



Committee and Date  
 Northern Planning Committee  
 5<sup>th</sup> March 2024

**Development Management Report**

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

**Summary of Application**

<b>Application Number:</b> 23/02652/FUL	<b>Parish:</b>	Sutton Upon Tern
<b>Proposal:</b> Change of Use of land to Gypsy / Traveller site for 2 family pitches to include the erection of amenity buildings, improvement of access and installation of Bio-Disc sewage treatment plant		
<b>Site Address:</b> Land East of A529 Woodseaves Market Drayton Shropshire		
<b>Applicant:</b> Mr H Toogood		
<b>Case Officer:</b> John Shaw	<b>email:</b> john.shaw@shropshire.gov.uk	

**Grid Ref:** 368849 - 330607

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**Recommendation:- Grant Permission** subject to the conditions as set out in Appendix 1.

## REPORT

### 1.0 THE PROPOSAL

- 1.1 The application seeks planning permission to allow the creation of a Gypsy & Traveller site for 2 family pitches and includes the erection of 2 amenity buildings, improvement of access and installation of a Bio-Disc sewage treatment plant.
- 1.2 The static caravan would be used for permanent residential accommodation for 3 generations of one gypsy and traveller family who currently live nearby on a temporary basis at a private site The Paddocks, Warrant Road, Stoke-on Tern. During the application processing, the proposal has been amended to 2 small brick-built amenity blocks measuring approximately 6m x 6m with a height of 4m; the plans as originally submitted proposed one large amenity block measuring 15m x 8.2m. The number of pitches has also been reduced from 3 to 2.
- 1.3 The proposal would see the removal of the existing field gate access and its replacement with new entrance gates; new estate fencing would also be installed adjacent to the access while the apron would have a tarmac finish. The northern portion of the application site would be set aside as a pony paddock while a package sewage treatment plant would also be installed.
- 1.4 The current application follows on from an earlier refusal at the site (ref: 22/05367/FUL) which was for one open market bungalow dwelling. This application was refused on the basis that the *“application site occupies a countryside location outside any development boundary where market housing provision is not supported in principle by adopted development plan policies”* and *“On balance, it is considered that there are no social, economic and environmental benefits specific to the development which will outweigh either the harm to the plan-led system and housing strategy for the area or the site specific harm associated with the incursion of built development into the rural hinterland unnecessarily impacting on the intrinsic character and beauty of the countryside”*.

### 2.0 SITE LOCATION

- 2.1 The site is in open countryside within the settlement of Woodseaves and set equidistant between Market Drayton to the north and Hinstock to the south with the distance between the site and these settlements in both cases being approximately 3.5km/2.2 miles; Cheswardine is to the east.
- 2.2 The land is located to the east of the A529 with vehicular access off Haywood Lane, a C classified road located to the east of the site. The site area extends to approximately 0.17 ha and is described as a vacant paddock and forms a triangular piece of land set centrally within Woodseaves. The boundaries to the site are formed primarily of established hedgerows with some trees interspersed. The site shares a boundary with one residential property, Manor Cottage to the south.

### 3.0 REASON FOR DELEGATED DETERMINATION OF APPLICATION

- 3.1 The application has been referred to the committee for determination as the Planning Officer is recommending approval, contrary to the opinion of the Local Member and the Parish Council who both object to the scheme and have provided material reasons for this objection. The views of the Parish Council cannot reasonably be overcome by negotiation or conditions and the Planning Manager in consultation with the committee Chairman & Vice Chairman agrees that the Parish/ Council and local member have

raised material planning reasons that warrant the application to be considered by committee.

#### **4.0 COMMUNITY REPRESENTATIONS (full details of the responses can be viewed online)**

##### **4.1 - Consultee Comments**

##### **4.1.1 Sutton Parish Council – Objection**

2<sup>nd</sup> response 02/10/23:

*The Parish Council continues their objections to the resubmission of 23/02652/FUL land East of A529 for a Travelers Site, as previously set out on National Policy grounds, Policy CS12, its scale, access, ecology, drainage, and request that the application is called in for committee scrutiny.*

*The Parish Council is still not satisfied that the above resubmission has overcome any of the planning concerns previously stated in objections. Whilst we welcome highways pre conditions there is still a concern larger vehicles and caravans exiting the site will need to cross the carriageway and result in danger to other road users.*

*Concerns continue to be raised about the local connections of any potential families that would take up any of the on site plots highlighted within the application coupled with the new layout further breaking up the form and layout of the existing hamlet together with the height of the cables across the site.*

Planning Officer comment: It should be noted that there are no set minimum distances between properties and overhead lines and the National Grid considers each case on its own merits. It is not uncommon for residential and other development to be carried out beneath and adjacent to overhead lines and this is in evidence throughout Woodseaves.

1<sup>st</sup> response 28/07/23:

*1. National Policy - Planning Policy for Travellers sites: Policy C:14 (p4) When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community. The Parish Council is concerned that the application site breaches this policy as the footprint of a Gypsy/Travellers site in the proposed location would dominate Woodseaves.*

*2. Shropshire Local Development Framework: Policy CS12 Gypsy and Traveller Provision (p89) Supporting suitable development proposals for small exception sites (under 5 pitches) in accordance with Policy CS5, where a strong local connection is demonstrated; Ensuring that all sites are reasonably accessible to services and facilities ..... The Parish Council has seen no evidence of local connection or local need in terms of the application and consider that there are vacancies within other sites in close proximity to Woodseaves that could accommodate the number required within this application. The Parish Council would also argue that Woodseaves does not have reasonable access to services and facilities as required by the policy.*

*3. Scale: The scale of the accommodation block has more or less the same footprint of the previous bungalow application refusal (22/05367/FUL). Where the refusal reasoning detailed as follows. "6.3.4 In view of the above the size of the dwelling and the layout of the site is not considered appropriate and will have an unacceptable impact on the character and appearance of the area. As such this is contrary to policies CS5, CS6, CS11, MD2 and The SPD on the Type and Affordability of Housing of the Shropshire LDF and the NPPF." Therefore, the Parish Council believe the size of the amenity building plus an additional 6 caravans and 8 parking spaces will remain inappropriate and will have a more detrimental impact on the character and appearance on the area.*

4. Access: *The Parish Council remains very concerned about the access point onto a busy road with a number of 'near misses' not reported through to the Police and Highway Authority by local Parishioners. This is also compounded by the potential number of cars, commercial vehicles, caravans, and horse drawn vehicles parked on and accessing/egressing the site onto a busy road. On balance the Parish Council considers that there are no social, economic, or environmental benefits specific to this development which outweigh either the harm associated with the incursion of this built development into the rural hinterland unnecessarily impacting on the intrinsic character and beauty of the countryside.*

5. Ecology: *The Parish Council are concerned that no Ecology Report has been commissioned for this application to establish any migratory routes or other colonies in terms of the great crested newt at the site. Which we believe are present in nearby ponds, as confirmed by Parishioners.*

6. Drainage: *The Parish Council are also concerned that the results of trials to establish that the proposed drainage field will be above standing water are not available as Parishioners have informed the Parish Council of local flooding and have highlighted the 'camber' on the field that will aggravate future flooding patterns as Climate Change conditions continue to produce highs and lows in terms of rain patterns that will start to become more the 'norm' in the near future.*

7. Calling in the Application: *The Parish Council supports the local Shropshire Councillor Rob Gittins request that this application is called in for a committee discussion/decision and would be available to send representation from the Parish Council to speak at any said planning meeting against the application.*

#### 4.1.2 **SC SUDS – No Objection subject to condition**

Planning Officer comment: Following a further response from the Council's SUDS team on 31/01/24 that stated, "*Details of an overflow from the harvesting system to the soakaway/attenuation should be submitted for approval*", it was subsequently confirmed that this detail could be submitted as part of discharging a drainage pre-commencement condition.

#### 4.1.3 **SC Highways – No Objection subject to conditions**

#### 4.1.4 **SC Ecology – No Objection subject to conditions**

Final Response 04/09/23:

*'Conditions and informatives have been recommended to ensure the protection of wildlife and to provide ecological enhancements under NPPF, MD12 and CS17.*

*I have reviewed the information and plans submitted in association with the application and I am happy with the survey work carried out'.*

Initial response 28/07/23:

*'On review of the design and access statement (Trevor Mennell Planning, June 2023), an ecological report is due to be submitted. Please re-consult when this report has been received'.*

#### 4.1.5 **SC Gypsy Liaison – No Objection (03/03/23)**

*'The families who have submitted the application at Woodseaves have a strong local connection and the applicant along with his sister care for their elderly mother. They lived on Craven Arms site several years ago but left as it was too hectic for them as they are a quiet family. They have since lived on a private site in Shropshire before moving to their current local site which is overcrowded hence wanting to settle of their own site'.*

Planning Officer comment: The Gypsy Liaison Officer has since confirmed that the family are at the private site where they currently reside on a temporary basis; the pitches at the site have personal permissions and therefore when the named occupiers return from travelling, they would be expected to move.

#### 4.1.6 **SC Planning Policy: Comments provided**

*‘...In conclusion, whilst the Council’s most recent evidence (GTAA 2019 update) does not identify a general need for sites, it does recommend that applications for small sites should continue to be considered as a means of addressing specific arising needs. If it is considered that the applicants needs are such that they can no longer be met by their existing accommodation, the availability of suitable, alternative accommodation for the site occupants will be a key consideration.*

*In line with PPTS (paragraph 24) personal circumstances, alongside the other matters highlighted in national policy and the adopted Local Plan, are factors that should be taken into account in determining a planning application for a traveller site. These policy comments have however focused on the policy principles not personal circumstances or development management considerations such as amenity, character, highway and ecology matters.*

*It is beyond the remit of policy comments to consider personal circumstances in detail other than to note that the information submitted to support the application indicates that the site would be occupied by a child and an individual with health issues. The latter may also be relevant in considering any discriminatory impact of the application of PPTS Annexe 1 definition to the proposal. Government planning practice guidance (Paragraph: 028 Reference ID: 21b-028-20150901) on the determination of planning applications also indicates that, ‘local authorities need to consider whether children’s best interests are relevant to any planning issue under consideration’ and goes on to provide further guidance.*

*In conclusion, it is suggested that additional information would be helpful to clarify the applicants’ circumstances and pitch requirements. These matters, together with availability of suitable pitches and other material considerations, all need to be taken into consideration in the planning balance and determination of the planning application’.*

## 4.2 - Public Comments

4.2.1 This application was advertised via notice at the site and the Councils website. At the time of writing this report, a total of 42 people have submitted letters of representation with all letters objecting to the development. The reasons for the objections are summarised below:

- Noise and disturbance to local residents
- Unsuitable for the needs of the traveller community due to limited access to essential services such as healthcare and education
- There is sufficient provision of gypsy and traveller sites nearby
- Increased pressure on local amenities
- Highway safety concerns due to poor access, visibility, and intensification of the use of the junction and narrow lane
- Harm to local ecology
- Approval would be inconsistent with refusal for new homes in Woodsaves including at this site
- Uncertainty about the proposed occupiers
- Concern about whether the applicants meet the definition of gypsy and traveller

- Harm to visual amenity, unduly dominant and would be out of keeping with the character of the hamlet
- Development would be in the countryside and contrary to the policies of the Core Strategy and SAMDEV
- Light pollution
- Potential for the siting of additional transiting caravans on the site
- Risk to pedestrian safety along Haywood Lane
- Insufficient space for keeping of horses on site
- Impact on private water supplies
- Insufficient information relating to foul drainage facilities.
- Increased flood risk
- Inaccurate plans
- Impact on local heritage
- Excessive scale
- Impact on local power supply

- Planning Officer Comment on other reasons for objection: The proposal is for the residential occupation of the site by the applicant and his family; any potential non-residential uses of the site in the future by the applicant is not a material consideration. Nor is potential loss of value of neighbouring homes. Similarly, concerns that approval of the application could set a precedent is not a material planning consideration and carries no weight in the determination of the application. Each proposal is assessed on its own planning merits.

Concern has been raised that If permission were granted then this could be considered discrimination against non-travellers who have seen their applications for new homes locally refused. It should be stated that each application is considered against applicable national and local policies; weight must be given to policy CS12 'Gypsies and Traveller Provision' for example whereas this policy would not be a material planning consideration for an application for an open market dwelling. This matter is considered further in the main body of the report. It is concluded that this report has had due regard to the need to advance equality of opportunity between Gypsies and Travellers on the one hand, and non-Gypsies and Travellers on the other.

4.2.2 In addition, the local member, Cllr R. Gittins objected to the application for the following reasons:

1. No identified need for additional traveller accommodation in this area.
2. The proposal is not in keeping with the existing structures in the area.

## 5.0 THE MAIN ISSUES

- 5.1
- Policy and principle of development
  - Gypsy and traveller status
  - Impact on character and appearance of the area
  - Residential Amenity
  - Highways
  - Ecological Impacts
  - Drainage
  - Planning balance

## 6.0 OFFICER APPRAISAL

## 6.1 Principle of development

### *Policy Background*

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The starting point for decision taking is therefore the development plan. Proposals that accord with an up-to-date plan should be approved, whilst proposals that conflict with the plan should be refused, unless other material considerations indicate otherwise (para 12 of the National Planning Policy Framework (NPPF) refers).
- 6.1.2 CS5 strictly controls development in accordance with national policies protecting the countryside. The policy lists housing exceptions that may be permitted on appropriate sites in countryside locations, to include those that meet a local need in accordance with national policies and policy CS12. Policy CS12 (Gypsy and Traveller Provision) recognises the need to meet the housing needs of the gypsy and traveller population and sets out how this will be achieved. Reference is made to supporting suitable development proposals for sites close to market towns and key centres and ensuring all sites are reasonably accessible to services and facilities. The supporting text of CS12 states the policy *'sets out a positive approach to meeting the accommodation needs of individuals and families through the encouragement and consideration of development proposals as they arise'* and this includes *'help to facilitate the provision of more private sites including where appropriate'*.
- 6.1.3 The SPD Type and Affordability of Housing (2012) goes on to advise that the need for Gypsy and Traveller sites in Shropshire is identified in the Gypsy and Traveller Accommodation Assessment and that, in assessing a planning application, the Council will consider whether the applicant is a bona fide Gypsy or Traveller and the availability of alternative suitable sites.
- 6.1.4 Gypsy and Traveller Accommodation Assessment (GTAA) identifies the needs of Gypsies and Travellers from across the county, the aim of which is to provide a robust evidence base to plan for future provision and to inform the consideration of planning applications.
- 6.1.5 The National Planning Policy Framework (2023) (NPPF) and the Planning Policy for Traveller Sites (2015 update) (PPTS) together provide the national policy basis for addressing the accommodation needs of the travelling community and are material considerations when determining planning applications which relate to gypsy and traveller sites.
- 6.1.6 The PPTS aims to promote more private traveller site provision and to increase the number of traveller sites in appropriate locations to address under provision while directing LPA to ensure new sites respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.
- 6.1.7 Paragraph 24 of the PPTS states LPAs should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:
- 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*

- 6.1.8 It is considered inappropriate to reference draft Policy DP8 of the emerging Local Plan (which addresses Gypsy and Traveller Accommodation) as a significant material consideration at this time as this plan remains under examination and a number of unresolved objections to DP8 have been raised.

*Sustainability of location*

- 6.1.9 Policy CS12 states that an application which seeks to meet the accommodation needs of the gypsy and traveller community will be supported if it is a suitable proposal located close to Shrewsbury, the Market Towns, key centres and Community Hubs and Clusters. Such a site may be in the countryside. The Council's Type and Affordability of Housing Supplementary Planning Document 2012 (SPD) recognises the extreme difficulties in obtaining sites for Gypsies and Travellers in towns and villages. Accordingly, it suggests new sites may need to be further outside recognised development settlements than would normally be the case for other developments. Furthermore, there is no specific requirement in the PPTS that gypsy sites should be close to facilities with provision made for appropriate sites in rural areas.
- 6.1.10 The PPTS (paragraph 25) does however state that '*Local Planning Authorities 'should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan'*'. Paragraph 13 requires that policies ensure sites are economically, socially, and environmentally sustainable, avoid undue pressure on local infrastructure and ensure that access to health services and attendance at school is facilitated. It should be highlighted though that the PPTS only looks to strictly limit new Gypsy and Traveller sites in the open countryside, rather than to entirely prohibit such development.
- 6.1.11 Woodseaves is a recognised named settlement though it is not designated as a Community Hub or Community Cluster with a defined development boundary and therefore is situated in the countryside for planning policy purposes as defined by Policy CS5. The nearest settlements with development boundaries are Market Drayton to the north, Hinstock to the south, both approximately 3.5km/2.2 miles distant and Cheswardine 2 miles to the east.
- 6.1.12 The development would not represent sporadic and isolated development and instead sits within Woodseaves. It is accepted that Woodseaves does not have any local amenities such as a school, shops, or public transport, however, as stated, the Council's SPD recognises the extreme difficulties in obtaining sites for Gypsies and Travellers in well serviced towns and villages. This assessment was accepted in an appeal decision recently allowed at Five Oak Stables, Coton, Whitchurch (APP/L3245/W/22/3300532); that appeal site and the site subject of this application bear significant similarities in their relation to their accessibility to settlements which provide local services and as such that decision would be deemed to be a material consideration in assessing the accessibility of this gypsy and traveller site.
- 6.1.13 CS12 supports gypsy and traveller sites close to specified categories of settlements (see



paragraph 6.1.9); 'close to' is not defined though it is appropriate to consider a site with reasonable accessibility to services as being close to a settlement. Market Drayton, designated as Market Town by CS1 and CS3, is a key centre within north Shropshire hosting a range of local services, facilities, and employment opportunities and is just a 3-minute drive from the site. Hinstock, a Community Hub settlement, has a post office, primary school and public house and is also just a 3-minute drive while a similar driving time would apply to Cheswardine to the east which has a school and public house. Given the short drive times from the development to the nearest settlements with services and following on from the Inspector's decision for the Coton appeal, it is concluded that the site would be reasonably accessible. The occupiers could easily access a range of day-to-day services and facilities by car. In line with the NPPF, CS5 supports development that maintains and improves the sustainability of rural communities by bringing local economic and community benefits. The development's location near to Hinstock and Cheswardine and the short drive times means it is likely occupants could thereby support local services. The permanent occupation of the site by one family set across two pitches would not cause undue pressure on local infrastructure.

- 6.1.14 It is accepted that the site's occupants would likely rely on car travel for many trips. This would not be unusual given that the occupiers are Gypsies or Travellers who have a nomadic habit of life. CS12 does not explicitly require Gypsy and Traveller sites to be accessible by pedestrians or public transport. The policy allows new sites outside of settlements and so it is to be expected that accessibility by non-car modes of transport would be less when compared to developments in towns and villages. Also, whilst promoting walking, cycling and public transport, the NPPF recognises the opportunity to use sustainable modes of transport varies between urban and rural areas. Bearing in mind the rural location and the difficulty in finding Gypsy and Traveller sites in villages and towns, the site provides reasonable access to services and facilities. For these reasons, the development is in a suitable location having regard to CS5 and CS12, the PPTS, and the NPPF and would be consistent with the findings of the inspector as part of the recent Coton appeal.

*Need for Gypsy and traveller sites (GTAA)*

- 6.1.15 National Policy requires that need for Gypsy and Traveller sites is assessed by the LPA and expects a 5-year supply of sites against locally set targets to be identified along with supply over at least a 10-year period.
- 6.1.16 The GTAA 2019 update identifies a potential cultural need for 113 pitches (of which 43 pitches were identified as PPTS need). With evidenced turnover (i.e., existing pitches which become available over the period to 2038) expected to continue at an average of 9.3 pitches p.a., the GTAA 2019 update assessed that there is no residual shortfall in pitches (for cultural or PPTS need) either over the initial 5 year or whole plan period. Therefore, it is not considered that there is a considerable level of unmet need as suggested in the Design & Access statement submitted. It should be noted however that, as with more general housing need, the GTAA 2019 update considers provision and need across Shropshire and not that specific to the Market Drayton area.
- 6.1.17 Whilst the GTAA 2019 update concludes that there is no current requirement for site allocations or evidence of the need for the identification of sites for longer term provision, it does recommend that the Council should continue to consider planning applications for appropriate small sites to address any arising needs of Gypsy and Traveller families, over the Plan period. This is in line with the Government aspiration to promote more private traveller site provision as set out in PPTS. It is considered that this proposal for a

small, private family site would therefore be compliant with the findings of the GTAA and the aspiration of the PPTS in this regard.

*Personal circumstances & availability of suitable alternative sites*

- 6.1.18 As highlighted in paragraph 6.1.7 of this report, there are several criteria in paragraph 24 of the PPTS which amongst other matters should be considered when planning applications for gypsy and traveller sites. One of these criteria relate to personal circumstances. In addition to paragraph 24 of the PPTS, paragraph 13 states LPAs should ensure they promote a settled base and ensuring that children can attend school on a regular basis with the need for consideration of the relevance of the best interests of the child referenced in planning practice guidance. These matters, together with availability of suitable pitches and other material considerations, all need to be taken into consideration in the planning balance and the determination of the planning application.
- 6.1.19 It is the case that the applicant and his family currently occupy a private site, however, this consists of 8 pitches belonging to different families and the Gypsy Liaison Officer has highlighted overcrowding at the site, the negative consequences of which would be addressed if the applicant and his family had access to their own site. Furthermore, the Gypsy Liaison Officer has confirmed that family reside at the private site only on a temporary basis; the pitches at the site have personal permissions and therefore when the named occupiers return from travelling, the family would be expected to move. The applicant has submitted information including confidential details to the planning officer about the family's circumstances. The pitches would accommodate two children (2 years old and a recently born baby). The 2-year-old child is at nursery in Market Drayton. The mother of the applicant has medical conditions that require regular care by other family members.
- 6.1.20 Several objections refer to the absence of a local connection, however, there is no need to establish a local connection as part of this application. CS12 refers to the need for an applicant to demonstrate a strong local connection for small rural exception sites (under 5 pitches that are set aside solely as *affordable* gypsy and traveller sites), however, the application has not been submitted for consideration as an exception site. Moreover, the PPTS makes clear that LPAs must determine applications from any travellers and not just those with local connections. Nonetheless, the LPA accept that the family do have a strong connection to the rural area near Market Drayton with the applicant and his son having an established roofing contractor business which operates in the local area.
- 6.1.21 The implications of the Human Rights Act, Equality Act 2010 and the best interests of the child, are also significant considerations in determination of an application.
- 6.1.22 Overall, it is considered that the proposed site would bring forward improved living conditions for the family while ensuring they have a permanent, settled base in an area in which they work and are long established. Furthermore, approving this pitch would accord with paragraph 24 (d) of the PPTS which has the aim of providing more private Gypsy and Traveller sites regardless of the need and supply situation.
- 6.1.23 The report shall now review the status of the applicants and then move to a review of other planning considerations before undertaking a balancing exercise to consider whether any harm of allowing the proposal that can be identified would outweigh the compliance of the application with local and national planning policy as has been established.

## **6.2 Gypsy and Traveller Status**

6.2.1 It is necessary to the acceptability of the development that the site would be occupied by Gypsies and Travellers. Information with regards to the gypsy status of the applicant has been provided within the submitted Design and Access Statement and it is accepted that the applicant and his family currently reside at a gypsy and traveller pitch at The Paddocks, Warrant Road, Stoke-on Tern. The Gypsy Liaison Officer has confirmed that the information pertaining to the applicant's status is accurate and that they continue to meet the definition of Gypsies and Travellers. Therefore, if permission was granted, a condition would be imposed to ensure the residential element is occupied by Gypsies and Travellers; the condition would be worded so that it would not exclude those who have ceased travelling permanently in line with the recent Court of Appeal judgement in *Lisa Smith v SSLUHC [2022] EWCA Civ 1391* which held that the exclusion of Gypsy and Travellers who have ceased to travel permanently is discriminatory.

## **6.3 Impact on the character and appearance of the area**

6.3.1 The application site is a triangular piece of land between the A529 which intersects Woodseaves, and Haywood Lane. The interior of the site is screened by established hedgerows and trees on all sides though this screening is lessened over the winter months when the vegetation is no longer in leaf. Further screening is provided by the three large trees set in open space on land adjacent to the north which is outside of the application site. The combination of this open space with the proposed pony paddock within the application site's red line would create a green buffer when the site was viewed from the corner of the junction between the A529 and Haywood Lane. It is accepted that the introduction of two static caravans, two touring caravans and two amenity blocks along with hardstanding, new access gates and associated paraphernalia would impact on the rural nature of the site and given the proximity to the highway, there would be some visibility notwithstanding the screening referenced which would result in limited local visual and landscape harms.

6.3.2 However, though the site is in the countryside for planning policy purposes, the site does not project out into exposed, open agricultural fields beyond the built form of Woodseaves which is set either side of the A529 and extends to the south-west along Syndall Lane and to the north-west where barns connected to Woodseaves Grange farmhouse have been converted. The development would instead be set centrally within this built form and accordingly would not have harmful wider visual and landscape impacts, and this would be reinforced by the small nature of the proposal and the low, single storey heights of the caravans and the proposed amenity blocks.

6.3.4 Though harm has been identified, it would be very limited in scale. As stated, the number of caravans would be small reflecting that what is proposed is a small, single-family site while the scale of amenity block and number of pitches has been reduced significantly during the application. If approval was granted, a number of conditions would be imposed to lessen visual impacts further and these would include a materials condition to ensure the LPA can control the exterior appearance of the amenity blocks and caravans and a hard and soft landscaping condition to ensure existing vegetation is retained and new planting is provided to infill gaps along boundaries. A condition would be added preventing commercial activities taking place on the site, including the storage of materials, machinery, equipment, tools, and associated goods which would jar with the non-commercial character of Woodseaves. Permitted Developments rights relating to fences, walls and gates would also be removed.

## **6.4 Residential Amenity**

6.4.1 The small-scale of the caravans and amenity blocks, and the separation distance proposed between them and the nearest neighbouring properties would be considered sufficient to avoid undue harm to residential amenity. The separation distances that would apply would not be unusual in the context of Woodsaves. Conditions can be imposed to control lighting on site and to prevent commercial activities. Subject to these conditions, the development would be compliant with Policy CS6 of the Core Strategy regarding residential amenity impacts.

## **6.5 Highways**

6.5.1 The highways access in terms of safety and visibility, together with the parking and turning layout within the site boundary would be acceptable subject to the conditions recommended by the Council's Highways Officer. A further condition could be added so that a pedestrian link to the footway provision at the junction of Haywood Lane and the A529 is provided before occupation of the site. The pedestrian link would aid safety as pedestrians would not have to walk onto Heywood Lane to move between the site and the rest of Woodseaves. This link would further improve the integration of the development with the rest of the settlement.

## **6.6 Ecological impacts**

6.6.1 The SC Ecology team have raised no objection following the submission of an Ecological Assessment carried out by Camlad Ecology (revised August 2023). It is considered that the site would be negligible for bats and limited ground works would not carry any significant risk to great crested newts and so no further mitigation, over and above the recommendations of the assessment, would be necessary. Conditions can be imposed to ensure:

- works are carried out in accordance with the submitted method statement
- the submission of details of a lightning scheme
- 2 bat boxes and a total of 6 artificial nest including suitable for swifts

6.6.2 Subject to these conditions, the application would comply with Policies CS6, CS17 and MD12 of the Local Plan.

## **6.7 Drainage**

6.7.1 The Council's SUDS team have assessed the site to be one at low risk of flooding and no concerns raised relating to either foul or surface water drainage. A pre-commencement condition can be added so that notwithstanding the details submitted, a scheme of surface and foul water drainage shall first be submitted to and approved in writing by the Local Planning Authority.

## **6.8 Planning Balance**

6.8.1 Application 22/05367/FUL for a single open market residential dwelling was assessed against general residential housing policy and given the site is in a countryside location where access to local services and facilities would be dependent on the private car, that application was considered contrary in principle to the relevant policies of the Core Strategy and SAMDEV and was subsequently refused.

6.8.2 In the case of the current application and unlike 22/05367/FUL, policy CS12 which specifically relates to gypsy and traveller site provision applies. CS12 only requires that gypsy and traveller sites are 'close to' settlements and are reasonably accessible to services and facilities. This report has established that the site is indeed close to settlements such as Market Drayton, Hinstock and Cheswardine. It is in a rural area and

so most trips to and from the site would be by car, however, services needed on a day-to-day basis, including schools, health facilities, public transport which provide links to towns further afield, are at local settlements within short driving distances. Furthermore, reliance on car travel would not be unusual given that the occupiers as Gypsies or Travellers and would have a nomadic habit of life. Bearing in mind the expectations of national and local policy, the difficulty in finding Gypsy and Traveller sites in villages and towns and the recent Coton appeal, the site is assessed to provide reasonable access to services and facilities.

- 6.8.3 The LPA accept that the needs of the family which includes 2 young children would be best served by a permanent, settled base. In determining the application, the best interest of the child is a primary consideration in all actions by public authorities concerning children. The family may be required to leave their current, overcrowded site as they are not the named, permanent occupiers and as such there would be the prospect that the family would have to lead a roadside existence which could impact on access to medical or other services that they may need.
- 6.8.4 It should again be highlighted the overarching support that the PPTS gives to new private gypsy and traveller provision which further weighs in favour of the application.
- 6.8.5 Weighed against the above is the very limited visual and landscape harm that has been identified, however, it is the case that the site's compliance with national and local gypsy and traveller policies in relation to accessibility to local settlements and the circumstances of the family would outweigh this harm to justify approval.

## **7.0 CONCLUSION**

- 7.1 Though some very limited visual and landscape harm has been identified, the site is in a suitable location for a gypsy and traveller pitch due to the good level of accessibility occupiers would enjoy when travelling to and from local settlements; the development would be in a suitable location having regard to CS policies CS5 and CS12, the PPTS, the NPPF and accessibility. It is furthermore an overarching aim of the Council in accordance with the Core Strategy, the GTAA and the PPTS to support the aim of providing more private Gypsy and Traveller sites regardless of the need and supply situation. Furthermore, personal circumstances also add further weight in favour of approval as it would enable the family to move away from an overcrowded site to a permanent, settled residential base in the local area. In conclusion, the use of the site for 2x gypsy and traveller pitches is recommended for approval subject to the conditions as set out in appendix attached to this report.

## **8.0 Risk Assessment and Opportunities Appraisal**

### **8.1 Risk Management**

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.
- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a

decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

## 8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

## 8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

The Equality Act 2010 says public authorities must comply with the public sector equality duty (PSED). The PSED requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. It is considered that this report has had due regard to the need to advance equality of opportunity between Gypsies and Travellers on the one hand, and non-Gypsies and Travellers on the other.

## 9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

## 10. Background

### Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

CS1 - Strategic Approach

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS12 - Gypsies and Traveller Provision

CS17 - Environmental Networks

MD1 - Scale and Distribution of Development

MD2 - Sustainable Design

MD7A - Managing Housing Development in the MD7A - Managing Housing Development in the Countryside

MD12 - Natural Environment

MD13 - Historic Environment

National Planning Policy Framework

PPTS - Planning Policy for Traveller Sites

SPD Type and Affordability of Housing

RELEVANT PLANNING HISTORY:

22/05367/FUL Erection of detached three-bedroom bungalow incorporating a detached double garage and improvements to vehicle access REFUSE 27th February 2023

23/02652/FUL Change of Use of land to Gypsy / Traveller site for 2 family pitches to include the erection of amenity buildings, improvement of access and installation of Bio-Disc sewage treatment plant PDE

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RWIIF5TDHW800>

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) - Councillor Chris Schofield
Local Member
Cllr Rob Gittins
Appendices APPENDIX 1 - Conditions

**APPENDIX 1****Conditions****STANDARD CONDITION(S)**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans, drawings and documents as listed in Schedule 1 below.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

**CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

3. No development shall take place until a scheme of surface and foul water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

4. No development shall commence until details of a footway connection between the site and junction of Haywood Lane and the A529 shall be submitted to and approved in writing by the Local Planning Authority; the footway connection shall be fully implemented prior to the development hereby permitted being first occupied.

Reason: To ensure the pedestrian connection between the site and the existing footway provision at the Haywood Lane/A529 junction and in the interests of pedestrian safety.

5. Prior to the commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority; the CTMP shall be fully implemented in accordance with the approved details and shall remain in force for the duration of the construction period.

Reason: In the interests of highway safety and local amenity.

**CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**



6. Prior to first occupation / use of the buildings, the makes, models and locations of bat and bird boxes shall be submitted to and approved in writing by the Local Planning Authority.

The following boxes shall be erected on the site:

- A minimum of 2 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 3 artificial nests, of either integrated brick design or external box design, suitable for starlings (42mm hole, starling specific), sparrows (32mm hole, terrace design), house martins (house martin nesting cups), swallows (swallow nesting cups) and/or small birds (32mm hole, standard design).
- A minimum of 3 artificial nests, of integrated brick design, suitable for swifts (swift bricks).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with MD12, CS17 and section 180 of the NPPF.

7. Within three months of this permission, a lighting plan shall be submitted to and approved in writing by the local planning authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes, trees, and hedgerows. The submitted scheme shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK. Only external lighting in accordance with approved details shall be provided on the site

Reason: To minimise disturbance to bats, which are European Protected Species.

8. Prior to the development hereby permitted being first occupied, the access, parking and hardstanding vehicle manoeuvring areas shall be laid out and constructed fully in accordance with the approved plans; the parking and vehicle manoeuvring space shall thereafter be retained solely for the benefit of its intended use.

Reason: In the interests of providing adequate onsite vehicle parking and manoeuvring space within the site curtilage.

9. No construction works to the amenity blocks hereby permitted or occupation of the site shall commence until full details of the external materials to be used for the buildings and mobile caravans have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

10. Notwithstanding the details shown on drawing Proposed Block Plan 71380:1001 Rev B, no occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

- (a) size, species and positions for new trees and plants; new planting should be shown to infill gaps and enhance the existing boundary hedgerow
- (b) boundary treatments including gates and fences,
- (c) surfacing materials (including driveway, parking area, patios) and

(d) any retained planting.

(e) a detailed programme of implementation

The hedge and tree planting shall be carried out in accordance with the approved details within the first planting season. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season either with the same tree/plant as has previously been approved, or with other trees or plants of a species and size that have first been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with all of the approved details.

Reason: In the interests of the visual amenities of the area

11. Prior to the development hereby permitted being first occupied visibility splays shall be provided at the access onto Haywood Lane of 2.4 x 43 metres in both directions, all growths/obstructions in advance of the splayed areas shall be lowered to and thereafter maintained at a height not exceeding 0.6 metres above the level of the adjoining highway carriageway.

Reason: In the interests of highway safety.

#### **CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification), the following development shall not be undertaken without express planning permission first being obtained from the Local Planning Authority:-

- the erection of fences, gates or walls or other means of enclosure

Reason: To enable the Local Planning Authority to control the development and to safeguard the character and appearance of the development.

13. There shall be no more than 2 pitches on the site and no more than 4 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Act 1968, shall be stationed at any time, of which only 2 caravan shall be a mobile home/static caravan. The mobile homes/static caravans shall be positioned in accordance with the details as shown on the approved plans. Any touring caravan shall only be positioned on the area as shown on the approved plans and nowhere else on the site.

Reason: To safeguard the amenities of the locality

14. The development hereby approved shall not be occupied by any persons other than Gypsies and Travellers, defined as 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.

Reason: This permission is only granted in view of the exceptional circumstances of the gypsy community within the Local Planning Authority's area at the date of the permission hereby granted.

15. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding great crested newts as provided in Annex 1 of the Ecological Assessment (Camlad Ecology, August 2023).

Reason: To ensure the protection of and enhancements for Great Crested Newts, which are European Protected Species.

16. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason: To safeguard the amenities of the locality.

17. No commercial activities shall take place on the site, including the storage of materials, machinery, equipment, tools and associated goods. No burning of materials or waste shall take place on the site.

Reason: To protect the residential and visual amenities of the area.

18. The occupation of the site hereby permitted shall be carried on only by the following and their resident dependants: Mr Henry Toogood, Mr Michael Toogood, Mrs Rosanna Toogood and Mary Anne Toogood.

Reason: To ensure that the site is only occupied by the Applicant/s and their named dependants

19. When the land ceases to be occupied by those named in condition no.18, the use hereby permitted shall cease and all caravans, structures, materials and equipment brought onto the land in connection with the use shall be removed and the land restored to its condition before the development was carried out within 6 calendar months of that date.

Reason: To ensure that the site is only occupied by the Applicant/s and their named dependants and in the interests of the visual amenities of the area.

### **Informatives**

#### 1. Nesting birds informative

The active nests of all wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). An active nest is one being built, contains eggs or chicks, or on which fledged chicks are still dependent.

It is a criminal offence to kill, injure or take any wild bird; to take, damage or destroy an active nest; and to take or destroy an egg. There is an unlimited fine and/or up to six months imprisonment for such offences.

All vegetation clearance, tree removal and scrub removal should be carried out outside of the bird nesting season which runs from March to August inclusive.

If it is necessary for work to commence in the nesting season then a pre-commencement inspection of

the vegetation for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of nests then an appropriately qualified and experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

If during construction birds gain access to any of the building and begin nesting, work must cease until the young birds have fledged.

General site informative for wildlife protection

Widespread reptiles (Adder, Slow Worm, Common Lizard and Grass Snake) are protected under the 1981 Wildlife and Countryside Act (as amended) from killing, injury and trade and are listed as Species of Principle Importance under Section 41 of the 2016 NERC Act. Widespread amphibians (common toad, common frog, smooth newt and palmate newt) are protected from trade. The European hedgehog is a Species of Principal Importance under section 41 of the 2006 Natural Environment and Rural Communities Act. Reasonable precautions should be taken during works to ensure that these species are not harmed.

The following procedures should be adopted to reduce the chance of killing or injuring small animals, including reptiles, amphibians and hedgehogs.

If piles of rubble, logs, bricks, other loose materials or other potential refuges are to be disturbed, this should be done by hand and carried out during the active season (March to October) when the weather is warm.

Areas of long and overgrown vegetation should be removed in stages. Vegetation should first be strimmed to a height of approximately 15cm and then left for 24 hours to allow any animals to move away from the area. Arisings should then be removed from the site or placed in habitat piles in suitable locations around the site. The vegetation can then be strimmed down to a height of 5cm and then cut down further or removed as required. Vegetation removal should be done in one direction, towards remaining vegetated areas (hedgerows etc.) to avoid trapping wildlife.

The grassland should be kept short prior to and during construction to avoid creating attractive habitats for wildlife.

All building materials, rubble, bricks and soil must be stored off the ground, e.g. on pallets, in skips or in other suitable containers, to prevent their use as refuges by wildlife.

Where possible, trenches should be excavated and closed in the same day to prevent any wildlife becoming trapped. If it is necessary to leave a trench open overnight then it should be sealed with a close-fitting plywood cover or a means of escape should be provided in the form of a shallow sloping earth ramp, sloped board or plank. Any open pipework should be capped overnight. All open trenches and pipework should be inspected at the start of each working day to ensure no animal is trapped.

Any common reptiles or amphibians discovered should be allowed to naturally disperse. Advice should be sought from an appropriately qualified and experienced ecologist if large numbers of common reptiles or amphibians are present.

If a Great Crested Newt is discovered at any stage then all work must immediately halt and an appropriately qualified and experienced ecologist and Natural England (0300 060 3900) should be contacted for advice. The Local Planning Authority should also be informed.

If a hibernating hedgehog is found on the site, it should be covered over with a cardboard box and advice sought from an appropriately qualified and experienced ecologist or the British Hedgehog

Preservation Society (01584 890 801).

Hedgerows are more valuable to wildlife than fencing. Where fences are to be used, these should contain gaps at their bases (e.g. hedgehog-friendly gravel boards) to allow wildlife to move freely.

#### Landscaping informative

Where it is intended to create semi-natural habitats (e.g. hedgerow/tree/shrub/wildflower planting), all species used in the planting proposal should be locally native species of local provenance (Shropshire or surrounding counties). This will conserve and enhance biodiversity by protecting the local floristic gene pool and preventing the spread of non-native species.

2. A sustainable drainage scheme for the disposal of surface water from the development should be designed and constructed in accordance with the Council's SUDS Handbook which is available in the Related documents section on the council's website at: <https://shropshire.gov.uk/drainage-and-flooding/development-responsibility-and-maintenance/sustainable-drainage-systems-handbook/>

The provisions of the Planning Practice Guidance, Flood Risk and Coastal Change, should also be followed.

Preference should be given to drainage measures which allow rainwater to soakaway naturally. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if infiltration techniques are not achievable.

Any proposed drainage system should follow the drainage hierarchy, with preference given to the use of soakaways. Soakaways should be designed in accordance with BRE Digest 365. Connection of new surface water drainage systems to existing drains / sewers should only be undertaken as a last resort, if it can be demonstrated that infiltration techniques are not achievable.

Where a positive drainage connection is proposed, the rate of discharge from the site should be restricted to an appropriate rate as set out in the SuDS Handbook.

Shropshire Council will not permit new connections to the Highway Drainage network.

Where a proposed surface water attenuation feature serves multiple properties, this feature should not be constructed within a private property boundary and be located in areas of public open space or shared access to allow future maintenance.

If non permeable surfacing is used on the driveways and parking areas which slope towards the highway, a drainage system to intercept water prior to flowing on to the public highway must be installed.

If main foul sewer is not available for connection, British Water 'Flows and Loads: 4' should be used to determine the Population Equivalent (PE) for the proposed development and the sizing of the septic tank or package treatment plant and drainage fields should be designed to cater for the correct number of persons and in accordance with the Building Regulations H2.

#### 3. Works on, within or abutting the public highway

This planning permission does not authorise the applicant to:

- construct any means of access over the publicly maintained highway (footway or verge) or
- carry out any works within the publicly maintained highway, or
- authorise the laying of private apparatus within the confines of the public highway including any a new utility connection, or

- undertaking the disturbance of ground or structures supporting or abutting the publicly maintained highway

The applicant should in the first instance contact Shropshire Councils Street works team. This link provides further details

<https://www.shropshire.gov.uk/roads-and-highways/road-network-management/application-forms-and-charges/>

Please note Shropshire Council require at least 3 months notice of the applicant's intention to commence any such works affecting the public highway so that the applicant can be provided with an appropriate licence, permit and/or approved specification for the works together and a list of approved contractors, as required.

**Mud on highway**

The applicant is responsible for keeping the highway free from any mud or other material emanating from the application site or any works pertaining thereto.

**No drainage to discharge to highway**

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

**Waste Collection**

The applicant's attention is drawn to the need to ensure that appropriate facilities are provided, for the storage and collection of household waste, (i.e., wheelie bins & recycling boxes).

Specific consideration must be given to kerbside collection points, to ensure that all visibility splays, accesses, junctions, pedestrian crossings, and all trafficked areas of highway (i.e., footways, cycle ways & carriageways) are kept clear of any obstruction or impediment, at all times, in the interests of public and highway safety.

<https://shropshire.gov.uk/media/2241/supplementary-planning-guidance-domestic-waste-storage-and-collection.pdf>