

**LANDOR** Planning Consultants Ltd  
PO Box 1983, Liverpool, L69 3FZ  
[www.landorplanning.co.uk](http://www.landorplanning.co.uk)

VAT No. 28667644

Duty Planning Officer  
Policy, Planning and Transportation  
Halton Borough Council  
Municipal Building  
Kingsway  
Widnes  
WA8 7QF

25 October 2022

Dear Duty Planning Officer,

**Your Reference: 22/00524/COU**

**Site Address: Land To the South Side of Mersey View Road, Halebank, Widnes, WA8 8LP**

**Proposed Change of Use of land to form a 5-pitch family traveller site with 1 day room, 5 shower rooms, a package sewerage plant, landscaping and play area, along with site access improvements onto Mersey View Road**

We act on behalf of Hale Bank Parish Council (HBPC) and refer to the above referenced planning application for change of use.

HBPC wishes to comment on the application proposals which do not accord with the development plan, the Halton Delivery and Allocations Local Plan (DALP). For this reason, HBPC request that planning permission for the application proposals should not be granted.

#### Site Description

The site proposed for development is an L-shaped area comprising approximately 0.25 hectare of land, on the southern side Mersey View Road in Halebank. The site has frontage to, and gated access from Mersey View Road and is located to the east and south of No. 36 Mersey View.

No. 36 Mersey View is a residential property associated with adjacent commercial operations to its immediate west and east which consist of a Transport Depot and Trailer Storage respectively. A search of Halton Council's planning public access records indicates that these uses do not appear to have been formally regularised through the planning process.

There is no planning history for the site and Historic OS Maps dating from 1849 indicate that the site has not previously been occupied by buildings.

Enclosed with this letter are the Title Register and Title Plan for the application site which confirm it was purchased by the applicant in December 2021. In addition, there are several restrictive covenants which prevent:

- a) Use of the land for keeping any caravan or moveable dwelling unit.
- b) The use of the land for any purpose other than as garden land in connection with No. 36 Mersey View Road.
- c) The erection of any buildings.

In Land Use terms, the site is designated as a Primarily Employment Area, suitable for Employment Development in accordance with the adopted policies of the DALP.



Figure 1: Aerial View of Application Site (Source: Google Earth Pro)

## The Development Proposal

The application proposal seeks permission for a change of use to provide pitches to accommodate five static caravans, five touring caravans, five shower rooms and a day room, sewerage treatment plant with associated access and landscaping.

The supporting Planning Statement makes a case indicating that the proposal is to meet the needs of a specific family group of travellers who have ceased to travel temporarily due to a combination of age, health and educational needs. The case is set out in the form of a narrative without any documentary evidence in support.

In addition, the application is not supported by the requisite package of supporting documentation. The aerial image of the site (Figure 1) confirms that there are mature trees and hedges on site which have amenity and habitat value. The proposals will introduce structures and hardstanding to the site which is currently greenfield and is not previously developed.

An Arboriculture Assessment, Preliminary Ecological Assessment and Drainage Strategy are mandatory requirements in accordance with HBC's Validation Checklist, in order for the implications of the application proposal to be accurately evaluated by the local planning authority (LPA).

### Planning Policy Considerations

Planning law dictates that applications for planning permission must be determined in accordance with the development plan (adopted Local Plan) unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications. Meanwhile, Supplementary Planning Documents (SPDs) are capable of being a material consideration in planning decisions but are not part of the development plan.

The development plan is the DALP, adopted by Halton Borough Council (HBC) on 2 March 2022. The DALP is arranged into Strategic and Non-Strategic Policies. The following development plan policies are of relevance to the application proposal:

- CS(R)1: Halton's Spatial Strategy
- CS(R)4: Employment Land Supply
- ED2: Employment Allocations
- EDU3: Complementary Services and Facilities within Employment Areas
- CS(R)14: Meeting the Needs of Gypsies, Travellers and Travelling Showpeople
- RD2: Gypsy and Travellers (Allocations)
- HE1: Natural Environment and Nature Conservation
- HE5: Trees and Landscaping
- HE9: Water Management and Flood Risk

### Principle of Development: Non-Employment Use in Primarily Employment Designation

Proposals within Primarily Employment Areas are subject to DALP Policies ED2: Employment Development and ED3: Complementary Service and Facilities within Employment Areas.

The policy aims of ED2 are set out in ¶8.9-8.12, explaining the need to ensure that there is provision of employment uses, to retain suitable sites for employment purposes and support appropriate renewal/redevelopment which will modernise existing employment uses.

Parts 1-2 of Policy EDU2 states that development for office, R & D, light industry, factory, or storage and distribution uses will normally be acceptable. Redevelopment and regeneration within existing employment areas will be supported where they make an improvement in the use of the site for employment purposes.

Part 6 of EDU2 relates to development proposals within Primarily Employment Areas, which are not for employment purposes. It states that such proposals must demonstrate that continued use for employment purposes is not viable, and that it is not commercially viable to redevelop or refurbish for employment use.

No evidence has been provided in the application submission to indicate that it would not be commercially viable to develop the site for employment purposes. Any such viability evidence would need to be accurately informed by the market value of the site. The purchase price of £16,000 verified by the Title Register, and dated December 2021 would provide an appropriate baseline for a Viability Study if the Applicant were minded to adduce the evidence required by Policy EDU2.

Part 6 of EDU3 additionally requires adequate marketing evidence to demonstrate that there is no demand for the land/property and that no reasonable offers have been refused. This will include evidence demonstrating that:

- i. The marketing has been undertaken by an appropriate agent or surveyor at a price which reflects the current market or rental value of the land/premises for its current use and that no reasonable offer has been refused.
- ii. The land/premises has been marketed for an appropriate period of time which will usually be for 12 months.
- iii. The land/premises has been regularly advertised and targeted at the appropriate audience. Consideration will be given to the nature and frequency of advertisements in the press or specialist trade networks etc. and contact with local property agents.

The Applicant's Planning Statement alludes to the application site having been intermittently marketing during the past eight years since it was initially acquired by the appellant. No evidence has been submitted to support this claim. In the event that marketing evidence is subsequently provided by the applicant, its veracity must be taken in the context that the applicant's ownership of the site actually commenced in December 2021 (as confirmed by the Title Register for the site which is appended to this letter).

As it stands, the application submission is not supported by the marketing evidence required by Part 6 of Policy EDU2. The proposal is therefore regarded as a departure from policy and the principle of development to change the use from employment to traveller pitches is not acceptable in accordance with DALP Policy EDU2.

Associated DALP Policy ED3 refers to services and facilities which may be acceptable in Primarily Employment Areas. The objectives of EDU3 are set out in ¶8.14-8.15, explaining that small scale

ancillary complementary services and facilities such as catering, convenience retail and childcare demonstrated to meet the needs of employees and business will be supported provided that they do not impact on local employment or the local economy.

The proposed development is not providing a complementary facility or service to meet the needs of employees or businesses within the area. Therefore, the principle of development must be regarded as unacceptable in relation to DALP Policy EDU3.

HBPC consider that planning permission cannot be granted on the basis of non-compliance with DALP Policies CS(R)1, CS(R)4, EDU2 and EDU3.

### Principle of Development: Residential Development for Gypsy and Travellers

The Applicant's Planning Statement suggests that provision in the DALP for Gypsy, Traveller and Travelling Showpeople Accommodation is deficient. It is claimed that the application site has been in the ownership of the applicant for eight years. Therefore, the lines of argument set out in the Planning Statement would have been more effectively put forward at the appropriate time during the Local Plan public consultation and Examination in Public (EiP).

The conclusion of the EiP is that the DALP is legally and procedurally compliant and 'sound' (positively prepared, justified, effective and compliant with national policy) (NPPF ¶35). As such, the DALP has been adopted by HBC and is the starting point for decision taking in accordance with planning law.

DALP Policy RD2: Gypsy and Travellers (Allocations) refers to the Gypsy and Travellers Accommodation Assessment (GTAA) and to Strategic Policy CS(R)14. The GTAA forms part of the Evidence Base for the adopted DALP, while CS(R)14 highlights that the Council will work with its partners to ensure appropriate provision for Gypsies, Travellers and Travelling Showpeople's needs.

Part 1 of Policy RD2 identifies sites GT5: Bigfield Lodge, GT6: Warrington Road and GT7: Windmill Street which via existing consent and allocation can provide up to 23 additional pitches over the plan period until 2037. Part 1 of Policy RD2 thereby provides capacity to exceed the requirement of the GTAA to deliver 10 pitches by 2037.

Part 2 of Policy RD2 states that there is presumption against the loss of existing, established, lawful residential sites for Gypsy, Traveller and Travelling Showpeople sites, unless suitable replacement provision of equal or enhanced value are provided. Existing authorized sites are GT1: Canalside, GT2: Runcorn Transit Site and GT4: Riverview provide 37 permanent and 12 transit pitches (49 total).

If there is any validity to the Applicant's claim that the existing and allocated provision set out in DALP Policy RD2 is deficient, this could be demonstrated with an evidence-based assessment of the current occupancy/ take-up of pitches at Sites GT1-GT8. Unfortunately, the Applicant has not provided any evidence to indicate that existing and allocated provision is not available or has reached saturation. This line of argument is therefore to be attributed very limited weight.

Part 3 of RD2 states that any further applications for Gypsy, Traveller and Travelling Showpeople accommodation are to be assessed in accordance with Policy CS(R)14, an exercise which has been attempted in the Planning Statement. However, the requirements of Part 4 of Policy RD2 indicate that all applications for Gypsy, Traveller and Travelling Showpeople accommodation must be accompanied by evidence that the intended occupiers meet the relevant definition in national policy, demonstrating that their livelihood is solely or primarily reliant on nomadic travelling to sustain it. Appropriate evidence includes comprehensive business records, bank statements and tax returns.

Unless it has been submitted on a confidential basis, it does not appear that the evidence required by Part 4 of RD2 has been provided. Therefore, the principle of development for Gypsy, Traveller and Travelling Showpeople accommodation is not demonstrated in accordance with DALP Policy RD2.

If the Applicant is able to provide the evidence required by Part 4 of Policy RD2, then the proposal would fall to be considered under Part 3 of CS(R)14, which comprises 12 criteria. The application proposal does not comply with the following criteria of Part 3 of CS(R)14:

- (a) A Phase 1 Geo-environmental Preliminary Risk Assessment is required to demonstrate that the site is not affected by contamination and would provide acceptable living conditions but has not been provided.
- (b) Landscaping to provide privacy between pitches is required but has not been provided.
- (c) Adequate pedestrian and vehicular access including parking and provision for turning are required. The vehicular access in the Proposed Site Plan does not demonstrate that the required visibility splay (2.4m x 70m in both directions) can be achieved. The internal road layout does not incorporate a turning head. There is no tracking diagram to prove that the proposed access arrangements are suitable for local authority refuse collection or Fire Appliances. There is no footpath provision within the site for pedestrians and potential conflict between vehicles and a proposed play area.
- (d) The existing footpath on the southern side of Mersey View Road is substandard, indicating poor pedestrian connectivity from the site to elsewhere.

All the above are matters that the decision maker should expect to receive information to satisfy the LPA's Highways and Environmental Health Officers. However, this information is not included in support of the application. As such, the requirements are not met and therefore planning permission cannot be granted on the basis of non-compliance with DALP Policies CS(R)14 and RD2.

## Conclusion

The application proposals are not supported by the following evidence as required by DALP Policy EDU2:

- Viability Appraisal for Employment Development of the site informed by the confirmed purchase price of £16,000 in December 2021.
- Adequate Marketing Evidence carried out by an appropriate agent/surveyor for at least twelve months across a range of media with verification that no reasonable offers have been refused.

The application proposals are not supported by the following evidence as required by DALP Policy RD2:

- Verification that the livelihoods of the occupiers of the proposed development are reliant on nomadic travelling, including business records, tax returns and bank statements.

The application proposals are not otherwise supported by mandatory documents including an Arboriculture Assessment, Preliminary Ecological Appraisal, Drainage Strategy and Phase 1 Geo-environmental Preliminary Risk Assessment. Finally, adequate access and servicing arrangements have not been demonstrated.

As such the application proposals do not comply with development plan policies including CS(R)1: Halton's Spatial Strategy; CS(R)4: Employment Land Supply; ED2: Employment Allocations; EDU3: Complementary Services and Facilities within Employment Areas; CS(R)14: Meeting the Needs of Gypsies, Travellers and Travelling Showpeople; RD2: Gypsy and Travellers (Allocations); HE1: Natural Environment and Nature Conservation; HE5: Trees and Landscaping and HE9: Water Management and Flood Risk.

For all the reasons set out in this letter, it is clear that planning permission cannot be granted for the proposal in its current format.

We ask that these representations are considered in HBC's consideration of the application. Please note HBPC's continued interest in this application in the event that additional information is submitted by the applicant.

Yours sincerely,

**Philippa Landor Director**  
**BA (Hons) MSc Urban and Rural Planning**

Tel: **07710 037 722**

Email: [philippa@landorplanning.co.uk](mailto:philippa@landorplanning.co.uk)

Landor Planning Consultants Ltd

PO Box 1983

Liverpool

L69 3FZ

Encs. HM Land Registry Title Plan and Title Register  
cc. Hale Bank Parish Council