

North Yorkshire Council
Community Development Services
Strategic Planning Committee

11 JUNE 2024

2022/1160/S73 –SECTION 73 APPLICATION FOR REMOVAL OF CONDITION 01 (TEMPORARY CONSENT) OF APPROVAL 2019/0030/COU CHANGE OF USE OF LAND TO 12 GYPSY / TRAVELLER PITCHES AND ASSOCIATED WORKS INCLUDING 12 NO MOBILE HOMES, 12 NO TOURING CARAVANS AND 12 NO DAYROOMS (RETROSPECTIVE) GRANTED ON 12 JUNE 2020 AT MILFORD CARAVAN PARK, GREAT NORTH ROAD, SOUTH MILFORD, LEEDS.

Report of the Assistant Director Planning – Community Development Services

1.0 Purpose of the Report

- 1.1 To determine an application for removal of condition to make a temporary planning permission permanent for a Gypsy/Traveller site at Milford Caravan Park, Great North Road, South Milford, Leeds.
- 1.2 This application is brought before Members because the constitution requires planning applications to be reported to Strategic Planning Committee which are defined as a departure from the adopted Development Plan for which the Secretary of State must be consulted and where it is intended to recommend approval.

2.0 SUMMARY

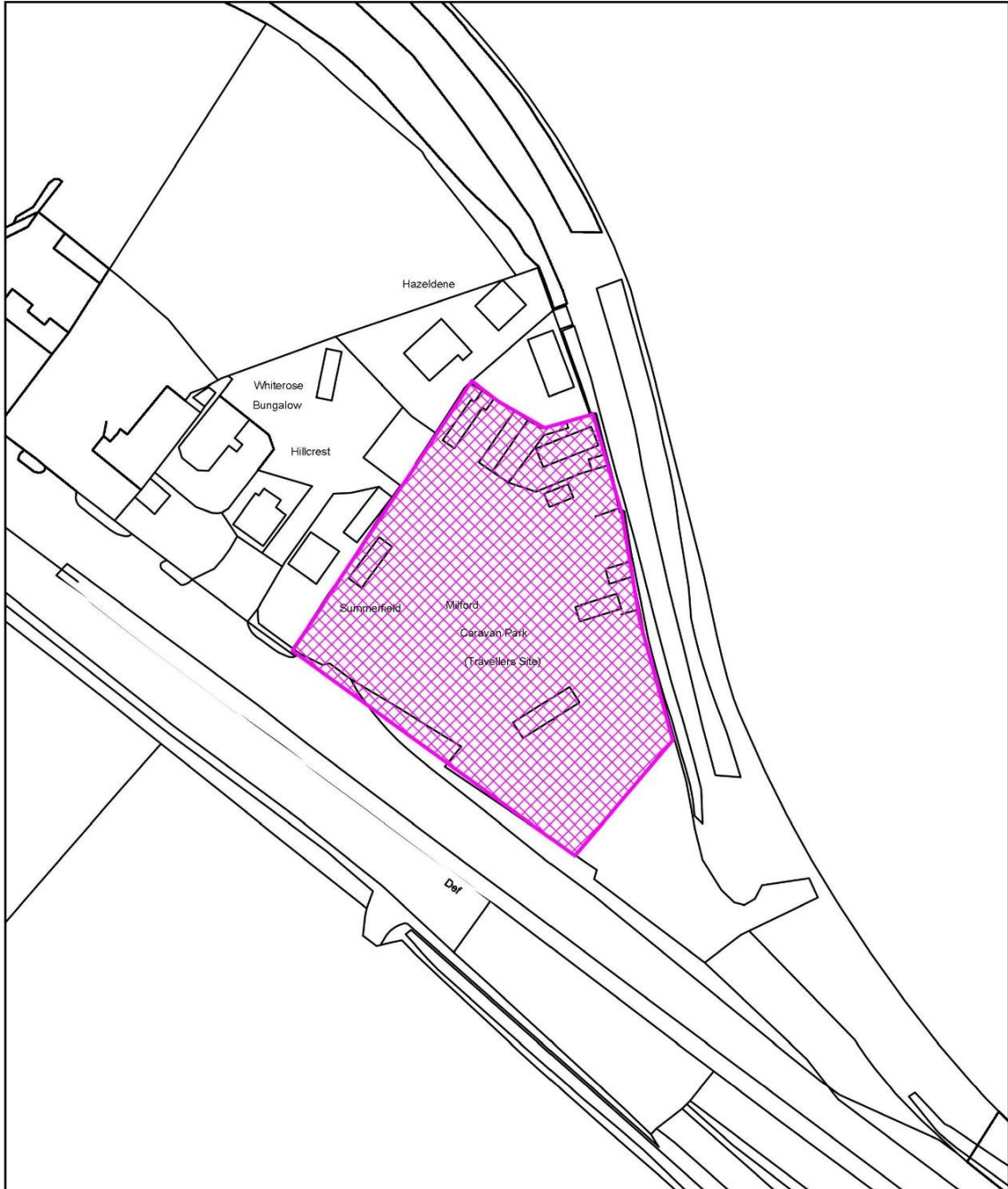
RECOMMENDATION: That planning permission be **GRANTED** subject to conditions listed below and subject to referral to the Secretary of State under The Town and Country Planning (Consultation) (England) Direction 2021, as per paragraph 4.

- 2.1. This Section 73 application relates to planning permission 2019/0030/COU, which was for the change of use of land to 12 gypsy and traveller pitches with associated works (comprising utility buildings) and was approved subject to conditions in June 2020. Condition 01 of the permission granted the use for a temporary period only of 5 years until June 2025. This application proposes the removal of condition 01 of planning permission 2019/0030/COU to make the temporary planning permission permanent.
- 2.2. Based on recent Inspector’s decisions, limited weight has given to the development plan policies relevant to Gypsies and Travellers as they are inconsistent with national policy. The presumption in favour of sustainable development applies. The proposal is considered to be inappropriate development that causes substantial harm to the openness of the Green Belt and should not be approved except in very special circumstances which will not exist unless these harms are clearly outweighed by other considerations. The identified harm to Green Belt carries substantial weight. The existence or otherwise of a 5 year supply of sites is not determinative to this proposal. The proposal would not result in any significant harm to the character and appearance of the area. No harm to residential amenity or highway safety would arise. The

applicant has confirmed the pitches are provided to Gypsies and Travellers on a private rental basis. As such, the applicant has not advanced any specific personal circumstances.

- 2.3. The acknowledged failure of planning policy through appeal and Council decisions to address need through the plan led system contributes towards very special circumstances and is given significant weight. The lack of alternative sites for the occupants and importantly the implications of the Emerging Local Plan (ELP) contribute towards very special circumstances and is given significant weight. The Council has taken some steps to provide supply meet the needs by making progress with the ELP but the timescales have likely slipped beyond the current temporary planning permission and limited weight is presently given to relevant ELP policies. The proposed allocation of the site and removal from the Green Belt in the emerging Local Plan does not amount to very special circumstances.
- 2.4. Meeting the sustainability considerations set out in Planning Policy for Traveller Sites (PPTS) and use of previously developed land do not amount to very special circumstances on an individual basis but cumulatively are factors in favour to which moderate weight should be given.
- 2.5. These considerations, taken together with the equality and human rights benefits which flow from granting a permanent permission, are sufficient on a cumulative basis to constitute very special circumstances. These conclusions have taken into account that this application does not provide information regarding personal circumstances or the best interests of children.
- 2.6. In light of the above and the demonstration of very special circumstances, it is considered that the policies of the Framework relating to Green Belt, or any other matter, do not provide a clear reason for refusing the proposal. The application is therefore recommended for approval.
- 2.7. In the event Planning Committee resolves to grant planning permission subject to the conditions listed in this report, prior to doing so the Local Planning Authority must consult the Secretary of State for Housing, Communities and Local Government (the Secretary of State) as set out in The Town and Country Planning (Consultation) (England) Direction 2021 (the Direction) confirming the Planning Committee resolution. The Local Planning Authority shall not grant planning permission on the application until the expiry of a period of 21 days beginning with the date which the Secretary of State tells the Local Planning Authority in writing is the date he received the material specified in paragraph 11 of the Direction. If, before the expiry of the 21 day period referred to in paragraph 12 of the Direction, the Secretary of State has notified the Local Planning Authority that he does not intend to issue a direction under section 77 of the Town and Country Planning Act 1990 in respect of that application, the Local Planning Authority will proceed to determine the application in accordance with the resolution of Planning Committee.

Milford Caravan Park, Great North Road, South Milford
2022/1160/S73



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3.0 **Preliminary Matters**

3.1. Access to the case file on Public Access can be found here:- [2022/1160/S73 | Section 73 application for removal of condition 01 \(temporary consent\) of approval 2019/0030/COU Change of use of land to 12 gypsy / traveller pitches and associated works including 12 No mobile homes, 12 No touring caravans and 12 No dayrooms \(Retrospective\) granted on 12 June 2020 | Milford Caravan Park Great North Road South Milford Leeds \(selby.gov.uk\)](#)

3.2. The following relevant planning history has been identified for the application site:

- 8/59/15 Construction of a vehicle parking area on land to the south-east of Hillcrest Café. Approved on 8 March 1982.
- CO/1995/0475 Outline residential development on 0.5 ha of land. Refused 13/7/1995.
- CO/1995/1201 (Resubmission) Outline application for the erection of residential development. Refused 17/1/1996.
- 2010/0324/COU Retrospective application for change of use of land to gypsy caravan site. Refused 8/7/2011.
- 2011/0876/EAP Enforcement notice issued by Selby District Council on 8 August 2011 alleging that without planning permission the use of the land has been changed to a gypsy caravan site without planning permission.

Enforcement notice 2011/0876/EAP was subject to appeal reference APP/N2739/C/11/2158784 (appeal A)

Planning application 2010/0324/COU was subject to appeal reference APP/N2739/A/11/2158757 (appeal B)

On 1 September 2011 the appeals were recovered for the Secretary of State's Determination. The Inspector recommended that Appeal A (enforcement appeal) be dismissed and the enforcement notice upheld with corrections, and that Appeal B (against the refusal of planning permission) be allowed and planning permission granted, subject to conditions, and for a temporary period until 31 December 2014. The Secretary of State agreed with the Inspector's conclusions and the decisions issued.

- 2019/0030/COU Change of use of land to 12 gypsy / traveller pitches and associated works including 12 No mobile homes, 12 No touring caravans and 12 No dayrooms (Retrospective). The application was referred to the Secretary of State who decided not to call in the application for consideration. It was granted 12.06.2020 subject to conditions.
- 2020/1149/DOC Discharge of condition 08 (landscaping) of approval 2019/0030/COU Change of use of land to 12 gypsy / traveller pitches and

associated works including 12 No mobile homes, 12 No touring caravans and 12 No dayrooms (Retrospective). Approved 29.03.2021.

4.0 Site and Surroundings

- 4.1. The site is close to the administrative boundary with Leeds City Council and is about 1.5km from the villages of Micklefield and Ledsham (both in the Leeds City Council administrative area) and approximately 3km from both South Milford and Sherburn-in-Elmet to the east. The land comprises an area of hard standing previously associated with Hillcrest Café, a former transport café. The hard standing was used for the parking and circulation of vehicles many of which were heavy goods vehicles. The site amounts to 0.5 hectares and is bounded by mature hedgerows to three sides inside which for the majority of their length is 1.8 metre high concrete post and timber panel fencing. The remaining boundary to the north-west is formed by a stone wall beyond which are 4 bungalows owned by the applicant and occupied by family members.
- 4.2. The site lies immediately north of, and is accessed from, a dual-carriageway section of the A63 and further to the north beyond an embankment lies the A1(M).
- 4.3. The site lies within the Green Belt, a Locally Important Landscape Area (LILA) and is classified as being within Flood Zone 1.

5.0 Description of Proposal

- 5.1 Planning permission reference 2019/0030/COU for “Change of use of land to 12 gypsy / traveller pitches and associated works including 12 No mobile homes, 12 No touring caravans and 12 No dayrooms (Retrospective)” was granted on 12th June 2020 subject to conditions. Condition 01 states:

01. The use hereby permitted is granted for a temporary period only and, at the end of 5 years beginning with the date of this permission, the use shall cease and all caravans, buildings, structures, materials or equipment brought onto the site or erected on the land in connection with the use shall be removed. Thereafter the land shall be restored to its former condition within two months of the expiration of this permission in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.

Reason: To ensure compliance with Section 91 of the Town and Country Planning Act 1990 as amended.

- 5.2 The temporary permission expires on 13th June 2025.
- 5.3 As an application made under Section 73 of the Town and Country Planning Act 1990 (as amended), it seeks to continue the use of the land without complying with condition 01 that was subject to a previous grant of planning permission. The Act directs local planning authorities to consider only the question of the conditions subject to which planning permission should be granted. Therefore, consideration needs to be given to the acceptability granting planning permission without condition 01, thereby making the use of the land for 12 gypsy / traveller pitches permanent.

6.0 Planning Policy and Guidance

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with the Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
- Selby District Core Strategy Local Plan, adopted 22nd October 2013
 - Those policies in the Selby District Local Plan, adopted on 8 February 2005, which were saved by the direction of the Secretary of State, and which have not been superseded by the Core Strategy
 - Minerals and Waste Joint Plan, adopted 16 February 2022

Emerging Development Plan – Material Consideration

- 6.3. The Emerging Development Plan for this site is:
- Selby District Council Local Plan Publication Version 2022 (Reg 19)

On 17 September 2019, Selby District Council agreed to prepare a new Local Plan. Consultation on issues and options took place early in 2020 and further consultation took place on preferred options and additional sites in 2021. The Pre-submission Publication Local Plan (under Regulation 19 of the Town and Country Planning (Local Development) (England) Regulations 2012, as amended), including supporting documents, associated evidence base and background papers, was subject to formal consultation that ended on 28th October 2022. A further round of consultation on a revised Regulation 19 Publication Local Plan was undertaken in March 2024 and the responses are now being considered. Following any necessary minor modifications being made it is intended that the plan will be submitted to the Secretary of State for Examination.

In accordance with paragraph 48 of the NPPF, given the stage of preparation following the consultation process and depending on the extent of unresolved objections to policies and their degree of consistency with the policies in the NPPF, the policies contained within the emerging Local Plan can be given weight as a material consideration in decision making.

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:
- National Planning Policy Framework, December 2023
 - National Planning Practice Guidance
 - National Design Guide 2021
 - Planning policy for traveller sites (DCLG, August 2015) (Last updated 19 December 2023) (PPTS)

7.0 Consultation Responses

- 7.1. The following consultation responses have been received and have been summarised below.
- 7.2 **NYC Highways-** The highway in the location plan belongs to Leeds City Council, therefore Leeds City Council should be consulted regarding highway matters.
- 7.3 **NYC Environmental Health** – No objection.
- 7.4 **Selby Area Internal Drainage Board** – No comment.
- 7.5 **Leeds City Council** – No response received.
- 7.6 **Parish Council** – No response received.

Local Representations

- 7.7 The application was advertised by way of a notice in a newspaper circulating in the area and a site notice. No responses have been received.

8.0 Environment Impact Assessment (EIA)

- 8.1. The development does not fall within Schedule 1 or 2 Category of The Environmental Impact Assessment Regulations 2017 (as amended) and does not exceed the thresholds for screening. The proposal is not EIA development. As such, an Environmental Statement is not required.

9.0 Main Issues

- 9.1. The key considerations in the assessment of this application are:
- Principle of development
 - 5-year supply of Gypsy and Traveller Pitches
 - Impact on the openness of the Green Belt
 - Impact on the character and appearance of the surrounding area
 - Impact on residential amenity
 - Impact on highway safety
 - Other personal circumstances of the applicant
 - Determining whether very special circumstances exist
 - Equality Act 2010
 - Human Rights

10.0 ASSESSMENT

Principle of Development

- 10.1. Policy SP1 of the Core Strategy (CS) outlines the positive approach that the Council will take when considering development proposals, reflecting the presumption in favour of sustainable development contained in the NPPF at paragraph 11. For decision-making, this means: approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development policies,

or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or
- ii any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 10.2. Footnote 7 outlines those areas or assets that the Framework seeks to protect, which includes land designated as Green Belt.
- 10.3. CS Policy SP2 sets out the Council’s spatial strategy to deliver sustainable development within the Selby district and states that the majority of new development will be directed to the towns and more sustainable villages. The application site lies within the open countryside. CS Policy SP2 A(c) states that development in the countryside will be limited to the replacement or extension of existing buildings; the re-use of buildings preferably for employment purposes; and well-designed new buildings of an appropriate scale, which would contribute towards and improve the local economy and where it will enhance or maintain the vitality of rural communities in accordance with Policy SP13 or meet rural affordable housing needs in line with Policy SP10, or other special circumstances.
- 10.4. The application site lies within the Green Belt. Policy SP2 A(d) states that development in the Green Belt must conform to CS Policy SP3 and national Green Belt policies. Policy SP3 B states “In accordance with the NPPF, within the defined Green Belt, planning permission will not be granted for inappropriate development unless the applicant has demonstrated that very special circumstances exist to justify why permission should be granted.”
- 10.5. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 goes on to state that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 10.6. CS Policy SP11 provides guidance with regards to traveller sites and states the following:
- “A. In order to provide a lawful settled base to negate unauthorised encampments elsewhere, the Council will establish at least a 5-year supply of deliverable sites and broad locations for growth to accommodate additional Traveller sites/pitches/plots required through a Site Allocations Local Plan, in line with the findings of up-to-date assessment of other robust evidence.
- B. Rural Exception Sites that provide Traveller accommodation in perpetuity will be considered in accordance with Policy SP10. Such sites will be for residential use only.
- C. Other applications for Traveller development will be determined in accordance with national policy.”

- 10.7. Policy SP11 refers to Policy SP10 which permits small scale 'rural affordable housing' schemes as an exception to normal planning policy provided all of the following criteria are met:
- i) The site is adjoining Development Limits in the case of Designated Service Villages;
 - ii) A local need has been identified by a local housing needs survey, the nature of which is met by the proposed development; and
 - iii) The development is sympathetic to the form and character and landscape setting of the village in accordance with normal development management criteria.
- 10.8. Policy SP11 anticipated at the publication of the Core Strategy in 2013 that the Council would establish a 5-year supply of deliverable traveller sites in accordance with a Site Allocations Local Plan. Such a plan was not progressed following adoption of the Core Strategy and the ELP is considering the allocation of sites as part of its preparation. Policy SP10 requires sites to be within or adjoining settlement limits where a local need has been identified, which is not the case for this site. As such, the application would fall to be determined in accordance with national policy.
- 10.9. The Government's Planning policy for traveller sites (PPTS) was updated in December 2023, so is a change that has taken place since determination of the original planning permission 2019/0030/COU.
- 10.10. Following the judgment in the Court of Appeal in the case of *Smith v SSLUHC & Ors*, the government is reverting the definition of Gypsies and Travellers used in the PPTS to that adopted in 2012, with this change applying from 19th December 2023 for plan and decision making. The PPTS definition of gypsy and traveller is now as follows:
- "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 or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such."
- 10.11. The document sets out the Government's overarching aim to ensure fair and equal treatment for travellers and to achieve this it requires that, inter alia, local planning authorities make their own assessment of need and plan for sites over a reasonable timescale, and have regard to the protection of local amenity and the local environment. In addition, it seeks to ensure plan-making and decision-taking protect Green Belt from inappropriate development, reduces the number of unauthorised developments and increases the number of traveller sites in appropriate locations.
- 10.12. With specific regard to protecting Green Belt, Policy E paragraph 16 of the PPTS states:
- "Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances."

- 10.13. Policy H of PPTS sets out how planning applications for gypsy and traveller sites should be determined. The policy reflects the NPPF in that applications should be assessed and determined in accordance with the presumption in favour of sustainable development and that planning law requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 10.14. Paragraph 24 of Policy H states that local planning authorities should consider the following amongst other relevant matters when considering applications:
- 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.
- 10.15. Paragraph 25 states that local planning authorities should very strictly limit new gypsy and traveller site development in the 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 local infrastructure.
- 10.16. Whilst paragraph 27 confirms that if a local planning authority cannot demonstrate an up to date 5-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the temporary grant of planning permission, the exception is where the proposal is on land designated as Green Belt. It also notes that there is no presumption that a temporary grant of permission should be granted permanently, reiterated in the national Planning Practice Guidance.
- 10.17. In light of the above, the proposal needs to be considered against national policies contained in the NPPF and PPTS. The proposal is to remove condition 01 thereby making the site a permanent site for the gypsy and traveller community. Given the location of the site in the Green Belt, the proposal would constitute inappropriate development in the Green Belt which is, by definition, harmful and this and any other harm carries substantial weight and which should not be approved except in very special circumstances. Other material considerations are as discussed below.

5-year supply of Gypsy and Traveller Pitches

- 10.18. The NPPF and PPTS require local planning authorities to identify a supply of sites in the Local Plan to accommodate pitches for those meeting the above definition and it is their needs that require consideration when setting out the 5-year supply of pitches. However, it should be noted that those that do not meet the definition are still likely to culturally identify as gypsies/travellers and will still have accommodation needs.

- 10.19. The Selby Gypsy and Traveller Accommodation Assessment of May 2018 (GTAA), produced to inform the emerging Selby District Council Local Plan, identified a need for 8 additional pitches for gypsies and travellers who met the planning definition in PPTS, up to 2033, with 5 of those pitches to be provided by 2028; up to 10 additional pitches for those who may meet the definition (the 'unknowns'); and 26 additional pitches for those that do not meet the planning definition. The GTAA recommended that the need for those that met the definition together with 10% of the 'unknowns' (8 + 1) should be met by new pitch allocations, and the need for the remaining 'unknowns', should they prove to have traveller status, be met by a criteria-based policy. The GTAA also found that those that did not meet the definition would be addressed by overall housing market assessments and through other development plan policies.
- 10.20. The appeal decision reference APP/N2739/W/21/3280032 dated 11th May 2022 regarding a gypsy site on land north of Hillam Lane, Burton Salmon, Selby is a recent authority for such applications and provides clarity as to the current policy position within the former District. The Inspectors findings are largely reiterated in the appeal decisions for land at A63 – A1 junction, Selby Road, Monk Fryston reference APP/N2739/C/21/3280507 amongst others dated 15th December 2022.
- 10.21. The Burton Salmon appeal confirms things have moved on since the GTAA was produced in May 2018. The Council has acknowledged, through its decision making on other applications at The Smallholdings, Kellington and this site, that the need for the former District should be 21 pitches up to 2033. This reflects the finding that the 10% need generated from unknowns was too low and should be increased to 25%. This higher figure also reflects reasoning from appeal decisions and local plan examinations elsewhere.
- 10.22. The Burton Salmon Inspector considered it may also be the case that the updated figures, including the 25% applied to unknowns, do not fully reflect the current need. The following were among the factors referred to at the Inquiry for the Burton Salmon appeal. Firstly, the GTAA was produced on the basis that only known travellers were interviewed, so, for example, all those living in 'bricks and mortar' would not have been captured. Secondly, 25% of unknowns may still be too conservative a figure, taking into account the type of evidence that has come out of specific appeals and applications both in the former Selby District and further afield. Thirdly, the interviewers involved in the GTAA were the sole arbiters of who or who did not meet the definition. Fourth, the loss of the 6 pitches at the Greenacres site to a residential mobile home site did not appear to have been taken into account in the GTAA. Finally, some households were discounted because they stated that they would prefer 'bricks and mortar or to move to another pitch, within or beyond the District'. Stating a preference to move into housing or a different site does not mean that they will be able to do so.
- 10.23. The Burton Salmon Inspector stated:
- “38. Taking all of the above into account the need for the District is likely to be in excess of the 21 pitches referred to in paragraph 34 above. A planning appeal is not the place to come up with a specific figure. That will be for the ELP. But the uplift is likely to be not insignificant.

39. In terms of provision since the base date of the GTAA, permission has been granted for 8 pitches at The Smallholdings. A temporary permission has also been granted for 10 pitches at South Milford Caravan Park. Discussions about creating additional pitches at the County Council owned sites at Burn and Carlton cannot count towards meeting the need as there are no firm proposals.

40. The South Milford permission is due to expire in June 2025 but the Council proposes to allocate the site in the ELP. The ELP is at an early stage and there is no certainty that the site will become a commitment. However, if South Milford is counted towards provision, the unmet need, using the Council's latest figure, would be a minimum of 3 pitches. But, taking into account the factors outlined in paragraph 35, the needs generated by those wishing to occupy the appeal site, the households on the unauthorised sites, together with household growth, the unmet need is likely to be considerably more. On the basis that the appellant's extended family and those on unauthorised pitches reflect a current need within Selby District, there would not be a 5-year supply of sites."

10.24. As noted above, since the appeal decision was issued, the Court of Appeal has handed down judgment in *Smith v Secretary of State for Levelling Up, Housing & Communities & Anor* [2022] EWCA Civ 1391 of 31st October 2022. It concerned the exclusion of Gypsies and Travellers who are no longer nomadic from the PPTS definition of gypsies and travellers. The Court of Appeal allowed the appeal having concluded that the planning policy definition of 'Gypsies and Travellers' adopted by the government in 2015 discriminated against elderly and disabled members of the Gypsy and Traveller communities, by requiring them to demonstrate that they are able to continue to travel to look for work. The discriminatory definition was in breach of the Equality Act 2010 and the rights protected by the European Convention on Human Rights. The impact is that the government has reconsidered its definition in PPTS and this may increase the number of pitches that need to be allocated.

10.25. The former Selby District Council has previously considered there is a need figure of 21 pitches for the District and that the supply of pitches is currently as follows:

- South Milford Caravan Park (this application site) – 12 pitches consented until June 2025 (ref. 2019/0030/COU).
- The Small Holdings, Kellington – permanent consent granted for 8 pitches (ref. 2018/1299/FUL).

10.26. The former Selby District Council considered the above permitted schemes provide a supply of 20 pitches and that in addition to these, there was the potential to create additional pitches on the NYC owned sites at Burn and Carlton. The former District believed that within the existing sites areas of 0.05ha and 0.04ha had the potential based on an initial assessment to provide between 2-4 pitches in total.

10.27. On the basis of the above, the former District had previously considered it could demonstrate a 5-year supply of pitches. Whether or not the LPA can demonstrate a 5-year supply is of diminished importance because PPTS paragraph 27 confirms that, "If a local planning authority cannot demonstrate an up to date 5-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning

decision when considering applications for the temporary grant of planning permission”. The exception to this is where the proposal is on land designated as Green Belt. The proposal is for a permanent site in the Green Belt. Further, there is no presumption that a temporary grant of planning permission should be granted permanently.

Impact on openness and purposes of the Green Belt

- 10.28. The site’s status as previously developed land (PDL) was established as part of the earlier appeal decision (appeal ref. APP/N2739/A/11/2158757, application no. 2010/0324/COU) which granted temporary consent for the change of use of the site from a truck stop to a residential caravan site for gypsies and travellers. As part of this appeal the lawful use of the site for vehicle parking independent of Hillcrest Café was confirmed as the lawful fall-back, though it was noted that the parking of vehicles would be unlikely to generate significant numbers of vehicles.
- 10.29. Paragraph 26 of the PPTS Policy H directs local planning authorities to give weight to, inter alia, the effective use of previously developed land when considering applications. However, as set out at 10.11, Policy E paragraph 16 states that traveller sites (temporary or permanent) in the Green Belt are inappropriate development for which very special circumstances must be demonstrated.
- 10.30. National Green Belt policy at paragraph 155 confirms that material changes of use of land are not inappropriate in the Green Belt where they preserve its openness and do not conflict with the purposes of including land within it. Whilst ‘openness’ is not defined in planning legislation or guidance, the courts have identified a number of matters that could be taking into consideration in assessing openness, including spatial and visual aspects, duration of development and remediability, and the degree of activity. One of the purposes of including land in the Green Belt is to safeguard the countryside from encroachment.
- 10.31. The area to which the application relates is no greater than the area which could accommodate vehicle parking and so the proposal could not be said to encroach further into the countryside than the fall-back position established by the aforementioned appeal upon expiry of the current temporary planning permission. All parties at the appeal were also in agreement that the proposal for gypsy and traveller pitches would not affect any one of the remaining four purposes of including land in the Green Belt, a view with which the Inspector concurred. Given that the application site is the same as the appeal site and further temporary permission, and there have been no physical changes to the site that would take it out of the definition of PDL in the NPPF, there is no basis for coming to a different view on this issue. In addition, the use of the application site for vehicle parking is the lawful fall-back position against which the actual harm to openness arising from the proposal should be assessed.
- 10.32. The Inspector concluded that the 10 caravans under consideration at the appeal would have “an urbanising impact and cause a reduction in openness” resulting in a modest level of harm and that 21 caravans (also the subject of the appeal) would result in a significant level of harm. The removal of condition 01 would result in the 12 permanent pitches comprising 12 mobile caravans and 12 touring caravans, together with 12 day rooms and utility buildings. It is reasonable to assume that this would have a similarly significant level of harm to openness.

- 10.33. The proposal would result in a greater impact on openness than the fall-back position and on this basis remains to be considered as inappropriate development in the Green Belt with an additional element of significant harm due to the impact on openness.

Impact on the character and appearance of the surrounding area

- 10.34. The site is located within a defined Locally Important Landscape Area (LILA). SDLP Policy ENV15 states that, within LILAs, particular attention should be paid to the design, layout and landscaping of development in order to minimise its impact on the traditional character of buildings and landscape in the area. SDLP Policy ENV1 and CS policies SP18 and SP19 similarly require the impact on local character to be taken into account. PPTS, at paragraph 25, provides that local planning authorities should strictly limit new gypsy and traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. It does however go on to say that, when considering applications, weight should be given to the effective use of previously developed land.
- 10.35. The site lies within the West Selby Limestone Ridge Character Area as defined in the 2019 Selby Landscape Character Assessment. The area is characterised as an undulating and rolling landscape with large areas of woodland which, together, has the effect of limiting visibility and providing a greater sense of enclosure than elsewhere in the District. This also results in the area having a lower sensitivity to change as new features may be screened by intervening topography.
- 10.36. As recognised by the previous appeal Inspector, although located in the LILA, the site and the area in the immediate vicinity is not reflective of and does not contribute positively to the landscape quality of the wider area as it remains relatively commercial in appearance with a number of buildings and considerable areas of hardstanding. It is important to note that whilst the existing development within and near the site has already changed the character of the countryside in this vicinity, the quality of the landscape is not relevant to the continued protection of Green Belt land.
- 10.37. The existing hedges forming the site boundaries offer some screening of the caravans present on the site, the utility buildings, walls and existing hardstanding. The site is not visible over any great distance along the Great North Road. Notwithstanding this, given that caravans can appear relatively stark in appearance and that there is a limited opportunity to provide for additional landscaping within the layout, the development would have a longer-term urbanising impact that would be difficult to satisfactorily assimilate to a point where a positive impact on the immediate area could be said to result. However, the proposal would not result in any significant harm to the immediate area by reason of the neighbouring commercial uses and the limited views of the site which are primarily gained from passing vehicles on the adjacent A63 dual carriageway. As such, it is considered that there is no conflict with those relevant Development Plan policies listed above.

Impact on Residential Amenity

- 10.38. Policy concerned with impacts on residential amenity and securing a good standard of residential amenity are provided by SDLP policies ENV1 (1) and ENV2 and Paragraph 135 of the NPPF. There are 4 bungalows on the adjacent site which are owned and occupied by the applicant and other members of his family. Even if they were not in the ownership and control of the applicant, the relationship between caravans on the application site and the bungalows is such that the residential amenity of the occupiers of the dwellings would not be harmed for the following reasons.
- 10.39. A 1.6m high stone wall separates the site from the land associated with the bungalows and the orientation and design of both the proposed mobile homes and the existing bungalows protects amenity of both sets of occupiers.
- 10.40. Separate accesses serve the application site and the neighbouring bungalows although there is a gated route between the two which is not considered to result in any detrimental impact on residential amenity.
- 10.41. In the event the proposal is acceptable it would be appropriate to retain the conditions that control the number of pitches and caravans along with the size of commercial vehicles associated with the site. A condition should also be retained preventing commercial uses within the site.
- 10.42. Having taken the matters discussed above into account, it is considered that the proposal would not result in any significant harm to the residential amenities of either existing or future occupants in accordance with relevant Local Plan policies.
- 10.43. In light of the above, it has been demonstrated that the proposal would not contravene Convention Rights contained in the Human Rights Act 1998 in terms of the right to private and family life or the right to life.

Impact on Highway Safety

- 10.44. SDLP Policy T1 requires new development to be well related to the existing highway network and Policy T2 states that development resulting in the intensification of the use of an existing access will be supported provided there would be no detriment to highway safety.
- 10.45. The site access/egress is formed by a slipway from/to the Great North Road (A63) which despite being a dual carriageway now carries considerably reduced levels of traffic as a result of the re-alignment of the A1. Visibility when moving between the site and the adjacent highway is good. No response has been received from Leeds City Council as local highway authority for the A63, though the Council's previous lack of objection to the site as part of the 2019 planning application is noted. It is considered that the proposal would be acceptable in this regard and in accordance with SDLP policies T1 and T2.

Other personal circumstances of the applicant

- 10.46. In general terms, the benefits of a permanent settled base are well-documented in terms of education and access to health care. There would also be advantages for the

general well-being of the site occupants in being settled and having continual access to basic amenities and a secure living environment. In particular, a settled base would be in the best interests of any resident children and their education, health, safety, and welfare. This is a primary consideration.

- 10.47. No personal circumstances or case based on the best interests of resident children has been put forward in this application, but the officers report for the original permission 2019/0030/COU refers to a number of children occupying the site.
- 10.48. In the absence of up-to-date information regarding whether there are resident children and their needs, it is not possible for this material consideration to be given significant weight.

Determining whether very special circumstances exist

- 10.49. It is clear that the proposal is harmful by reason of it constituting inappropriate development in the Green Belt added to which is the harm to openness. Paragraph 153 of the NPPF requires substantial weight to be given to any identified harm to the Green Belt. It is necessary therefore to consider whether the identified harm to the Green Belt is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.
- 10.50. The LPA did not consider the previous application 2019/0030/COU demonstrated very special circumstances to justify a permanent permission by virtue of the sustainability of the site; the site's status as previously developed land; the unmet need for gypsy and traveller sites; the Council's lack of a 5-year supply of gypsy and traveller sites; the failure of planning policy and difficulties in providing sites; and the lack of alternative sites and the likelihood of sites being provided for in the Green Belt. However, the LPA did consider very special circumstances existed to justify a temporary permission with paragraphs 6.4 and 6.6 stating:

"6.4 The advice contained in National Planning Practice Guidance (NPPG) sets out when a temporary permission might be appropriate including where it is expected that the planning circumstances will change in a particular way at the end of a certain period of time. As outlined above at 5.30, the Council anticipates progress being made on the new Local Plan such that appropriate sites for gypsies and travellers will be identified and allocated within a realistic timescale. Whilst NPPG does suggest that granting a second temporary permission will be rare, the circumstances in this particular case (and especially the relative lack of progress in identifying sites through the Local Plan process) are such that it is considered reasonable to consider granting another temporary permission."

"6.6 Notwithstanding that the continuing harm to Green Belt is substantial, it is considered that such harm can be outweighed by other material considerations in the context of a temporary period of 5 years. As such, very special circumstances are established and a temporary planning permission is recommended."

- 10.51. The current application includes a planning statement that seeks to justify removal of the condition on the following basis:

- The proposed allocation of the site in the local plan;
- The sustainability of the site in the context of Planning Policy for Traveller sites;
- Previously developed land;
- The historic difficulties of providing sites through the plan led process;
- The lack of alternative sites & likelihood of alternative sites in the GB.

The proposed allocation of the site in the local plan

- 10.52. The latest publication version of the emerging Local Plan proposes to allocate the site for a maximum of 12 gypsy and traveller pitches via Policy HG14, allocation reference NTHP-A. The ELP intends removal of the site from the Green Belt. The applicant concurs with the site assessment summary for the preferred options local plan and notes there were no objections and 11 supportive responses at that stage. The level of objection to the potential allocation of the site and removal from the Green Belt is unknown at this stage because the further consultation is underway, though it is unlikely that the position will have changed, especially in light of the lack of objection to this planning application since its submission is 2022.
- 10.53. The applicant quotes NPPF paragraph 48 regarding weight to emerging policies, and 49 and 50 regarding prematurity. The former states:
- “48. Local planning authorities may give weight to relevant policies in emerging plans according to:
- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)²².”
- 10.54. The applicant considers the plan is at an advanced stage (48. (a)), that no objections have been received to the policy (48. (b)) but does not comment on test 48. (c). They also quote the site assessment summary for the preferred options version of the ELP which gives exceptional circumstances for Green Belt removal.
- 10.55. It is considered that the ELP is at a moderately advanced stage of preparation which attracts limited weight. The level of unresolved objection is unknown because the outcome of the recent consultation is not available. Regarding test (c) the following considerations apply.
- 10.56. NPPF paragraph 145 states, “Once established, there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated. Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified, in which case proposals for changes should be made only through the plan-making process.”
- 10.57. Policy E; Traveller sites in Green Belt states:

“16. Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

17.Green Belt boundaries should be altered only in exceptional circumstances. If a local planning authority wishes to make an exceptional, limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a traveller site, it should do so only through the plan-making process and not in response to a planning application. If land is removed from the Green Belt in this way, it should be specifically allocated in the development plan as a traveller site only.”

10.58. The ELP supporting document entitled Stage One Green Belt Review: Exceptional Circumstances (September 2021) states:

“5.25 Notwithstanding the above, it is intended that South Milford Caravan Park (proposed allocation ref. NTHP-A) is removed from the Green Belt through the Local Plan process and allocated for Gypsy and Traveller pitches, in order to regularise this site beyond its temporary planning consent. Further details will be provided in a Gypsy and Traveller Background Paper, which will be prepared in support of the Publication Draft Local Plan.

5.26 Whilst Planning Policy for Traveller Sites (PPTS) states that traveller sites in the Green Belt are inappropriate development and Green Belt boundaries should only be altered in exceptional circumstances, paragraph 17 of PPTS states that a: “Local planning authority can make an exceptional limited alteration to the defined Green Belt boundary, which might be to accommodate a site within the Green Belt, to meet a specific identified need for a traveller site”.

5.27 Whilst it is inevitable that the removal of the site from the Green Belt for its permanent use as a gypsy and traveller site will cause some harm to the openness of the Green Belt, the site has been a traveller site for over 10 years and is under 0.5ha in size. It is proposed that the allocation boundary is tightly drawn around the existing site to prevent any further expansion into the Green Belt.”

10.59. While there is an intention to allocate the site and remove it from the Green Belt, this has not yet occurred nor is it certain these matters will be found acceptable at the ELP examination or following further consultation. The site is unallocated and within the Green Belt at the point of determination of this application. ELP Policy HG14 is inconsistent with the NPPF and PPTS Green Belt policy until the site is no longer Green Belt. Therefore, it is given limited weight.

10.60. This does not amount to very special circumstances.

The sustainability of the site in the context of Planning policy for traveller sites

- 10.61. The applicant quotes PPTS, plan-making, Policy B: Planning for traveller sites, paragraph 13 which sets out that LPAs should ensure their policies achieve a number of requirements. They consider the proposal satisfies these requirements.
- 10.62. The LPA previously, under 2019/0030/COU, considered, “Given the location and nature of the site and its reasonable proximity to nearby villages, the site is considered to meet the identified criteria. Other sites not in the Green Belt would, however, be equally capable of meeting the same criteria and it is not considered that this factor amounts to very special circumstances such as to justify support for the site.”
- 10.63. Therefore, this does not amount to very special circumstances.

Previously developed land

- 10.64. The applicant quotes PPTS paragraph 26 which requires the LPA should attach weight to the effective use of previously developed (brownfield), untidy or derelict land. The applicant considers the site to be previously developed land.
- 10.65. The LPA previously, under 2019/0030/COU, considered “It is acknowledged that the site represents previously developed land, given that the previous appeal established that the lawful use of the site was for vehicle parking, and that PPTS encourages the effective use of brownfield or untidy land. Again, however, such land is available outside of the Green Belt and this factor is not considered to amount to very special circumstances.”
- 10.66. This does not amount to very special circumstances.

The historic difficulties of providing sites through the plan led process

- 10.67. The applicant considers it positive that the site has been proposed for allocation; that since the site was granted temporary permission in 2012 only 2 pitches have been granted permanent planning permission in Selby’s former District area. They quote the Inspectors report for the recovered appeal in which they express concern the level of provision proposed may result in the Council still failing to address the actual shortfall of pitches. They also quote similar concerns raised by the Inspector for The Gallops (APP/N2739/C/14/2222861 and APP/N2739/A/14/2218640). The applicant notes a longstanding difficulty in providing gypsy sites in the former Selby District and that this allocation represents a golden opportunity to meet the requirements of national policy to identify land for use by gypsies and travellers.
- 10.68. These appeal decisions are a number of years old, and it is considered more relevant to consider the findings of the Inspector for the Burton Salmon appeal which are noted above and found a similar failure of policy to provide sites. The LPA previously, under 2019/0030/COU, considered it “reasonable that significant weight can be attached to these failures of policy to address need, again in terms of a temporary permission.” As noted above, the site is not yet allocated or removed from the Green Belt, nor is there certainty it will be.

10.69. It is possible for this failure of policy to contribute towards very special circumstances.

The lack of alternative sites & likelihood of alternative sites in the GB

10.70. The applicant considers no alternative sites have been identified by the LPA, Council sites are full with waiting lists, no sites have been successfully identified through the call for sites in over a decade other than the proposed allocation and only 3 pitches have been granted permanent permission in the same period. Based on existing site provision, they consider that there is likely to be a need for gypsy and traveller sites in the Green Belt.

10.71. The LPA previously, under 2019/0030/COU, considered, “There are two publicly owned sites in Selby District (at Burn and Carlton), both of which are at capacity and subject to waiting lists for pitches. The applicant has argued that there is a lack of alternative sites across the District and has highlighted the refusal of permission in 2013 for an extension to the public site at Burn and the subsequent approvals granted by appeal Inspectors which in some cases have been on Green Belt land. It is consequently suggested that it is reasonable to assume that there is a significant likelihood that some future provision for gypsy and traveller sites will be in the Green Belt. The current occupiers of the site, are in need of a settled base which would provide them with access to healthcare, education, welfare and employment infrastructure. Whilst these are benefits that any settled base would provide, in the absence of suitable alternative sites, the personal accommodation needs of the site occupiers for a settled base is a consideration that can amount to very special circumstances and be afforded significant weight particularly when considering the best interests of the children.”

10.72. The Burton Salmon appeal examined alternative site provision as discussed above. There do not appear to be any alternative sites within the former District which would meet the site occupants needs, particularly because the applicant confirms the pitches are rented out on a private basis. The availability of alternative sites is normally considered in the context that refusal of planning permission would result in site occupants being made homeless. When this application was first received in October 2022 there was a substantial period of time until the temporary permission expired in June 2025 and the Selby District Council Local Development Scheme 2022 – 2024 (brought into effect from 27 September 2022) anticipated ELP adoption in March 2024. Refusal at that time would have left the occupants with a place to live for a considerable period of time and the intention to adopt an emerging local plan at a point in time that would allow potentially unproblematic progression (subject to application) from temporary to permanent permission with the support of the development plan that allocates the site for the proposed use and removes it from the Green Belt.

10.73. However, the ELP has been significantly delayed and has recently been subject to consultation on a further publication version. The Local Development Scheme 2022 – 2024 anticipated a 20-month period for consultation on the publication version of the local plan through to adoption in March 2024. Applying the same period to the latest publication local plan would mean adoption in approximately December 2025, 6 months after the temporary permission expires. The applicant has refused to change this application to a variation of condition application seeking a further temporary planning

permission to go beyond the anticipated adoption of the ELP. The LPA is not able to impose a further temporary permission on the applicant because of the nature of the application and inability to change the description of development without the applicants' agreement. Refusing this application would, based on current predicted timescales, lead to the enforcement team having to consider whether it is in the public interest to pursue enforcement action when the temporary permission expires. Any consideration would need to take account of the position with regards the ELP and its progress, which would likely be far more advanced than at present with allocation of the site and removal from the green belt retained based on the exceptional circumstances set out in the aforementioned Stage 1 Green Belt review (2021). This would likely lead to a period of unlawful occupation of the site by the residents or, if the occupants decided to vacate the site of their own volition, and in the absence of any alternative accommodation, a roadside existence which is contrary to the thrust of the PPTS and would have serious implications for the wellbeing of site occupants. The site would then be removed from and would not contribute towards the supply of sites within the Council. This situation arises from the aforementioned failure of policy.

- 10.74. The lack of alternative sites and the implications of the ELP are capable of contributing towards very special circumstances.

Equality Act 2010

- 10.75. Due regard must be had to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. The Equality Act 2010 legally protects people from discrimination in wider society. The occupants of Milford Caravan Park are gypsies and they have a protected characteristic for the purpose of the PSED. The shortage of pitches in the former District may indicate inequality of housing opportunities of gypsies.
- 10.76. It is considered that a decision made in accordance with this recommendation would not result in any breach of Rights under the Equality Act and fulfils the Council's duties and obligations accordingly.

Human Rights

- 10.77. Approving the application would provide a settled base that would meet the Article 8 Human Rights Act requirements of the occupants right to a home and a private and family life and allow the group to live together as part of their traditional way of life.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. The application seeks to remove Condition 01 of planning permission 2019/0030/COU, which would allow the temporary use of the land for 12 traveller pitches until June 2025 to be permanent.
- 11.2. The proposal is inappropriate development by definition that causes further harm to the openness of the Green Belt and should not be approved except in very special circumstances. Such circumstances will not exist unless these harms, which are attributed substantial weight in national policy, are clearly outweighed by other considerations. The existence or otherwise of a 5-year supply of sites is not

determinative to this proposal. The proposal would not result in any significant harm to the character and appearance of the area. No harm to residential amenity or highway safety would arise. No personal circumstances are detailed within the application.

- 11.3. The failure of planning policy through appeal and previous authority decisions to address need through the plan led system contributes towards very special circumstances and is given significant weight. The lack of alternative sites for the occupants and importantly the implications of the ELP contributes towards very special circumstances and is given significant weight.
- 11.4. Meeting the sustainability considerations set out in PPTS and use of previously developed land do not amount to very special circumstances on an individual basis but cumulatively are factors in favour to which moderate weight should be given. The Council has taken some steps to meet the needs by making progress with the ELP but the timescales have likely slipped beyond the current temporary planning permission and limited weight is presently given to relevant ELP policies. The proposed allocation of the site and removal from the Green Belt in the ELP, whilst providing an intention by the Council and an indication of the direction of travel, does not amount to very special circumstances.
- 11.5. These considerations, taken together with the equality and human rights benefits which flow from granting a permanent permission, are sufficient on a cumulative basis to constitute very special circumstances.
- 11.6. These conclusions have taken into account that this application does not provide information regarding personal circumstances or the best interests of children.
- 11.7. In light of the above and the demonstration of very special circumstances, it is considered that the policies of the Framework relating to Green Belt, or any other matter, do not provide a clear reason for refusing the proposal. The application is therefore recommended for approval.

12.0. RECOMMENDATION

- 12.1 It is recommended that planning permission be granted subject to the following conditions. Condition 01 of the original permission is deleted. Condition 03 is varied to include reference to the Planning Policy for Traveller Sites 2015 last updated 19th December 2023. Condition 08 is deleted because it was discharged by 2020/1149/DOC.
- 12.2 In the event Planning Committee resolves to grant planning permission subject to the conditions listed in this report, prior to doing so the Local Planning Authority must consult the Secretary of State for Housing, Communities and Local Government (the Secretary of State) as set out in The Town and Country Planning (Consultation) (England) Direction 2021 (the Direction) confirming the Planning Committee resolution. The Local Planning Authority shall not grant planning permission on the application until the expiry of a period of 21 days beginning with the date which the Secretary of State tells the Local Planning Authority in writing is the date the material is received as specified in paragraph 11 of the Direction. If, before the expiry of the 21 day period

referred to in paragraph 12 of the Direction, the Secretary of State has notified the Local Planning Authority that the intention is not to issue a direction under section 77 of the Town and Country Planning Act 1990 in respect of that application, the Local Planning Authority will proceed to determine the application in accordance with the resolution of Planning Committee.

01. Deleted.
02. The development hereby permitted shall be carried out in accordance with the following approved plans:
- Site Location Plan - JTaylor 19-SLP
 - Proposed Site Layout - 18203/02
 - Proposed Utility Building - 18203/03

Reason: For the avoidance of doubt.

03. The site shall not be occupied by any persons other than gypsies and travellers, as defined in Annex 1: Glossary of Planning Policy for Traveller Sites 2015 (Last updated 19 December 2023) (or its equivalent in replacement national policy).

Reason: This condition is necessary in order to ensure that the site meet the needs of the travelling community.

04. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.

Reason: In the interests of the residential amenity of the site occupiers and those of neighbouring properties.

05. No commercial activities shall take place on the land, including the storage of materials.

Reason: In the interests of the residential amenity of the site occupiers and those of neighbouring properties.

06. There shall be no more than 12 pitches on the site and on each of the 12 pitches hereby approved no more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, shall be stationed on the site at any time of which only 1 shall be a static caravan.

Reason: In the interests of the character and appearance of the area and the visual amenities of the Green Belt.

07. No generators shall be permitted to be operated on the land.

Reason: In the interests of the residential amenity of the site occupiers and those of neighbouring properties.

08. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and

re-enacting that order with or without modifications), no sheds, or other buildings or structures, walls, fences or other means of enclosure other than those shown on the approved plans shall be erected on the site unless details of their size, materials and location have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the character and appearance of the area and the visual amenities of the Green Belt.

Target Determination Date: 12/7/2024

Case Officer: Martin Evans, martin.evans@northyorks.gov.uk