

Heine Planning Consultancy

Alison T Heine B.Sc, M.sc



12.12.2023
L1-J20-2023

Hinckley & Bosworth Borough Council
Hinckley Hub
Rugby Road
Hinckley
Leics LE10 0FR

Via Planning portal

Dear Sir/ Madam

Resubmission of application 23/00655/ful refused 25.8.2023

MATERIAL CHANGE OF USE OF LAND TO PROVE 4 no. GYPSY TRAVELLER PITCHES INCLUDING DAYS ROOMS WITH ASSOCIATED LANDSCAPING.

Mr D Winter

Land south of Normandy Way and adjoining 12 Newquay Close, Barwell, Hinckley

Permission was refused on 25.8.2023 for the above development. This is a resubmission of that application to address the three reasons relied on for dismissing the application and add to the other material considerations to be relied on.

I rely on the same documents submitted last time:

Location plan and day room plan

Proposed site layout plan

I also provide a highway report prepared by Mr Matt Lennon of Lennon Transport Planning.

Permission was refused for three reasons as follows:

Reason 1: Significant harm to the intrinsic value etc of the countryside

Reason 2: Intensification of vehicular movements turning onto/off A47

Reason 3: Appropriate and safe vehicular access

Relevant development plan policies are CS 6,18 and 20 and DM 4

As consent is sought for a Traveller site, regard should also be had to Planning Policy for Traveller sites (PPTS).

Reason 1

The Council are concerned that the proposed development would result in significant harm to the intrinsic value, beauty, open countryside and landscape character of the countryside in principal and by virtue of the domestication and urbanisation of the site. Significant is a high bar to pass. Anything less than significant should be considered acceptable and approved.

Points to note are as follows:

- the proposed development is small scale for 4 pitches and will retain existing landscaping and proposes to enhance existing landscaping with additional planting of native trees and shrubs. The caravans and structures are all single storey. The impact will be significantly less than the high density modern two storey housing development that adjoins the site which has been designed and built with little to no buffers to the adjoining countryside and presents quite a harsh urban edge to the Green Wedge..

- this is an urban fringe location. Indeed the address is described as land adjacent to No 12 Newquay Close. This is not open countryside free from other development. It is a location which is already impacted by the presence of adjoining development which overlooks the site and provides a backdrop to the site. The site adjoins and relates well to the modern housing estates on the edge of Hinckley. The site fronts the main A47 Normandy Way and to the north of this are allotment gardens which have a semi-urban appearance. Whilst the site lies outside a settlement it retains a strong urban feel due largely to the impact of the heavily trafficked A47 complete with pavements/ cycle path and street lighting, and proximity of modern housing estates. Although there are no public rights of way across or adjoining the site, occupants of the nearby housing estates previously used to walk their dogs around the site and through the site into the adjoining field. There is physical evidence on site to suggest that some dog walkers continue to walk their dogs on an adjoining field to the east. The application site was being used in association with these housing estates on an ad hoc basis and the Applicants had to erect signs to point out that this was private land and secure the entrance

- the application site is not designated for its landscape setting. The site has little intrinsic value or beauty in itself. It is a small field, enclosed with trees, hedgerows and ditches. The setting and landscape character is heavily influenced by adjoining housing estates, traffic on the A47 and highway infrastructure on the A47 frontage. The wider area is a mixture of farmland enclosed with hedgerows and hedgerow trees and, with small areas of woodland and typical urban fringe uses (eg allotments, schools, recreation grounds, sewage works) dissected by major transport corridors such as the A47 which introduce noise and activity into the setting. There are a few public rights of way but it is not an extensive network and many are severed by major roads such as the A47 and Leicester Road.

- the proposed use is an appropriate use on land outside settlements as set out in national guidance in PPTS. Indeed PPTS is supportive of new Traveller sites on the edge of settlements such as this. Paragraph 25 of PPTS advises that new traveller sites in the open countryside, away from existing settlements, or outside areas allocated in the development plan, should be very strictly limited. This policy does not in principle preclude gypsy and traveller sites being located in the countryside. There is no in-principle objection to the use of this land for the proposed development as stated in the reason for refusal for 23/00655/ful and no excuse for the Council to ignore the clear and unambiguous advice in PPTS. The authors of PPTS would have appreciated that most Traveller sites involve hard standing, small structures and caravans. They are urbanising features. Yet PPTS advises that this is a use of land which is can be located on

land outside settlements provided there are no special landscape/ wildlife/ historic or other designations or the purpose of these designations is not compromised.

-the concerns of the Council could be addressed by condition.

The reasons for refusal also states that the scheme would fail to protect the role and function of the designated Hinckley/ Burbage/ Earl Shilton/Burbage Green Wedge. The site lies just within a Green Wedge (GW). This is not a national designation. It is a local designation of local value adopted following the repeal of Regional Planning. Green Wedges do not carry the weight of Green Belts even though their aims appear to be similar. The NPPF contains no policy reference to green wedges. Their key role is to retain separation between settlements and act as a recreational resource for adjoining urban areas which have been developed with very little public open space to serve modern housing estates. Burbage Common to the south of Leicester Road is singled out as a key recreational asset. The proposed development would have no direct or indirect impact on the Common. There are no rights of way connecting any urban area with Burbage Common across and adjoining the application site. The GW is not designated for its landscape quality or agricultural/ wildlife value though it may have environmental benefits with regards wildlife, air quality and flood alleviation.

The site forms a tiny part of the GW on the urban edge of a GW . It does not punch a large hole in the middle of the GW. It is insignificant in scale, footprint, massing and visual impact compared with other built development in the same GW including the large sports stadium and Dorothy Goodman Upper School.

This site is bounded by open fields to the east but to the north, south and west are urban developments/ A47. It is subject to CS policy 6, the Green Wedge Review 2020 and CS20 Green Infrastructure. The GW seeks to protect the separation of three settlements, help protect their individual identities and provide easy access from the urban areas into green spaces contributing towards the quality of life for residents of these urban areas. The GW is an important part of protecting the green infrastructure of the Borough.

CS6 states that the GW is to be managed to retain and enhance the GW as ' an attractive contribution to the quality of life of nearby urban residents'. It lists the types of land uses acceptable in the GW. Even though the Core Strategy was adopted 2009 when C1/2006 supported Traveller sites within the countryside, Traveller sites were not listed even though most other land uses acceptable in rural areas are listed. There is no explanation why Traveller sites were excluded but it is likely it was simply overlooked as is the case in very many development plan policies for the countryside. CS18 for Gypsy Travellers states that planning permission will be granted for new sites within or adjacent to the settlement boundary of Hinckley, Burbage, Barwell and Earl Shilton and makes no reference to CS6 and the Green Wedge restriction for this same area There appears to be tension, if not direct conflict, between these two policies. There is also tension between CS18 adopted 2009 and DM4 of the 2016 DPD. DM4 Safeguarding the Countryside and Settlement separation also fails to include provision for Travellers which is contrary to both CS18 and PPTS.

CS6 states that any land use or associated development in the GW should

- a) Retain the function of the GW

- b) Retain and create green networks between the countryside and open spaces within the urban areas
- c) Retain and enhance public access to the GW especially for recreation
- d) Retain the visual appearance of the area.

In response I would point out

- a) The GW function differs little from that of the countryside generally. As PPTS makes clear, Traveller sites do not necessarily compromise the function of the countryside. There is no reason why a Traveller site in a GW would compromise the GW function.
- b) The existing hedgerows and trees will all be retained and enhanced though there are no links to open spaces within the adjoining urban areas.
- c) There is no existing public access through the site for recreation or any other purpose.
- d) There will be localised harm to the visual appearance of the area but all existing boundary vegetation will be retained and little can be seen of the site from any public place. Views from the A47 are fleeting on account of the depth of tree / shrub cover behind the grass verge and within the site itself.

CS20 Green Infrastructure seeks to protect and enhance the network. In the southern zone 9 strategic interventions are listed. Most of these interventions appear to be directed at improving the recreational potential of the area. The last is for the Hinckley GW. Policy states that this will be maintained as it plays an important environmental and landscape protection role to be developed into a large scale recreational asset to service the sustainable urban extension and residents living in North Hinckley. It is not clear what is meant by a 'large scale recreational asset' or what the Council has in mind.

The Green Wedge Review stresses that the presence of the GW helps to maintain settlement identity whilst providing green infrastructure links between settlements. It extends to 44 hectares. However the GW review notes that the section of land between Normandy Way (A47) and Leicester Road has a number of recreational uses, and has the most built development in the GW not all of which meet the GW function/ criteria.

The separation and individual identity of these settlements will not be compromised by development as it is both small scale and appropriate for a rural location and the A47 ensures that Hinckley and Earl Shilton retain a degree of separation as there are few opportunities to easily cross this A road. The development of this field will not impact on the access from urban areas into green spaces. Indeed it is quite shameful for the Council to rely on this concern when they retain ownership of an adjoining field which is gated to deter and prevent access from the housing estate onto land in the GW. The adjoining housing estates were not designed in a way which suggests that this field made any contribution towards the quality of life. Houses on Newquay Road are aligned with gable end walls facing the site and strong boundaries to separate the estate from the GW. The houses to the north are all separated from the field by the land owned by the Council and strong boundary landscaping. Little can be seen of the field from these houses. The only public access into the GW is from Barwell Lane where a small recreation ground and new Dorothy Goodman Upper School already encroach into the GW. That track leads up the A47 Normandy Way. Further to the east before the A47 roundabout is the large purpose built football stadium/sports ground with access taken off Leicester Road which has intrusive flood lights and extensive car park.

Reasons 2 and 3 for refusal

These are addressed in a separate statement by Mr M Lennon of Lennon Transport Planning.

The current use of the land is as a field used to graze a horse with a vehicular access off A47. It is not disputed that the proposal would be likely to lead to an intensification in turning traffic at the site access. However permission is sought for a residential caravan site. It would not operated as a transit site.

Vehicle parking and turning can be provided within the site to the satisfaction of the Local Planning Authority & Local Highway Authority.

A vehicular access will be set out to the satisfaction of the Highway Authority in accordance with the guidance set out in the 'Leicestershire Highways Design Guide' and the Design Manual for Roads & Bridges. Appropriate width, geometry and visibility splays can be secured via an appropriately worded planning condition. LTP have produced an access arrangement drawing which demonstrates the above along with associated vehicle swept path analysis. Given the straight road and wide grass verge visibility splays of 2.4m x 146m to the east and 2.4m x 164m to the west can be achieved. There is no issue with the access.

It is demonstrated that the proposal if permitted will not result in any severe traffic capacity or safety impact on the local highway network. The residual cumulative impacts of development can be mitigated and are not considered severe in accordance with Paragraph 111 of the NPPF. It is predicted that the proposal could generate in the region 15 No vehicular trips in to the site and 15 No vehicular trips out of the site each day.

Local facilities are within appropriate distances from the site to be accessible by cycling and walking. The proposal provides a reasonable opportunity to promote sustainable transport modes in accordance with Paragraph 108 of the NPPF.

The proposed development will not have a negative impact on the capacity or safety of the local road network.

At the request of the LHA vehicle swept path analysis was carried out for a 4 x 4 vehicle towing a caravan and an improved access arrangement was designed on that basis.

Other material considerations

Reason 1 states that the adverse impacts significantly and demonstrably outweigh the benefits of the scheme. This is not accepted. Even if the proposed development is found to conflict with adopted policies there are other material considerations capable of carrying significant weight in support of this proposal.

1-The Gypsy Status of the Applicants was not disputed. This requires consideration of policy guidance in PPTS which is supportive of sites in the countryside and especially sites on the edge of settlements.

2-The proposed development complies fully with CS18. It is adjacent to the settlement boundary of Hinckley and as such it is located within a reasonable distance of local services and facilities. Indeed this is a highly sustainable location for a Traveller site with a cycle path along the A47 outside the entrance. As the Highway Report prepared by Mr Lennon confirms the site has safe highway access, plenty of space for parking and servicing. The site is not only capable of sympathetic assimilation into its surroundings it already benefits from extensive natural screening with scope for even more soft landscaping. It is small scale and appropriate in scale to the large urban housing estates on the edge of Hinckley. Permission is sought for a residential use adjoining other residential uses. No commercial use is proposed. There will be no disturbance to nearby houses and all traffic will access the site directly from the A47. Finally the site would provide a safe and healthy environment for the intended residents and would indeed provide greatly improved living conditions that is culturally appropriate for the four intended families.

3-The Council still relies on an out of date GTAA published 9 years ago in 2016. Whilst this identified a small need it is too out of date to be relied on. But policy failure weighs strongly in support of this proposal.

4-The personal needs of the intended occupiers which are supported by LCC's Gypsy Liaison Officer as confirmed with the previous application. Permission is sought on behalf of four families.

Family 1

Luke Mulvenna aged 44 and his wife Kathleen (nee Doran). The couple have four children Edward 22 Felix 18, Maryanna 13, Joseph 5. They are currently stopping on a very cramped site at Justin Park Market Harborough where they have lived since 2004 but prior to this they were living on the roadside. Luke does roofing work mostly in the East Midlands but the family travel to 4-5 Christian Conventions each year where they usually get work locally. The family live in one 16ft long touring caravan with a day room. Their pitch is too small even for a static caravan. They have urgent need for more space. Their eldest son plans to marry in 2024 and if permission is granted he would most probably retain the pitch on Justin Park. The family have strong connections to the Hinckley area. Kathleen was born in Nuneaton and her oldest sister Eileen Cash stops on the Griff Site in Nuneaton which is only about 5 miles from Hinckley. Kathleen's mother died when she was a toddler and her sister Eileen helped bring her up. She is very close to her sister. Luke is a pastor in the Light and Life Church in Wigton. Most of the congregation is based in and around Hinckley and he spends much of his time visiting them. The family attend the church 4 times a week. Their youngest son Joseph has learning difficulties and is non verbal at the age of 5. He has only just started school. Kathleen and their eldest son Edward have a heart condition (enlarged heart) which requires medication. They attend Glenfield Hospital in Leicester.

Family 2

David Winter aged 43 and his wife Alexandra (nee Hearn) and their 3 children David- 18, Bethany -16, Wesley- 13. David was born in Northampton and has strong connections to this area. The family had a plot on a site in Brackley Northants but were forced to leave that some 5 years ago due to issues with other families. The family are currently stopping on a transit pitch on the Winteroak site on the A5 in Nuneaton. Mr Winter's is

related to the Sykes families and is member of the Light and Life Church with the Mulvenna family. The family need to live locally to be close to Mr Winter's parents who have lived for the last 12 years on The Pasture site at Desborough as his parents are elderly and his mother has Alzheimers and needs their help. . Mr Winter has other family in the Hinckley area. A cousin owns the Hyde Lane site in Hinckley which they used to use on and off when there was a spare plot, and a brother lives in a house. Another cousin owns the Winteroak site where they have been stopping the last 2 years. Their youngest son has a heart condition and is being treated a QMC. Mr Winter does roofing work and attends the Light and Life Conventions with the other families.

Family 3

Samuel Sykes aged 53 who was born in Leicester with his wife Alice (nee Vary) from Accrington. The couple have had to live in a house on the A5 for about 17 years but this has just been a winter base to be used when they are not travelling. Mr Sykes does roofing and landscaping. He has Crohns disease and has to take care with his diet. They would share their plot with their son Westley (aged 27) and his wife Destiny (nee Shaw). The young couple were stopping for a short while down in Gloucester but have come back to the Leicestershire area to be close to family and are currently on a transit pitch in a touring caravan on a site called The Bungalow, Hinckley on the A5. The site is owned by a Jimmy Smith. They have no security of tenure and share facilities. There is no room at the family house for their touring van. The couple also have a daughter who lives on a Traveller sites at Cranleigh in Waverley.

Family 4.

Samson Sykes aged 30 who was born in Stoke on Trent and his wife Rachel (nee Smith) who is from Accrington. Samson is the son of Samuel and Alice Sykes. The couple have two young children. Ariana 6 and Jacob 7 months. Ariana has significant learning disabilities. She can not talk and is only just learning to walk with a special frame and has poor eyesight. She can not feed herself and is likely to have special needs for most of her life. She attends the Dorothy Goodman school near to the site where she receives specialist treatment. The family are renting the house next to Samson's parents (see details for plot 3 above). They used to live in a touring caravan behind the house for the last 7 years or so. As with Mr and Mrs Sykes Snr they do not want to live in housing. The house is not suitable for Ariana's needs as she can not negotiate stairs. The property is also on a busy road with little outdoor space for their caravan, vehicles and works equipment. Mr Sykes does roofing work and is a Pastor in the Light and Life Church with Luke Mulvenna at Wigston.

In summary, all four families (with 5 households in total) have strong connections to this area. They are all members of the Light and Life Church. None of the families are currently living in appropriate accommodation. Two families are having to live in housing which is inappropriate to their culture and is mostly a winter base. Three are living on transit sites and/or pitches which were not meant to be used for residential use and are not large enough for anything other than a touring caravan. There are young children some of whom have complex health needs. The best interests of young children on the site is a matter that should carry no less weight than any other consideration and should certainly carry far more weight than the slight harm to a minor incursion into the edge of a locally designated Green Wedge where other, far more significant incursions

have been permitted with far greater impact. This application is made so that all four families can live together on pitches with space for mobile homes, touring caravans and works vans and outdoor play space for their children.

5-The concerns of the Council could be addressed by condition. The submitted plans indicate how the biodiversity and landscaping of the site has potential to be improved.

Summary

This is the resubmission of the same application refused consent in August 2023. This statement addresses the reasons for refusal. Highway reports confirm that the site access would be safe to use. The site complies with adopted policy for Traveller sites. There is no justification to refuse consent on account of the Green Wedge as policy is supportive of sites on the edge of settlements and development plan policy for Travellers does not seek to exclude sites from areas designated Green Wedges.

But if this is not accepted there are other material considerations which weigh strongly in support of this application. There remains a shortage of sites locally, regionally and nationally. The families are living in inappropriate accommodation and on pitches not intended for residential use. They all have need for better accommodation where they can live together. The best interests of young children is a matter of significant weight.

If approved this site would help address the shortage of sites at no expense to the public purse in a location considered acceptable for modern housing estates on the edge of Hinckley.

If I can assist further please do not hesitate to contact me.

Yours faithfully

Mrs A Heine