



## Report of the Chief Planning Officer -

### SOUTH & WEST PLANS PANEL

Date: 7<sup>th</sup> August 2015

**Subject: PLANNING APPLICATION 12/04737/FU – Use of vacant site for the stationing of caravans for occupation by Gypsy-Travellers with associated development including new access track, hard standing, utility building, fencing, external lighting and foul drainage on Land to rear of Sandon Mount, Hunslet**

#### APPLICANT

Mr M Maloney

#### DATE VALID

3<sup>rd</sup> December 2015

#### TARGET DATE

28<sup>th</sup> January 2013

#### Electoral Wards Affected:

City and Hunslet

Yes

Ward Members consulted  
(referred to in report)

#### Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

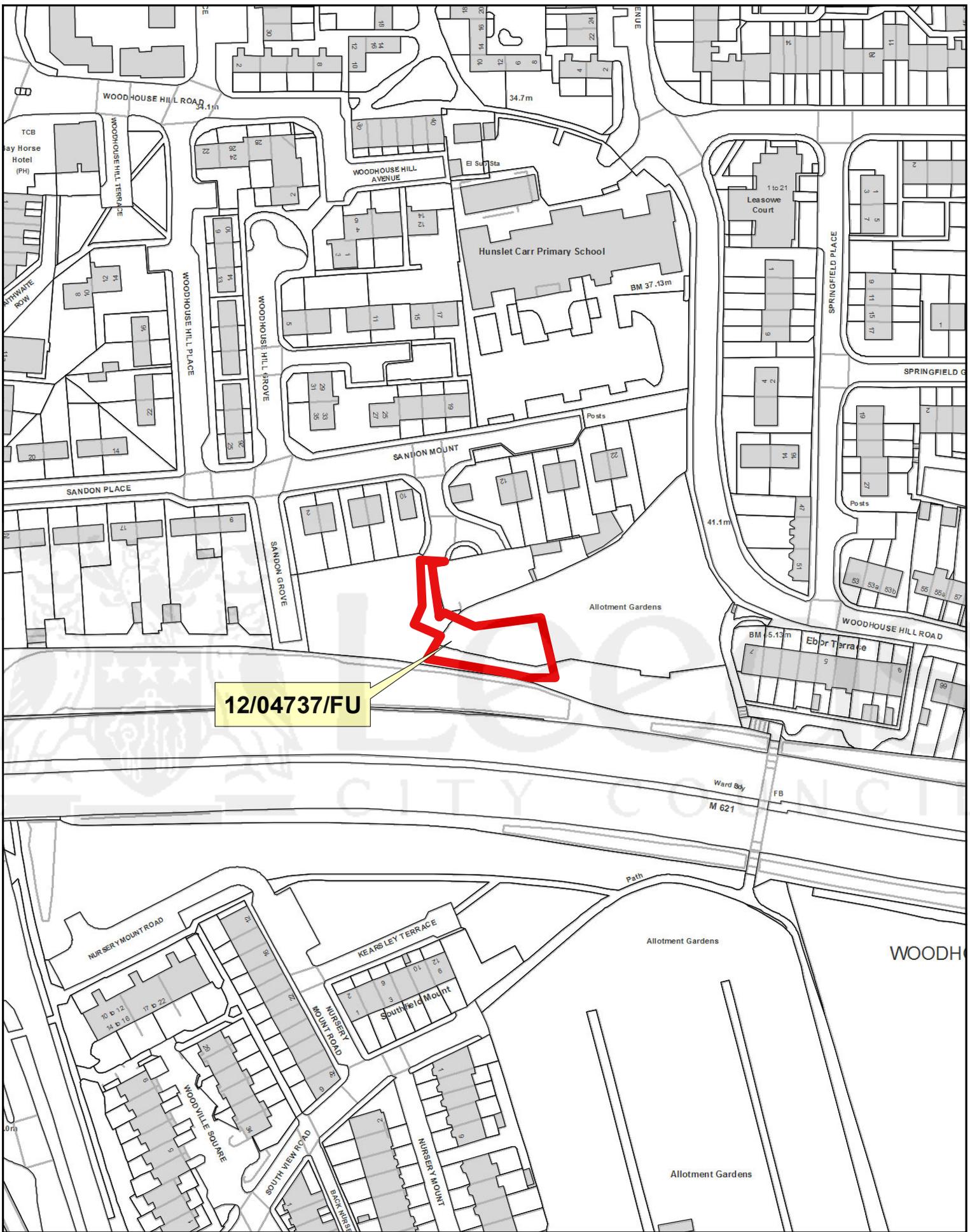
### FOR INFORMATION ONLY

**The appeal was dismissed by the Planning Inspectorate on 21<sup>st</sup> July 2015, following a resolution at Plans Panel to refuse the application on 4<sup>th</sup> September 2014.**

## 1.0 INTRODUCTION

- 1.1 The application was refused planning permission on 5<sup>th</sup> September 2014, following a resolution at Plans Panel on 4<sup>th</sup> September 2014. Members may recall that the Plans Panel determined to refuse the planning application on the grounds that the proposal is premature in respect of the current UDP allocation of site for allotment purposes and the fact the use of the site for the stationing of a mobile home is in conflict with Policy GP5 of the UDP in terms of environmental intrusion and loss of amenity arising from noise from the adjoining M621.

- 1.3 The applicant subsequently appealed to the Planning Inspectorate on the grounds that the application site is within private ownership, and there is no mechanism to deliver an allotment use of the site, and the living conditions (affected by noise from the adjacent motorway) on site would be acceptable to applicant.
- 1.4 The appeal was considered by the Planning Inspectorate on 9<sup>th</sup> June, through the Informal Hearing Procedure, and the decision was issued on Tuesday 21<sup>st</sup> July. The hearing was attended by Council Officers, the applicant and their Planning Consultant. The hearing was also well attended by local residents, who were represented by an independent Planning Consultant and Councilor Nash.
- 1.5 The Planning Inspector stated in his decision that although the appeal site does result in the loss of potential green space, it is not a useful green space, which is not allotment use and within private ownership. The Inspector concluded on this issue that the proposed development would not cause actual harm to the objectives of Policy G6 of the Core Strategy which is concerned with the protection of Green Space.
- 1.6 The Inspector also did not consider that the proposal justified refusal on prematurity grounds (with regard to the Site Allocations process). The National Planning Practice Guidance (PPG) advises that prematurity is unlikely to justify refusal unless, firstly, the development proposed was so substantial as to undermine the proposals in an emerging local plan and, secondly, the proposals in that plan had been submitted for examination. The Inspector concluded that the appeal proposal satisfies neither of these requirements.
- 1.7 With regard to the noise and amenity issues, the Inspector did consider the noise levels on site were unacceptable for living conditions (based on the submitted Noise Assessments) and this issue could not be mitigated. He acknowledged that Travellers are accustomed to poor environmental conditions and culturally they are used to living by the roadside, however the Inspector did not consider this reasoning or justification to allow the application, on this particular site.
- 1.8 The Inspector considered a temporary consent, and stated there is no justification to granting temporary consent on a site he considered to be unsatisfactory (in respect of noise) when the immediate living needs applicants family were been met by the Council at the Kidacre Street site.
- 1.9 The Inspector also did not consider the need for additional Traveller sites within Leeds, and the personal circumstances of the applicants, to outweigh the harm, caused by allowing full time occupation on this site, which suffers from high levels of noise.
- 2.0 **Implications**
- 2.1 This appeal decision, would suggest that future sites for Travellers need to be in locations which are suitable for general housing in terms of general amenity and noise, despite the fact a particular applicant may be prepared to accept living on a site which suffers from high levels of background noise. This needs to be a consideration when progressing Traveller sites through the Site Allocations Plan.



12/04737/FU

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