 - Erection of a building to house four stables and one storage area and formation of paddock, hardstanding area and access road/track - APPLICATION GRANTED.

- 6.3 17/0763 - Erection of a building to house eight stables and two tack rooms and formation of paddock, hardstanding area and access road/track - APPLICATION REFUSED
- 6.4 76/0055 - Use of land for siting of caravan - APPLICATION REFUSED
- 6.5 75/1717 - Siting of one residential caravan. - APPLICATION REFUSED
- 6.6 75/0735 - Erection of temporary dwelling - APPLICATION REFUSED
- 6.7 74/0133 - Erection of dwelling house on smallholding - APPLICATION REFUSED

## **7.0 MAIN PLANNING ISSUES**

7.1 The main planning issues are considered to be:

- principle of the development
- need for the development
- personal circumstances of the applicants
- impact on the character and appearance of the Marton Moss Conservation Area
- impact on residential amenity
- impact on highway and pedestrian safety

## **8.0 CONSULTATION RESPONSES**

- 8.1 **United Utilities:** Drainage In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
- 8.2 **NATS Safeguarding:** NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.
- 8.3 **Fylde Borough Council:** No specific observations to make.
- 8.4 **Blackpool Civic Trust:** The Council needs to consider the draft policy for traveller caravans across the Borough before accepting piece meal development such as this. A precedent will be set if permission is granted.
- 8.5 **Marton Moss Neighbourhood Forum:** Marton Moss Neighbourhood Forum objects, in principle, with any application for planning which has failed to observe correct procedure. This application falls into that category for the following reasons:
- The Marton Moss Neighbourhood Forum is, at present, writing the Neighbourhood Plan for the designated area and will be publishing the draft plan early in 2020. The policies CS16 and CS26 are at present in force in the Neighbourhood Area, also part of the Forum area to the South of Progress Way is

a designated Conservation Area. This effectively means there is no building or change of use in the Forum Area until the new Neighbourhood Plan is adopted.

- There have been several explicit examples in recent months which have demonstrated a disregard for the rules when applying for planning permission. Forum members have acknowledged that the Council had not made adequate provision for Traveller and Showpeople sites. The previous applications were therefore approved retrospectively even though work was started and in some cases completed, before planning permission was granted. However, Blackpool Planning subsequently assured the Forum residents that this would not happen again as the quota for Traveller sites was now fulfilled.
- The proposal is contrary to Policy CS26 in that it would cause an unacceptable environmental impact; it is not a brownfield site; the cumulative impact of other authorised sites in the vicinity would cause harm to the character of the area and the local settled community; it would not have good access to transport links, public transport or be close to shops, schools, jobs, health and local services and other community facilities; pedestrian access to the site is not safe and convenient.
- The Application is inconsistent with Policy CS26 as in advance of the neighbourhood planning process, no development will be permitted in the area unless it accords with the criteria set out in part 2 of the policy. This essentially prevents new residential accommodation and restricts development to agricultural or horticultural purposes or outdoor recreational uses appropriate to a rural area; so as not to undermine the outcome of the neighbourhood planning process for the enhancement of the Moss.
- The Applicant has cleared the land without due consideration on the impact on wildlife, and has not given required notice of work to the trees over 75mm in diameter which are protected by Tree Preservation Orders in the Conservation Area.
- Planning regulations rules need to be followed by all residents and no special status should be given to any group. In order to establish trust and certitude a 'level playing field' for all is essential. The Council establishes rules and procedures for an ordered society, allowing residents to live peacefully, knowing that their rights and those of their neighbours are protected by their elected representatives. These rules and procedures should be followed by all, without prejudice or favour.

8.6 **Conservation Officer:** The proposal represents a change from the historic use of the site. The Marton Moss Conservation Area was designated primarily for its traditional and long-standing agricultural and horticultural past, and the pattern and type of built environment which developed around this land use. Although the proposal will retain a large amount of undeveloped land, if it is approved it should not be seen as a precedent to encroach further by, for example, the extension of hard standing for

more caravans. The protection of the rural and semi-rural nature of the Conservation Area is paramount. Additional hard standing should be kept to a minimum, and grass reinforcement mesh used wherever possible instead of gravel or other surface material. No trees should be removed as part of the development, and additional screening should be provided if necessary.

- 8.7 **Environmental Protection (Contaminated Land)** - The site is located on the boundary of a historic landfill site which has been filled. A Phase 1 Desk Study is requested, if this shows that there is a significant likelihood of significant harm, it is to be followed by a Phase 2 study. If remediation is required, a remediation strategy is to be submitted to the Local Authority for approval prior to commencement of works. On completion of remediation a validation strategy is to be submitted for approval.
- 8.8 **Local Highway Authority:** No objection to the proposal.
- 8.9 **Environmental Protection (General comments):** no comments have been received in time for inclusion in this report. If any comments are received in advance of the Committee meeting they will be reported through the update note.
- 8.10 **Council Drainage Officer:** no comments have been received in time for inclusion in this report. If any comments are received in advance of the Committee meeting they will be reported through the update note.

## 9.0 **REPRESENTATIONS**

- 9.1 Site notice published: 29/01/2019
- 9.3 Neighbours notified: 29/01/2019
- 9.4 No objections received.
- 9.5 One letter of support received from 463 Midgeland Road.

## 10.0 **RELEVANT PLANNING POLICY**

### 10.1 **National Planning Policy Framework (NPPF)**

10.1.1 The NPPF was adopted in February 2019. It sets out a presumption in favour of sustainable development. The following sections are most relevant to this application:

- 5 - Delivering a sufficient supply of homes
- 8 - Promoting healthy and safe communities
- 9 - Promoting sustainable transport
- 11 - Making effective use of land
- 12 - Achieving well-designed places

- 14 - Meeting the challenge of climate change, flooding and coastal change
- 15 - Conserving and enhancing the natural environment
- 16 - Conserving and enhancing the historic environment

## **10.2 National Planning Practice Guidance (NPPG)**

10.2.1 The National Planning Practice Guidance (NPPG) expands upon and offers clarity on the points of policy set out in the NPPF.

## **10.3 Planning Policy for Traveller Sites (PPTS)**

10.3.1 The August 2015 document sets out the Government's planning policy for traveller sites and should be read in conjunction with the National Planning Policy Framework. The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

10.3.2 To help achieve this, Government's aims in respect of traveller sites are:

- that local planning authorities should make their own assessment of need for the purposes of planning.
- to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of sites.
- to encourage local planning authorities to plan for sites over a reasonable timescale.
- that plan-making and decision-taking should protect Green Belt from inappropriate development.
- to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites.
- that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies.
- to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply.
- to reduce tensions between settled and traveller communities in plan-making and planning decisions.
- to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure.
- for local planning authorities to have due regard to the protection of local amenity and local environment.

10.3.3 Applications for new sites should be assessed and determined in accordance with the presumption in favour of sustainable development and the application of specific

policies in the National Planning Policy Framework and this planning policy for traveller sites.

10.3.4 Local planning authorities should consider the following issues amongst other relevant matters when determining 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.

10.3.5 Local planning authorities should 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.

10.3.6 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.

10.3.7 Subject to the implementation arrangements, if a local planning authority cannot demonstrate an up-to-date five-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.

10.3.8 For the purposes of this planning policy “gypsies and travellers” means: Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

#### **10.4 Blackpool Local Plan Part 1: Core Strategy 2012-2027**

10.4.1 The Core Strategy was adopted in January 2016. The following policies are most relevant to this application:

- CS5: Connectivity
- CS7: Quality of Design
- CS8: Heritage
- CS9: Water Management
- CS16: Traveller Sites
- CS26: Marton Moss
- CS27: South Blackpool Transport and Connectivity

#### **10.5 Blackpool Local Plan 2011-2016 (saved policies)**

10.5.1 The Blackpool Local Plan was adopted in June 2006. A number of policies in the Local Plan have now been superseded by policies in the Core Strategy but others have been saved until the Local Plan Part 2: Site Allocations and Development Management Policies has been produced. The following saved policies are most relevant to this application:

- LQ1: Lifting the quality of design
- LQ2: Site context
- LQ10: Conservation Areas
- BH3: Residential and visitor amenity
- BH4: Public health and safety
- AS1: General development requirements (transport)

#### **10.6 Blackpool Local Plan Part 2: Site Allocations and Development Management Policies (emerging policies)**

10.6.1 The Blackpool Local Plan Part 2 has been subject to an informal consultation exercise and will be subject to formal consultation later this year. At this point in time limited weight can be attached to the policies proposed. Nevertheless, the following draft policies in Part 2 are most relevant to this application:

- Policy DM20: Landscaping
- Policy DM27: Conservation Areas
- Policy DM33: Biodiversity
- Policy DM39: Transport Requirements for New Development

## **10.7 Other Relevant Policy Guidance**

### **10.7.1 Fylde Coast Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA)**

10.7.2 In response to the Government's 'Planning Policy for Traveller Sites (PPTS) document and to inform future planning policy and planning decisions this Council in conjunction with our neighbours Wyre and Fylde commissioned a needs assessment for gypsies/travellers and travelling showpeople. The assessment, published in September 2014, recorded the situation in terms of provision within the three Council's areas and set out the need in the future, broken down into five-year periods as advocated by the Government's document. The GTAA was updated in 2016 as a result of a revised version of Planning Policy for Traveller Sites (PPTS) published in August 2015.

10.7.3 The revised version of PPTS now requires a GTAA to determine whether households living on sites, yards, encampments and in bricks and mortar fall within the new "planning" definition of a Gypsy, Traveller or Travelling Showperson. The new definition now excludes those who have ceased to travel permanently. In terms of Blackpool, the previous GTAA identified a need for 38 additional Gypsy and Traveller pitches and two Travelling Showpeople plots. The updated GTAA (with the new definition of Gypsy or Traveller) indicates that there is a need for a maximum of six additional pitches in Blackpool over the 15-year GTAA period (2016 - 2031). A number of sites were subsequently approved in Fylde, which contributed towards our supply, and the outstanding requirement for one pitch was met by the grant of planning permission on the School Road site (19/0094).

## **11.0 ASSESSMENT**

### **11.1 Principle of Development**

11.1.1 The Planning Policy for Traveller Sites (PPTS) states that local planning authorities should consider the following issues (amongst other relevant matters) when determining planning applications for traveller sites:

a) the existing level of local provision and need for sites

The PPTS requires Councils to have a five year supply of sites (and preferably more) if a need is identified. The Council's GTAA identified a need, but as indicated above, that need has been satisfied by the grant of recent planning permissions, until 2031.

b) the availability (or lack) of alternative accommodation for the applicants

In terms of accommodation within Blackpool, the applicant shows that existing sites on Chapel Road and Whalley Lane are full and cannot take his family; however there is no analysis of why appropriate accommodation cannot be available in the adjacent borough of Fylde, the boundary of which is on the rear boundary of the site.

c) other personal circumstances of the applicant

The Public Sector Equality Duty (PSED) contained in the Equality Act 2010 sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The best interests of any child is also a primary Public Sector Equality Duty consideration. Since the application involves two gypsy families, they have protected characteristic for the purposes of the Public Sector Equality Duty.

In considering the aims of the Public Sector Equality Duty, the statement which accompanies the application attempts to provide over-riding personal circumstances as to why the applicant needs to be here. Strong family connections to Blackpool have been cited, as well as dependence on health services and for the education of children. The eldest grandchild is currently residing in Thornton (with his mother, I understand) and there is no obvious need for him to move onto a Gypsy/Traveller site in order to continue his health clinic appointments. The applicant cites his wife's ill health, but this is being managed at South Tees hospital in the North East; again, there is no obvious reason why this should transfer to Blackpool. In terms of education, this relates to the youngest grandchild, who at 18 months old is not yet at pre-school age and so there is currently no continuing education requirement. In human rights terms, I do not consider these to be factors sufficient to over-ride the normal application of Policy.

- 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.

As there is no identified need for further pitches/plots until 2031, the main policy which comes into play is Policy CS26 of the Core Strategy, which makes it clear that development proposals not directly related to agriculture, horticulture or rural recreation will not be supported in advance of the production of a Neighbourhood Plan for the area. The comments from the Marton Moss Neighbourhood Forum are relevant in this respect. Policy CS26 does not propose any housing development on the remaining lands on the Moss unless this emerges through the neighbourhood planning process from the community, in which case it will be set out in a Neighbourhood Plan or a Site Allocations Development Plan Document. In advance of that document, no development will be permitted in the area unless it accords with the criteria set out in part 2 of the policy (restricting to agriculture, horticulture etc). This restriction is so as not to undermine the neighbourhood planning process for the enhancement of the Moss. The proposal is therefore contrary to Policy CS26.

- e) that they should determine applications for sites from any travellers and not just those with local connections.

This requirement is noted but does not have particular bearing on this case.

11.1.2 Although Policy CS26 precludes the proposal, Policy CS16 of the Core Strategy directly relates to traveller sites and suggests that the target for new pitches established through the GTAA will be met through the next stage of the plan - the site allocations and development management development plan document (DPD). However, it also recognises that applications may come forward before the development plan document is adopted and sets out eight criteria against which applications should be judged:

- a. Be suitable in that it provides a good living environment for residents, including access to essential infrastructure and services and does not cause an unacceptable environmental impact;

In this case the application site fronts a narrow road along the eastern boundary of the Marton Moss area within Blackpool, and is remote from the School Road junction which provides links to south Blackpool, the M55 and Lytham St Annes. School Road no longer carries the no 10 bus route (which provided an hourly service to the new Co-op on Highfield Road and to the Town Centre) but there is a No.17 bus service from Common Edge Road which is 1.2 km to the west, and provides half hourly services to St Annes and to Blackpool Town Centre, and the closest train station is 4 km distant. The site is 1 km from St Nicholas' Primary School and almost 3 km remote from Highfield Humanities College on Highfield Road. The nearest local centres (Common Edge Road/Highfield Road junction and St Annes Road /Squires Gate Lane junction) are some 2.5 km away. Although there is an expectation that children can walk two miles to school, it is unrealistic on a narrow road with no footpaths in places. This would particularly be true in darker winter months. Given the lack of easy connectivity to local facilities, the site is not considered to be particularly sustainable.

- b. Be appropriately located taking into account surrounding uses, with preference given to sites being located on brownfield land;

The applicant is currently building stables on the site, however this does not put it in the category of a brownfield site as it is still a field.

- c. Not cause demonstrable harm to the quality, character and appearance of the landscape taking account of the cumulative impact of other authorised sites in the vicinity;

There are other gypsy/traveller accommodation sites along this section of Midgeland Road. There is a site at 411 Midgeland Road (18/0156 refers), which although was considered unsustainable, was approved because the unmet need (lack of five year supply of sites) at that time weighed significantly in the balance. The travelling showman's site across Midgeland Road (19/0010) was similarly approved, because although unsustainable, the unmet need for this type of site weighed significantly in favour of the application. The road is characterised by ribbon development interspersed with areas of open land, some of which previously housed greenhouses. It is more of an urban fringe area than an open countryside location and is characteristic of the many roads which cross Marton Moss. The restriction on the

siting of the caravans, amenity blocks and vehicles to the rear of the site, over 100 metres from the road and behind a substantial hedge, with a field to the front for the paddock, would mean less impact on the character and appearance of the Marton Moss Conservation Area.

- d. Be of a size and scale appropriate to the size and density of the local settled community;

The site is to accommodate two pitches and it is considered that this would not have any significant impact on the local community in terms of its size.

- e. Have good access to transport links, public transport and be close to shops, schools, jobs, health and local services and other community facilities;

See the comments in respect to (a) above. The site is not considered to be in a sustainable location, particularly in relation to public transport, shopping and other facilities and although there are some limited facilities in the area, the majority of journeys would have to be by car.

- f. Have safe and convenient vehicular and pedestrian access from the highway and provide adequate space for the provision of parking, turning, servicing, storage and land for associated livestock where appropriate;

The Head of Transportation has no objection to the proposal on highway safety grounds. There is space within the site for car parking and for vehicles to turn around and leave the site in forward gear. It is unlikely that the proposed development would generate a significant amount of traffic such as to have highway safety implications. However, if approval was being considered by Committee, a condition could be imposed limiting the use of the remainder of the site in order to limit the area of hardstanding and the numbers and sizes of vehicles accessing the site to that associated with what is currently proposed.

- g. Be well designed and landscaped to give privacy between pitches/plots, and between sites and neighbouring properties and to avoid harmful impacts by noise, light, vehicular movements and other activities;

Landscaping is proposed to be retained around the proposed amenity blocks and caravans in order to not impact on the appearance of the site and provide some privacy to neighbours. The caravans would be located so that any views into neighbouring gardens would be restricted by landscaping and the stable building. The caravans and chalet would be in close proximity to each other, but as it is anticipated that the two families would be related, privacy is not considered to be an issue.

In terms of the likely impact upon 433 Midgeland Road the caravans would be located well away from the dwelling. The proposed access road would run along the boundary with the dwelling, but it is considered that the impact of its use by two families should not adversely impact in terms of potential noise and disturbance.

- h. Provide soft landscaping and where appropriate communal recreational areas for children.

There is no need for communal recreational areas as it is anticipated that the proposal would be for two related families.

- 11.1.3 In terms of the impact on the character and appearance of the Marton Moss Countryside area, the Marton Moss Characterisation Study that forms part of the evidence base to the Core Strategy states that this area consists of the areas of small piecemeal post medieval enclosure along Division Lane, Midgeland Road up to Chapel Road and west to Common Edge Road, surrounding by busy arterial routes. It consists of the earliest cobbled buildings through to modern detached bungalows and is an enclosed leafy landscape based around lanes, rectangular fields and drains with views limited to gaps in hedgerows across open paddocks. The caravans would not be particularly visible from Midgeland Road behind the existing hedge and views through to the open countryside would be retained. The Marton Moss Neighbourhood Forum has concerns that all the trees are being removed from the site which is within a Conservation Area, this is a matter for the Council's enforcement team to address if considered appropriate.
- 11.1.4 With regard to the impact on residential amenity, the proposal should not have any significant impact on the amenities of the occupiers of the adjacent dwellings as the proposed siting of the caravans/amenity building and the retention of a landscaped buffer would help to reduce the impact, see section g. above. A planning condition could require a scheme of additional planting (including details of species etc.) if approval was considered appropriate. Use of the site could also be restricted to two related families living within two caravans and two amenity buildings limiting the level of activity.
- 11.1.5 The impact on highway and pedestrian safety is not considered an issue by the Head of Highways and Traffic Management. The footway is sporadic here, but as the lane is now effectively a cul-de-sac, the amount of traffic is minimal and likely to be mainly used by locals. As this proposal is for a maximum of two families, it is not considered that permission could be resisted on this ground.
- 11.1.6 The application has been considered in the context of the Council's general duty in all its functions to have regard to community safety issues as required by section 17 of the Crime and Disorder Act 1998 (as amended).
- 11.1.7 Under Article 8 and Article 1 of the first protocol to the Convention on Human Rights, a person is entitled to the right to respect for private and family life, and the peaceful enjoyment of his/her property. However, these rights are qualified in that they must be set against the general interest and the protection of the rights and freedoms of others. The Secretary of State recognises that these types of applications raise human rights issues but in this case, refusing the application would not be an interference of the applicant's rights as there is no home established on the site.

## **11.2 Sustainability and planning balance appraisal**

- 11.2.1 Sustainability comprises economic, environmental and social components.
- 11.2.2 Economically the scheme would have a very limited impact but the creation of new residential units would help to support local shops and services.
- 11.2.3 Environmentally, the impact on the character and appearance of this conservation area and on the amenities of neighbours can be mitigated by appropriate landscaping and a restriction on the location and limitation on the number of caravans, amenity buildings and parking within the site.
- 11.2.4 Socially, the site is somewhat remote from St. Nicholas primary school on School Road, the No.17 bus service on Common Edge Road and other neighbourhood facilities, although it is clearly not an isolated site in the open countryside. There is no identified need for gypsy and traveller sites in the district, until at least 2031. There are no alternative pitches presently available within the borough, however the applicant has alternative accommodation in the north east which is available to meet the family's needs.
- 11.2.5 Representations have been made to the effect that there would be an interference with the human rights of the appellants under Article 8 of the Human Rights Act 2010 if the application was refused. For reasons outlined above, this situation would not arise - there is no significant personal need for accommodation for the two households within the borough. The applicants have a protected characteristic for the purposes of the Public Sector Equality Duty and this has been taken into account in assessing the proposal.
- 11.2.6 In terms of planning balance, the development proposed is not considered to constitute sustainable development in terms of the social component. No other material planning considerations have been identified that would outweigh this view.

## **13.0 CONCLUSION**

- 13.1 The application site falls within the designated Marton Moss Strategic Site and Marton Moss Conservation Area. Policy CS26 of the Core Strategy makes it clear that development proposals not directly related to agriculture, horticulture or rural recreation will not be supported in advance of the production of a Neighbourhood Plan for the area. The impact of the proposal on the character of the surrounding area and the amenities of the occupants and neighbours can be mitigated by suitable landscaping and conditions. Currently there is no unmet need for traveller sites, as that need was met by a planning permission granted by Committee in a more sustainable location. The scheme the subject of this application would not directly contribute towards meeting an identified gypsy and traveller requirement and therefore the proposal does not outweigh the objection in principle.

## **14.0 BACKGROUND PAPERS**

- 14.1 Planning Application File(s) 20/0038 which can be accessed via the link below:  
<https://idoxpa.blackpool.gov.uk/online-applications/search.do?action=simple>

## **15.0 RECOMMENDATION**

- 15.1 Refuse for the following reasons:

- 1 In the absence of any over-riding identified need for the development in terms of Policy CS16, the proposal is contrary to Policy CS26 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027, which seeks to limit development in Marton Moss to the conversion or change of use of existing buildings for agricultural or horticultural purposes, or outdoor recreational uses appropriate to a rural area, in advance of the production of a Neighbourhood Plan for the area in order to safeguard the character and function of the wider area.
- 2 By virtue of the poor connectivity of the site to local amenities, the proposed use of the land as a traveller site for two gypsy families would not constitute sustainable development and would be contrary to Policy CS16 of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 which requires traveller sites to have access to essential infrastructure and services, transport links, shops, schools, jobs, health services and community facilities. It would also be contrary to the central objective of sustainable development set out in the National Planning Policy Framework.
- 3 **ARTICLE 35 STATEMENT (NATIONAL PLANNING POLICY FRAMEWORK paragraph 38)**

The Local Planning Authority has sought to secure a sustainable development that would improve the economic, social and environmental conditions of Blackpool but in this case there are considered factors which conflict with the National Planning Policy Framework and policies of the Blackpool Local Plan Part 1: Core Strategy 2012-2027 and the Blackpool Local Plan 2001-2016, which justify refusal.