



Department for
Communities and
Local Government

Heine Planning Consultancy
10 Whitehall Drive
Hertford
Northwich
Cheshire CS 8 1SJ

Our Ref: APP/K3415A/12/21778761

Your Ref: j31-07 maughan lichfield

18th June 2014

Dear Madam,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL BY MR T MAUGHAN AND MS B AND MS A MAUGHAN
LAND OFF LICHFIELD ROAD NORTH, HAMMERWICH/BROWNHILLS,
WALSALL WS8 6LS
APPLICATION REF: 12/00165/Ful**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Elizabeth Fieldhouse Dip TP Dip UD MRTPI , who held a hearing on 22 November 2012 into your client's appeal as follows:

APP/K3415A/12/21778761 under s78 of the Town and Country Planning Act 1990 against the refusal by Lichfield District Council (“the Council”) to grant planning permission for the change of use to include caravan site for residential occupation by traveller family with associated works (utility buildings, septic tanks, hard standing). (Application ref: 12/00165/Ful dated 12 June 2012) at Land off Lichfield Road North, Hammerwich/Brownhills, Walsall.

2. On 4th July 2013 the appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because the appeal involves proposals for a traveller site in the Green Belt (GB).

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be dismissed and planning permission refused. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and recommendations and dismisses the appeal. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Matters arising since the closure of the hearing

4. Following the close of the hearing the Secretary of State wrote on 13th January 2014 to you and other parties inviting further information for the purposes of his consideration of the appeal. These matters were any changes in circumstances relating to: (a) the personal circumstances of the proposed site occupiers; (b) changes to the development plan and the emerging development plan including changes to the timetable and policies contained within them, since the appeal hearing and (c) the supply of traveller sites, including the availability of a suitable alternative site, and unmet need in the local authority area and (d) other matters or changes in circumstances considered to be material to the Secretary of State's further consideration of the appeal.
5. There were no representations received from you in response to this invitation. Responses were received from the Council and Gerald Eve LLP on behalf of Midland Expressway Ltd which were circulated to you. The representations made in that correspondence have been taken into account in reaching a decision on this appeal.
6. Following the publication of the planning guidance, on the 18th March the Secretary of State wrote to all parties for their comments. Representations were received from you and from Gerald Eve LLP. No response was received from the Council. The Secretary of State has taken account of these representations in his consideration of the appeal before him, but is satisfied that they did not raise matters which would require him to refer back to parties prior to reaching his decision. Copies of the representations may be obtained on written request to the address at the foot of the first page of this letter.

Policy considerations

7. In deciding this appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
8. In this case, the development plan comprises the saved policies of the Lichfield District Local Plan adopted in 1998. The Secretary of State considers the development plan policies most relevant to the appeal are those set out by the Inspector at IR8. The emerging Local Plan Strategy has progressed since the hearing and the Secretary of State considers that it can now be given more weight than the Inspector apportioned in IR8. He agrees with the Inspector that as the development plan policies are largely consistent with the framework, they should be afforded due weight (IR9).
9. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (the Framework); Planning Policy for Traveller Sites (PPTS); and planning guidance issued on 6th March 2014.

Main issues

The Secretary of State considers that the main issues are those identified by the Inspector at IR3.

Green Belt, openness and purposes of including land in the GB

10. The Secretary of State notes the Inspector's statement that the site is clearly visible from the M6 toll and the elevated A5. He agrees with the Inspector (IR6) that the proposed development and associated caravans and utility structures would significantly detract from the openness of the GB. He further agrees that the proposal would compound the existing significant detrimental effect of the motorway and trunk road on visual amenity and openness in this part of the GB. He concurs that, by developing in the countryside, the proposed use would fail to safeguard the countryside from encroachment which would conflict with one of the purposes of including land within the GB (IR8) thus undermining local and national Green Belt protection policies.
11. The Secretary of State agrees that the proposal would be inappropriate development in the GB, would harm the openness of the area and would conflict with one of the purposes of including land within the GB and that substantial weight should be attached to these harms. He further agrees with the Inspector that significant weight should be attached to the harm to the visual amenities of the area (IR8).
12. The development plan policies are broadly consistent with the Framework and the Secretary of State agrees that they should be afforded due weight. Since the Hearing there has been progress on the Lichfield District Local Plan: Strategy such that the policies contained therein can be given greater weight than that attributed by the Inspector in IR8.

Amenities of future occupiers

13. The Secretary of State notes the Inspector's statement that noise levels on the appeal site are above those normally acceptable for residential development and he shares the Inspector's concern about the impact on the amenities of future occupiers of the site (IR10-12). He agrees with the Inspector that, in the absence of adequate details of how noise levels could be effectively mitigated, the proposal does not accord with LP policy DC2. This weighs against the proposal. For the reasons set out by the Inspector at IR13, the Secretary of State agrees with her that, following a robust assessment, the remedial measures found to be necessary could, in themselves, have implications for openness and visual amenities. Without a formal assessment he agrees that this matter could not be adequately covered by condition (IR13).

Sustainability of location

14. The Secretary of State has taken account of the comments made by the Inspector in relation to the sustainability of the site and her conclusion that, in

terms of the wider sustainability considerations advised in PPTS, the site would not be unsustainable for a traveller site (IR16).

Lichfield Canal

15. The Secretary of State agrees with the Inspector in IR18 that the proposal would not impact on the retention of the canal route and this would not be a reason for withholding planning permission for the appeal development.

Need for and provision of gypsy and traveller sites

16. Whilst acknowledging the concerns of the appellant's agent regarding the robustness of the recently published GTAA (IR19), like the Inspector (IR20) the Secretary of State accepts that, in view of the level of unmet need, the harm attached to need is tempered and attracts limited weight in favour of the proposals.
17. Since the Inspector's report in August 2013 and following his referral back to all parties in January 2014, the Secretary of State notes that progress has been made on the emerging Local Plan Strategy. The Council has approved modifications to Core Policy 6 such that it will support the provision of a minimum of 14 residential pitches and 5 transit pitches to meet the needs of gypsies and travellers to 2028. Policy H3 sets out a list of criteria against which planning applications will be determined. In accordance with paragraphs 215-216 of the Framework the Secretary of State gives due weight to the emerging Local Plan.

The personal needs and circumstances of the site occupants

18. The Secretary of State has carefully considered the personal needs and circumstances of the site occupants as set out by the Inspector at IR21-22, and has given significant weight to the best interests of the children as a primary consideration. He agrees with the Inspector's conclusion at IR23 that the identified personal need should be given considerable weight. The Secretary of State has also taken into consideration the further representations you made on the 22nd March 2014, in particular the health needs of Ms Maughan's daughter.

Balancing exercise

19. For the reasons given at IR24, the Secretary of State agrees with the Inspector that the harm to the GB, by reason of the inappropriate nature of the development, is a factor to which substantial weight must be given, as must the harm in terms of loss of openness and conflict with one of the purposes of the GB. He further agrees with the Inspector that significant weight should be attached to the harm to the visual amenities of the area. Like the Inspector, the Secretary of State acknowledges that a robust assessment of noise would inform how noise levels on the site could be mitigated. However, the Secretary of State is concerned that the remedial measures found to be necessary to provide

suitable and acceptable mitigation may, in themselves, have implications for openness and visual amenities and this adds further weight against the proposal.

20. Like the Inspector, the Secretary of State acknowledges that a refusal of planning permission would interfere with the home and family life of Ms B and Ms A Maughan. However, the rights under Article 8 of the European Convention on Human Rights are qualified. The Secretary of State's role, as planning decision taker, is to ensure that any interference with these rights is in accordance with the law and is necessary in a democratic society, applying the principle of proportionality. Overall therefore, the Secretary of State agrees with the Inspector that the factors in favour of the appeal scheme summarised at IR25, whether considered individually or cumulatively, are not sufficient to clearly outweigh the overall harm identified and the conflict with local and national policies so that the very special circumstances necessary to justify the granting of permanent planning permission do not exist. He therefore considers that the dismissal of the appeal is a necessary and proportionate response (IR26).
21. The Secretary of State has gone on to consider granting temporary planning permission as set out at IR27. He agrees with the Inspector's conclusion that the serious environmental objections to the proposal in the Green Belt and the significant harm to the visual amenities would not be overcome by the granting of a limited period permission. The Secretary of State is further concerned that, in order to ensure a reasonable standard of residential amenity, a condition requiring a full noise assessment and the implementation of subsequent mitigation measures for the duration of a temporary period permission would not meet the tests of reasonableness required by paragraph 206 of the Framework.

Conditions

22. The Secretary of State has considered whether suitable conditions could make the proposal acceptable but he does not consider that they would overcome his reasons for dismissing this planning appeal.

Overall Conclusions

23. The Secretary of State concludes that insufficient very special circumstances have been demonstrated to outweigh the combination of the harms to the GB and the possible detrimental effect of noise on residential amenity of future occupiers so as to justify granting either permanent or temporary planning permission.

Formal Decision

24. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby dismisses the appeal and refuses planning permission.

Right to challenge the decision

25. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged.

26. A copy of this letter has been sent to Lichfield District Council. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

Richard Watson

Authorised by Secretary of State to sign in that behalf



Report to the Secretary of State for Communities and Local Government

by Elizabeth Fieldhouse DipTP DipUD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 8 August 2013

TOWN & COUNTRY PLANNING ACT 1990

LICHFIELD DISTRICT COUNCIL

APPEAL BY MR T MAUGHAN AND MS B AND A MAUGHAN

Hearing held on 22 November 2012

Land off Lichfield Road North, Hammerwich/Brownhills, Walsall WS8 6LS

File Ref: APP/K3415/A/12/2177876

Appeal Ref: APP/K3415/A/12/2177876

Land off Lichfield Road North, Hammerwich/Brownhills, Walsall WS8 6LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr T Maughan and Ms B and A Maughan against the decision of Lichfield District Council.
- The application Ref 12/00165/FUL, dated 12 February 2012, was refused by notice dated 12 June 2012.
- The development proposed is the change of use to include caravan site for residential occupation by traveller family with associated works (utility buildings, septic tanks, hard standing).

Summary of Recommendation: The appeal be dismissed

Procedural matters

1. The appeal site lies within the Green Belt. The Planning Policy for Traveller Sites March 2012 (PPTS) advises that traveller sites are inappropriate development in the Green Belt. As advised in the PPTS and the National Planning Policy Framework March 2012 (the Framework), inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
2. There is no dispute that the appellants fall within the definition of gypsies and travellers in Annex 1: Glossary to the PPTS. It is also agreed that the lawful use of the appeal site is for agriculture.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the openness of the area, the purposes served by the Green Belt and the visual amenities;
 - Whether the amenities of future occupiers would be significantly harmed by reason of noise and general disturbance;
 - Whether the site would be in a sustainable location;
 - Whether development on the appeal site would prevent the restoration and reinstatement of the Lichfield Canal;
 - The need for, and provision of gypsy and traveller sites in the district;
 - The need for this particular site by the appellants and their dependents; and
 - Whether the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by the other considerations so as to amount to the very special circumstances necessary to justify this particular development

Reasons

4. The appeal site is a wedge shaped parcel of land accessed off the closed Lichfield Road North. The north eastern boundary of the appeal site is defined by the M6 toll (Midland Expressway) which is partially in a shallow cutting with the northern boundary close to the elevated A5 dual carriageway. The former

Lichfield Canal crosses the southern end of the site but is derelict, although the necessary framework for the aqueduct over the M6 toll has been constructed. At the northern end of the appeal site there is a barn, yard area and some rough ground. This area to the north of the former road would be retained with the barn used to store touring caravans. There would be landscaping belts along the boundary with the M6 toll and between the line of the former canal and the proposed pitches.

Green Belt

5. The appeal site slopes towards the M6 toll and is clearly visible from the motorway and the elevated A5 from where it would be overlooked when travelling in a westerly direction. The site, which lies outside any development boundary, is prominent in the landscape from the roads, particularly the A5 and would be prominent from the Lichfield canal if it is restored. The existing barns on the southern part of the holding would be removed and four pitches provided. Two pitches would accommodate two mobile homes with a shared utility block 5m long, 4m wide and 3.56m high. The remaining two pitches at the southern end of the site would each accommodate a mobile home and a touring caravan with the individual utility blocks attached creating a building 10m long. The pitches would be used by members of a single extended family.
6. The Framework advises that the essential characteristics of Green Belts are their openness. To accommodate the proposed development, the site would have to be stripped of vegetation, hard surfacing laid and fences and gates erected. This development and the associated caravans and utility structures would significantly detract from the openness. The structures and associated domestic paraphernalia would have an urbanising effect when seen from the north and east and would have a similar effect from the south if the Lichfield canal is reopened. There would be significant harm to the openness of the site that slopes down towards the M6 toll and is clearly viewed from the elevated A5. The fact that little of the site can be seen from the west does not alter the harmful effect from other directions.
7. The motorway and trunk road have had a significant detrimental effect on the visual amenity and openness in this part of the Green Belt. Nevertheless, the proposed development would compound this harm and effectively bring domestic urbanisation into the open countryside harming significantly the visual amenities of this exposed site. In addition, by developing in the countryside, the proposed use would fail to safeguard the countryside from encroachment. Thus there would be conflict with one of the purposes the Green Belt serves.
8. The proposal would be inappropriate development in the Green Belt and conflict with one of the purposes of including land in the Green Belt. It would harm the openness of the area and the visual amenities. Substantial weight is attached to the harm by reason of inappropriateness, loss of openness and conflict with one of the purposes of including land in the Green Belt. Added to which significant weight is attached to the harm to the visual amenities of the area. Therefore Staffordshire and Stoke-on-Trent Structure Plan 1996-2011 (SP) policies D5A, D5B and NC1 and Lichfield District Local Plan 1998 (LP) policy E4 would not be met. The Lichfield District Local Plan: Strategy (LP-S) has been out to consultation but at the time of the hearing was at a fairly early stage; therefore its policies are afforded limited weight. Nevertheless, the proposal would be contrary to emerging policy NR2.

9. The relevant development plan policies are largely consistent with the Framework and therefore, in accordance with paragraph 215 of the Framework, are afforded due weight.

Amenities of future occupiers

10. The appeal site adjoins two major roads that carry considerable volumes of traffic and which are noise sources not only during the 24 hour/day usage but from routine maintenance work which, when required, can take place 24/7. LP policy DC2 states that residential development will not be permitted where the amenities enjoyed by occupiers would be harmed by the presence of existing sources of noise. The appellants' acoustic survey concluded that the A5 contributes little to the noise levels and the noise from the M6 toll could be substantially lowered by an earth bank topped by a close-boarded fence which would be masked from the M6 toll by the existing motorway bank planting. That survey found that the residual noise levels, after mitigation could be controlled through ventilation of the mobile homes on the 'blind side'. However, I noted on site that, when there were breaks in the traffic levels on the M6 toll there was still a considerable amount of noise that emanated from the traffic on the elevated A5.
11. Midland Express Limited (M6 toll operators) also commissioned a noise survey with the monitor attached to the fence between the appeal site and the motorway embankment. Therefore it did not assess the noise levels where the mobile homes would be sited rather the noise levels adjoining the area that would be landscaped. That survey found it would be highly unlikely caravan windows would be able to achieve the necessary sound reduction. If an acoustic fence were proposed it would be necessary to establish the proportion of road traffic noise that emanated from the M6 toll compared to that from the elevated A5. This would be necessary in order to demonstrate that the fence would offer sufficient attenuation as the planting of trees would provide negligible attenuation from road traffic noise.
12. There is no policy in the Local Plan regarding the location of gypsy and traveller sites but criterion 1 in LP-S policy H3 (Gypsies, Travellers and Travelling Showpeople) advises that sites should be within or adjacent to Lichfield, Burntwood or a Key Rural Settlement or close to the A5 or A38 corridors. That policy therefore has an acceptance of gypsy and traveller sites adjoining major road corridors. Although gypsies and travellers are regularly found adjacent to the main road transport arteries and the associated noise is not at odds with their way of life, it is evident that noise levels on the appeal site are above those normally acceptable for residential development.
13. However, the parties agreed that mitigation could be possible providing a robust assessment demonstrated that mitigation would reduce the level of noise appropriately. If the resulting noise mitigation measures were known, the matter could be covered by condition. However, the existing noise assessments do not adequately demonstrate remedial measures would be effective. Following a robust assessment, the remedial measures found to be necessary could have implications for openness and the visual amenities and therefore would need formal assessment and could not be adequately covered by condition. In the absence of adequate details of how noise levels on the appeal site could be effectively mitigated, the proposal fails to accord with LP policy DC2. This is a matter that adds some limited weight to the harm already identified.

Sustainability of location

14. The appeal site is on the outskirts of Brownhills with its High Street around 2.5km away. Nevertheless, a local shop is only about 1.5km away with the closest bus service around 1.2km away. Schools for the children would also be found in Brownhills. Lichfield Road North is a gated track and therefore safe to walk along but there is approximately the same distance along a through road until the footpath into Brownhills. Therefore, facilities would be unlikely to be accessed on foot.
15. The PPTS advises that sites should be sustainable economically, socially and environmentally with an acceptance of sites in rural or semi-rural settings. Wider benefits than the distances to facilities have to be considered when assessing sustainability. A settled base would allow access to health services and children could attend school. It also reduces possible environmental damage caused by unauthorised encampment and the miles travelled to find somewhere to stop.
16. Overall, although the appeal site is not ideally situated to access facilities by walking, there is the possibility of cycling so not all journeys would have to be made by car. The proposed use would not accord with SP policy D1 but in terms of the wider sustainability considerations advised in PPTS, the site would not be unsustainable for a gypsy and traveller site.

Lichfield Canal

17. The route of the canal is not safeguarded in the Local Plan proposals map. However, saved LP policy Emp.11 supports the re-establishment of the canal and will assist its implementation through development control powers and land reclamation. This is taken through into LP-S Core Policy 13 which includes support for the restoration and safeguarding of the canal which the Strategy advises will offer opportunities for green corridors and biodiversity enhancements. Due to the height of the aqueduct over the M6 toll, it is likely that not only the former canal and associated tow path would be required but sufficient land to create an embankment.
18. The land is within the appellant's ownership and the route is not safeguarded in the adopted plan. However, the proposal includes a deep landscaped area adjoining the route of the former canal with the landscaped area and canal route proposed to be fenced off from the pitches. Therefore, the proposal would not impact on the retention of the canal route. The future landscaping or use of the land which lies within the appeal site could be controlled by condition. This is not a reason for withholding planning permission.

Need for, and provision of gypsy and traveller sites

19. The original Gypsy and Traveller Accommodation Assessment was published in 2008 and was used to inform policy H3 in the LP-S. The identified need within Lichfield District was for 9 additional pitches between 2007 and 2012 of which 7 pitches have been provided. The Council advised that one site remained vacant and there were usually pitches available on the larger sites therefore an up-to-date Gypsy and Traveller Accommodation Assessment (GTAA) was commissioned. It covered Lichfield District and Tamworth and was published a few weeks before the hearing. This identified a diminishing need in the district with 4 pitches needed between 2012 and 2017, 0 pitches in the next five years and 1 pitch between 2022 and 2028. However, the appellants' agent has

formally commented on the 2012 GTAA as the need, evident from the current appeal which seeks consent for 6 households on 4 pitches, was not considered. Therefore parts of the document were considered inaccurate and it did not provide a robust study of the need of those seeking to live in the district.

20. Nevertheless, taking into account the 2008 and the 2012 GTAA, overall there is a limited level of unmet need in the district. No specific sites have been identified to meet that need but, in view of the level of unmet need, the harm attached to need is tempered. Unmet need attracts limited weight in favour of the proposal.

Personal need

21. The appellants had previously lived for 7 years on a site which they had to leave for family reasons with the appeal site chosen because it was owned by Mr Maughan who was prepared to allow the Ms B and A Maughan and associated family members to live on the land. The appellants have lived in South Staffordshire for a number of years. The school age children were attending a school in Little Wyrley. Since leaving their permanent site two years ago, Ms B and A Maughan and associated family have been homeless, generally stopping on the road with no lawful place to stop. During this time the children's formal education has ceased.
22. The children have been out of schooling since leaving the settled base with some of the children having had no education. Some of the children suffer medical problems particularly asthma and one daughter has severe learning difficulties for which she received support at the previous school. Without a settled base, it is accepted that the family are not in a place long enough to get the children into school.
23. The Council accept that the appellant has nowhere else to live. No alternative sites were put forward and the evident need for the extended family to have a settled base with its associated educational and medical benefits cannot be met on any existing sites. The identified personal need is afforded considerable weight.

Overall balance

24. The proposal would be inappropriate development in the Green Belt and conflict with one of the purposes of including land in the Green Belt. It would harm the openness of the area. Substantial weight is attached to the harm by reason of inappropriateness, loss of openness and conflict with one of the purposes the Green Belt serves. Significant weight is attached to the harm to the visual amenities of the area. A robust assessment of noise could inform how noise levels on the site could be mitigated. Therefore, limited weight is attached to the harmful effect of noise on the living conditions of future occupiers.
25. Against these harms I have to balance the limited weight afforded to the general unmet need for pitches and the considerable weight attached to the personal needs of appellants. Refusal of planning permission would interfere with the home and family life of Ms B and A Maughan, albeit the appeal site is currently vacant as a result of the injunction. The rights under Article 8 of the European Convention on Human Rights have to be balanced against the wider public interest. There is a personal need and weight is attached to the educational and medical needs of the appellants' children.

26. However, overall, the harm to the Green Belt and any other harm which would be caused by the grant of permanent permission is not clearly outweighed by the specific personal needs of the appellants and their family. The refusal of permanent planning permission is necessary to safeguard the Green Belt from harm and to prevent the visual amenities of the area being unacceptably harmed. This legitimate aim can only be adequately safeguarded by the refusal of permanent planning permission. The refusal of planning permission would not prevent the appellants from pursuing their traditional way of life but it would not be possible for that to be pursued from the appeal site. The refusal would be proportionate to the legitimate aim of preserving the environment and controlling the use of property in accordance with the general interest. The dismissal of the appeal would not have a disproportionate effect on Ms B and A Maughan.
27. Turning to the possibility of a limited period planning permission, similar considerations to those pertaining from a permanent consent would apply, only the harm would be limited by the period of the permission. The site would meet most of the criteria in emerging LP-S policy H3. Nevertheless, the serious environmental objections to the proposal in the Green Belt and the significant harm to the visual amenities would not be overcome by the granting of a limited period permission.
28. All other matters raised have been taken into account but, with the matters already acknowledged, they do not clearly outweigh the totality of the identified harm. Very special circumstances to justify the development do not therefore exist. For the reasons given the appeal should be dismissed.

Recommendation

29. I recommend the appeal be dismissed.

Elizabeth Fieldhouse

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Alison T Heine BSc MSc MRTPI Bridget Maughan	Heine Planning Consultancy – Agents Appellant
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FOR THE LOCAL PLANNING AUTHORITY:

Christine Hibbs MRTPI	Principal Planning Officer, Lichfield District Council
Neil Cox	Planning Policy Manager, Lichfield District Council
Andrew Jellyman MIOA	Noise Consultant, Lichfield District Council

INTERESTED PERSONS:

Cllr David S Smith	Member of Planning Application Committee, Lichfield District Council
Vance Wasdell	For Hammerwich Parish Council
Harry Spawton	Partner, Gerald Eve for Midland Expressway Limited
David Dixon	Director and Land Officer, Lichfield and Hatherton Canals Restoration Trust
Philip G Sharp	Planning Officer, Inland Waterways Association

DOCUMENTS

- 1 Alison Heine response to Consultation on Gypsy, Traveller and Travelling Showpeople Accommodation Assessment 2012
- 2 Copies of moving on notices served on Mrs Maughan and her family
- 3 Information on the ownership of Fishponds site, Featherstone
- 4 Gypsy, Traveller and Travelling Showpeople Accommodation Assessment: Lichfield and Tamworth – Final Report October 2012
- 5 Supplementary note from D Dixon on behalf of Lichfield and Hatherton Canals Restoration Trust
- 6 Suggested additional conditions

PLANS

- A Location of services in the area
- B Map 2.2 from Lichfield District Local Plan: Strategy



Department for Communities and Local Government

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

SECTION 2: AWARDS OF COSTS

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

SECTION 3: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.