



WALSINGHAM PLANNING

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Planning Department
Warwick District Council
Riverside House
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Leamington Spa
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Dear Sirs

New Local Plan - Proposed Gypsy & Traveller Site, Baginton, Warwickshire

We refer to the above proposal for the siting of a new gypsy and travellers' caravan site in the village of Baginton, which is referred to in the Local Plan Sites for Gypsies & Travellers published by Warwick District Council in June 2013.

Walsingham Planning has been instructed by The Spirit Pub Company to make representations strongly opposing the development of site GT07, land at Stoneleigh Road, Baginton for a Gypsy & Traveller site.

The Spirit Pub Company is opposed to the proposed development on a number of principle grounds:

National Planning Policy Framework - Location within the Green Belt

The National Planning Policy Framework was published on 27 March 2012. The aim of the document is to ensure that there is a presumption in favour of sustainable development and that positive planning solutions are found to ensure economic development is brought forward. Paragraph 14 states: *'Local Planning Authorities should ... grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date'*. Paragraph 17 sets out the Core Principles which should underpin planning decisions. Of the 12 principles the following are the most important for this proposal. Plans should:

- *'Take account of market signals, such as land prices and housing affordability and set out a clear strategy for allocating sufficient land which is suitable for the development in their area'*.
- *'Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'*.
- *'Contribute to conserving and enhancing the natural environment'*.
- *'Encourage the effective use of land by re-using land that has previously been developed (brownfield land)'*.

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- *'Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable'.*

Paragraphs 79 to 92 of the NPPF deal specifically with the protection of Green Belt land. Paragraph 79 sets out the Government's emphasis on Green Belt land and states that *'The Government attaches great importance to Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'*. Paragraph 81 states that local planning authorities should plan positively to enhance the beneficial use of Green Belt, and should *'retain and enhance landscapes, visual amenity and biodiversity'*.

Paragraph 84 sets out the need for local planning authorities, when drawing up or reviewing Green Belt boundaries to: *'take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary towards towns and villages inset within the Green Belt or towards locations beyond the out of Green Belt boundary'*.

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The local planning authority should regard the construction of new buildings as inappropriate in the Green Belt except in certain 'very special' circumstances.

Paragraph 88 of the NPPF continues by stating that: *'Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations'*.

Warwick District Local Plan 1996 to 2011

The Local Plan is the land use plan which controls the location and nature of new development within the district. It contains policies and maps showing designations and allocations and is primarily used to determine planning applications. Whilst the Local Authority is preparing a new Local Plan to replace the current document, the 'saved' policies are being used by the Council for planning decisions until such time as they are replaced.

Policy DAP2 entitled 'Protecting the Areas of Restraint' states that it is an important aim of the plan *'that development will not be permitted within the areas of restraint as defined on the proposals map, where it would harm or threaten the generally open nature of the area'*.

The Local Plan seeks to address and protect the areas of restraint from development that could alter the predominantly open character of these designated areas.

Warwick District Council: New Local Plan – Preferred Options May 2012

Warwick District Council is preparing a new Local Plan for the district, which will guide the area's future development for the next 18 years. The document defines a particular strategy for the district and sets out some specific principles relating to the key elements of sustainable development. Of particular relevance to the current proposal is:

'Ensuring new development is based on the principles of sustainable garden towns, and villages' and 'protecting biodiversity, high quality landscapes, heritage assets and other areas of significance'.

Further guidance is provided at Policy PO3 – Preferred Option; Broad Location of Growth. This states that the preferred option for the district is to plan for growth across the whole of the district, focusing on areas within and on the edge of existing towns, but including some growth in villages. It further states that new housing and employment must be built close to existing services and facilities so that people do not have to travel far to get to schools, shops, and leisure facilities or work places.

Policy PO7 – Preferred Option; Gypsies & Travellers relates to the provision of gypsy and travellers' sites within the district. It states that the district's preferred option is to find a site (or sites) for gypsies and travellers according to a clear set of criteria and ensuring each site meets national guidance on design and facilities.

Department for Communities & Local Government – Planning Policy for Travellers' Sites March 2012

This document sets out the Government's planning policy for travellers' sites and should be read in conjunction with the NPPF.

In the introduction the Planning Policy for Travellers' Sites (PPTS) states that the policy must be taken into account in the preparation of development plans and is a material consideration in planning decisions. Paragraph 4 states that it is the Government's aim in respect of travellers' sites, that the local planning authorities should protect Green Belt from inappropriate development.

At paragraph 9 of the document it states that Local Planning Authorities should, in producing in their Local Plans: amongst others, "Protect local amenity and environment".

Policy E: Traveller Sites in Green Belt

At paragraph 14 of the document it states that inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. It emphasises that:

'traveller sites (temporary or permanent) in the Green Belt are inappropriate development'.

Further guidance is given at paragraph 23 where the document states that:

'Local Planning Authorities should strictly limit new travellers' site development in open countryside that is away from existing settlements or outside areas allocated in the Development Plan.'

Ministerial Statement by Local Government Minister, Brandon Lewis – Protecting the Green Belt

In a Ministerial Statement by Brandon Lewis MP, which was given to the House of Commons on 1 July 2013, the Minister emphasised that the coalition Government has increased the protection of the Green Belt and aligned the planning system for travellers' sites with that for settled housing. The Minister made reference to the policy document entitled 'Planning Policy for Travellers' Sites' published by the Department of Communities & Local Government in March 2012, and stated that the document makes clear that both temporary and permanent travellers' sites are inappropriate development in the Green Belt and that planning decisions should protect Green Belt land from such inappropriate development.

The Minister also went on to state, as set out in the NPPF that inappropriate development in the Green Belt should not be approved except in very special circumstances. The Minister stated that, having considered recent planning decisions by Councils and the Planning Inspectorate, it has become apparent that in some cases, the Green Belt has not always been given the sufficient protection that was the explicit policy intent of Ministers.

The Secretary of State, Eric Pickles, wishes to make clear that in considering planning applications, although each case will depend on its facts, he considers that the single issue of a met demand, whether for travellers' sites or for conventional housing, is unlikely to outweigh harm to the Green Belt and other harm to constitute the '*very special circumstances*' justifying inappropriate development in the Green Belt.

The Secretary of State wishes to give particular scrutiny to travellers' site appeals in the Green Belt so that he can consider the extent to which planning policy for travellers' sites is meeting the Government's clear policy intentions. To this end he is revising the appeals recovery criteria issued in June 2008 and will consider for recovery appeals involving travellers' sites in the Green Belt.

For clarification, this does not mean that all such appeals will be recovered, but that the Secretary of State will likely recover a number of appeals in order to test the relevant policies at national level. The Secretary of State will apply this criteria for a period of six months, after which it will be reviewed.

The Minister has stated that unauthorised developments created tensions between travellers and the settled population whilst some community groups seemingly were given favoured treatment.

Whilst it is appreciated that the Council is not dealing with a planning application or appeal with this current proposal, by way of the above statement and proposed actions, Government has reinforced the importance that it affords to the Green Belt and has emphasised to LPA's that new travellers' sites do not comply with the criteria of 'exceptional development' and therefore should not be permitted in the Green Belt.

Pickles Recovers Green Belt Traveller Appeal

Further emphasis in the way that the Government is dealing with planning issues associated with travellers' sites is provided by the recent action by Eric Pickles.

The Secretary of State, Eric Pickles, has delivered on his promise to recover a number of appeal cases involving traveller sites in the Green Belt for his own decision, rather than leaving them to Inspectors. At least six cases have been recovered since new criteria were announced in a Parliamentary written statement by local Government Minister, Brandon Lewis last week. Eric Pickles wants to give particular scrutiny to travellers' site appeals in the Green Belt '*so that he can consider the extent to which planning policy for travellers' site is meeting this Government's clear policy intentions*'. The Secretary of State's view is that '*the single issue of a met housing demand*' is unlikely to constitute the very special circumstances needed to justify inappropriate development in the Green Belt.

The Evidence Base

As the proposed area of search for a gypsy and travellers' site is located out of the defined settlement boundary of Baginton and within the Green Belt, it is inappropriate development and by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Furthermore the Department of Communities & Local Government PPTS in March 2012 also reiterates at Policy E that travellers' sites (temporary or permanent) in the Green Belt are inappropriate. This has further been reinforced by the written Ministerial Statement by local Government Minister Brandon Lewis that the planning decisions should protect Green Belt from such inappropriate development. Furthermore he has stated that:

'for the avoidance of doubt, unmet need does not itself constitute the very special circumstances necessary to permit inappropriate development in the Green Belt'.

The Secretary of State, Eric Pickles, is therefore currently looking at the number of appeal cases involving travellers' sites in the Green Belt for his own decision, rather than leaving them to Inspectors. The Secretary of State will give particular scrutiny to travellers' site appeals in the Green Belt (so that he can consider the extent to which planning policy for travellers' sites is meeting this Government's clear policy intentions).

Sustainability

In addition to the robust policy against development in Green Belt land, except in exceptional circumstances, both the NPPF and the local development plan make reference to sustainable development. This is generally accepted as encouraging growth while protecting the environment and improving our quality of life. One of the ways which sustainable development can be achieved is to locate new developments close to existing facilities.

The village of Baginton has a limited number of local facilities, and possesses only a small village shop and none of the other services of facilities which would normally be required for residents, including a doctor's surgery or school. Therefore, we do not consider that the proposed development of a Gypsies & Travellers site near Baginton village is sustainable as all potential residents would have to travel by car for day-to-day services and facilities.

Proximity to Coventry Airport

In addition to the planning policy constraints of the site, we wish to raise our objection to any development of a noise sensitive use, such as a residential use in close proximity to the airport.

One of the objectives of land use planning is to encourage land uses that are generally considered to be incompatible with noisy developments, such as airports to be located away from these sites. Noise sensitive and therefore incompatible uses include residential uses, as well as schools and hospitals. In our view, the consideration of 'an area of land search' for a Travellers' site to be located next to an airport which has recently submitted a planning application to expand, is wholly incompatible with good planning practice. A site for Travellers' is no different to a proposal for new residential development and therefore should be resisted in this location.

The proximity of the airport will not only impact on any residential uses by the noise of aircraft taking off and landing, but also the associated impact of additional traffic on the local highway system, both in terms of noise, capacity of the local highway system and vehicle emissions. Furthermore, the proximity of the airport to additional sensitive uses, such as a residential use, could have the effect of limiting any future development that the airport could undertake.

Conclusion

We wish to vigorously oppose the Council's proposal to consider the area of land identified as GT07 Stoneleigh road as a potential site for Gypsies & Travellers.

The Council in suggesting this site, appears to have disregarded Government policy on development in the Green Belt, which is outlined in the National Planning Policy Framework and which emphasises the importance which Government attaches to the Green Belt.

Furthermore the Council has chosen to ignore Government's recent Planning Policy for Traveller Sites' which was published in March 2012 and which states at paragraph 14 that "Traveller sites (temporary or permanent) in the GB are inappropriate development".

Therefore, there is clear and unambiguous Government policy which states that the Council's proposal for the Gypsies & Travellers site is wholly contrary to policy.

In addition to clear Government policy which affords protection for the Green Belt, the development of a Gypsy and Traveller site in this location would be unsustainable and would also be affected by noise from the nearby Coventry Airport. Residential development so close to a source of noise from an airport is wholly incompatible.

For the reasons outlined above, we therefore consider that the Council has no planning reason to consider pursuing the development of a Gypsies & Travellers site on Stoneleigh Road, Baginton and we oppose the proposal.

Yours faithfully

