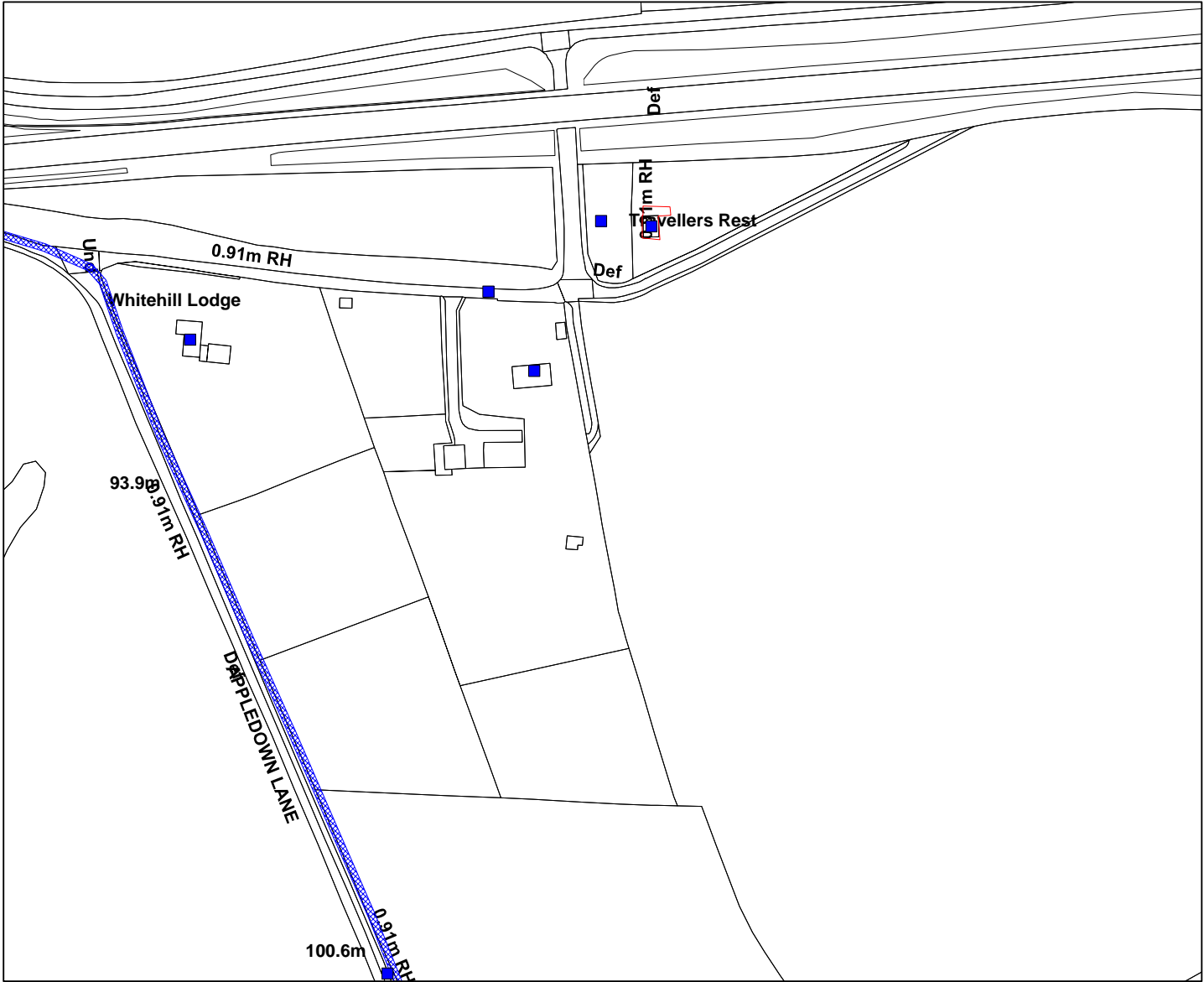


Travellers Rest, Appledown Lane, Bishops Sutton

10/02429/FUL

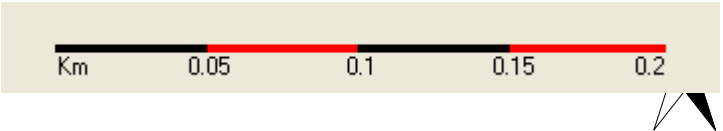


Winchester
City Council



Legend

Scale:



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| Organisation | Winchester City Council |
| Department | Development Services |
| Comments | |
| Date | 11 March 2011 |
| SLA Number | 00018301 |

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Item No: 2
Case No: 10/02429/FUL / W17635/05
Proposal Description: Variation of condition 1 of planning permission 07/02898/FUL (W17635/01) to allow for an additional residential caravan/mobile home (retrospective) and erection of a timber-clad utility building.
Address: Travellers Rest Appledown Lane Bishops Sutton Alresford Hampshire
Parish, or Ward if within Winchester City: Bishops Sutton
Applicants Name: Mr C James
Case Officer: Elaine Walters
Date Valid: 17 September 2010
Site Factors: Countryside

Recommendation: Application Permitted

General Comments

This application is reported to the Committee because of the number of objections received.

Site Description

The 'red line' application site boundary has been drawn around the existing utility building (proposed to be replaced as part of this application) and the mobile home to the rear, which is already in occupation by the applicant.

The wider site area annotated on the submitted plans (edged in blue) is a triangular area of approximately 0.23 hectares. This was formerly agricultural land, situated in the countryside outside the settlement boundary of Alresford. This larger, triangular area formed the application site in relation to the previous planning applications listed below. The planning conditions attached to the last permission on the site (ref: 07/02898/FUL) will remain in force (see below).

The site is bounded to the north by the A31, which is raised on a steep grassed bank above the site. To the west lies an agricultural paddock, with Appledown Lane to the west of that.

Appledown Lane underpasses the A31 and also provides access to other residential properties and to the New Alresford Golf Course. The two nearest properties, Thistledown and Whitehill Lodge, are situated approximately 50m and 170m away, respectively, to the west of the site.

The application site is accessed to the south off a hard surfaced track which was Whitehill Lane, a highway running to the north east, before the construction of the A31. This access road terminates just east of the site access.

The site is visible from the A31 and from Appledown Lane to the west, in glimpsed views through boundary hedging to the application site.

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The site contains the 'shanty' looking utility building, which is an altered and extended double unit mobile home, with two single unit mobile homes adjacent. The utility building houses a kitchen area, a living room area, bathroom and bedroom. At the time of the planning officer's last site visit, the utility building was in a poor state of repair and appeared to be little used. There is one touring caravan on site, parked adjacent to the northern boundary at the time of the officer's site visit.

There is an area of hard standing to the front of the site, which provides a parking area, and the remaining site is laid to grass.

Relevant Planning History

02/00512/FUL - W17635: Retention of mobile home and new parking and turning area – Application Refused 14th June 2002. Subsequent to the refusal, an appeal was submitted which was allowed 4th February 2003.

The Inspector allowed the appeal but made the permission personal to Mr and Mrs Bicknell, who were the occupants at the time. He made his decision under the policies of the Winchester District Local Plan (1998) current at the time and, because the site was agricultural land which had not contained buildings or non-agricultural or commercial uses, it failed to meet all of the relevant criteria. The Inspector found that it was the particular circumstances of the applicant which were material in his allowing the appeal, but he was not persuaded that the site should be a general Gypsy site. He also imposed conditions restricting the number of caravans on the site (to one mobile home and one touring caravan), and specifying no vehicles over 3.5 tonnes and no open storage. He further restricted development to the westerly end of the site, requiring the remainder to be kept open. Details of reinforcement to the landscaping along the western boundary, the location and painting of the external surfaces of the mobile home and the extent and surfacing of the parking / turning area, were also required to be submitted for approval.

07/02898/FUL - W17635/01: Variation of Condition 2 of the above planning permission 02/00512/FUL (W17635) (personal permission) to allow the site to be occupied by those of Gypsy origin/status. When Mr and Mrs Bicknell vacated the land, the site was occupied by Mr James and his 5 children (the eldest of whom is the current applicant) in breach of the previous planning permission granted on appeal. A retrospective application was submitted, which was granted by the Committee on 20th February 2008, subject to the following conditions:

1. Not more than one mobile home caravan and one trailer touring caravan shall be stationed on the land at any one time.

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

2. No open storage shall be carried out on the site and no vehicles over 3.5 tonnes shall be kept on the site.

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

3. The use hereby permitted shall be restricted to a 20m wide strip along the western boundary of the site. The remainder of the site shall be retained as an open area and shall be kept free of any structures, vehicles or other paraphernalia.

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Reason: To ensure that the use of the site is controlled and that it presents a satisfactory appearance in the countryside.

4. The site shall only be occupied by one family of Gypsy status, as defined in Circular 01/2006, and by no other people.

Reason: The site is within the countryside, where residential development would not normally be allowed.

09/01076/FUL - W17635/03: Variation of Condition 1 of planning permission 07/02898/FUL (W17635/01) above, to allow the siting of one additional mobile home – Application Refused 26th August 2009, because of the over-intensive use of the site, resulting in visually intrusive development in the countryside.

10/00370/FUL - W17635/04: Variation of Condition 1 of planning permission 07/02898/FUL (W17635/01) above, to allow for an additional residential caravan/mobile home (retrospective) - Application Refused 24th June 2010, for the following reason:

“The proposed development is contrary to Policy DP.3 of the Winchester District Local Plan Review in that the provision of an additional mobile home on the site would constitute the over provision of residential accommodation on the site without overriding justification, contrary to the intentions of planning permission reference W17635/01, which allowed for the site to operate as a low key Gypsy caravan site for one Gypsy family. The provision of additional unjustified residential accommodation on the site would have the effect of increasing the visual impact of the site, which fails to respond positively to the character, appearance and variety of the local environment and would lead to an increase in activity, noise, disturbance and vehicle movements, which would have an unacceptable adverse impact on the amenity of local residents and the local area.”

An Enforcement Notice requiring the additional mobile home to be removed was issued in January 2010, following the refusal of planning permission. However, subsequent to this, a single unit mobile home which was previously attached to, and formed part of, the utility building was taken off the site and replaced with another free-standing one (which is the existing authorised single unit mobile home currently sited on the land). It became clear at this point that the utility building was, in fact, an old twin unit mobile home. This therefore meant that there were three mobile homes and a touring caravan on the site. A revised Enforcement Notice was therefore issued in June 2010, requiring the removal of the two additional mobile homes from the site. An appeal was lodged against the first Enforcement Notice, although at the hearing in July 2010 the Council were directed by the Inspector to withdraw the Notice, due to confusion about the number of caravans on the site and the status of the utility building. Following the hearing, the second Enforcement Notice was withdrawn at the request of the applicant's agent, in order to allow consideration of the current planning application before the Committee.

Proposal

The application proposes the variation of Condition 1 of planning permission ref: 07/02898/FUL (W17635/01) to allow the mobile home occupied by the applicant to remain on the land (in addition to the mobile home occupied by the applicant's father and other siblings). It is also proposed to erect a replacement utility building in light timber and a felt roof. The building will contain a bathroom, utility area and a store.

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Consultations

None undertaken.

Representations

Bishops Sutton Parish Council

Objects to an additional residential caravan and especially to a utility building on this site. The site is inadequate for current occupancy, and does not fulfil any conditions stated in the Government guidance for good practice relating to Gypsy sites. Placing another caravan would only worsen the situation. Also, the siting of a utility room would make the site attractive to other travellers. More units on the site would require more monitoring from the Enforcement Team.

New Alresford Town Council: Objection:

- (1) Utility building is too large;
- (2) There should be no increase in the use of the site. No variation.

Neighbour Representation:

4 letters of objection (one of which had no address given), were received, objecting to the application on the following grounds:

- Detrimental impact on appearance of the area;
- Intensification and over development of the site;
- Other sites with correct facilities for Gypsy occupation are available elsewhere in the district;
- Site should be returned to agriculture as soon as the family occupying the site at the time left;
- Could lead to further intensification of the site in future.

Tichborne Estate: Objects:

The site is outside all areas designated for development but was granted consent as an exception to policy on strict and limited grounds - the specific needs of a named traveller to go to permanent schooling in Alresford. These limitations are continually being breached and the proposal now extends the creeping development from a mobile home for a named Gypsy to permanent accommodation that will, on policy grounds, make a residential development site. It is an abuse of the planning system to go from a mobile home to a house in less than a decade and the wrong precedent for the area.

The proposal is of poor design and low quality, which is an eyesore in the countryside. The Tichborne Estate nearby works hard to maintain the beauty of the countryside and this proposal does nothing to support or enhance this. The application should be refused on the grounds that it is against policy and poor quality, and enforcement taken to remove the eyesore.

Alresford Society: Objects

This is not an appropriate place for such a settlement; permission could encourage further expansion, and would lead to the site becoming permanent. The Inspector ruled that the land should be restored to agriculture when the present family settled there move on.

Councillor Power: Objects:

The proposed utility building is far too large, the storage area proposed is excessive, and an additional caravan will be an excessive development of the site. The original permission was for one family, and in order to facilitate education of the children – NOT

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for adult children of that family, their partners, and any children therefrom.

Councillor Verney: Objects:

The utility building on this site does not look attractive. If permission is granted against the wishes of the locals, all dwellings and buildings should be painted an agreed green colour. The site seems totally inadequate for the current occupancy, and does not fulfil any conditions stated in the Government guidance for good practice relating to Gypsy sites. Placing another caravan would only worsen the situation. The utility room might well also make the site attractive to other travellers. We have no confidence, because of the current workload experienced by the Enforcement Team, that this site is adequately monitored now or could be in the future. Inadequate monitoring has already meant that the site has expanded, originally without planning permission. Additionally, the Inspector originally on appeal designated it for a named Gypsy family with a child who had special needs at school. The site has now progressed to a site for any and in this case an expanding family. Placing more units on the site would require more attention than is currently possible from the Enforcement Team.

Relevant Planning Policy

South East Plan 2009

C.2, C.3 and BE.6

Winchester District Local Plan Review

DP.3

National Planning Policy Guidance/Statements:

Circular 01/2006

Planning Considerations

Principle of development.

Design and layout.

Impact on the character of the area and neighbouring properties.

Principle of development

The principle of development must be assessed against the Development Plan and other relevant legislation. In this case, the application should be determined in line with the Development Plan for the area, which comprises the South East Plan 2009 and the Winchester District Local Plan Review (2006). Government advice on Planning for Gypsy and Traveller Caravan Sites is contained in Circular 01/ 2006.

Within the South East Plan and the Winchester District Local Plan Review, there are strict restraining policies intended to protect the countryside from non-essential development. There is no specific policy relating to the provision of Gypsy sites in the South East Plan at the present time – work on the Partial Review of the South East Plan: Policy H7 ‘Provision for Gypsies, Travellers and Travelling Showpeople’ was halted following the Coalition Government’s announcement that it intended to abolish Regional Spatial Strategies. Local authorities are therefore now required to determine local needs and make appropriate provision through the Local Development Framework. Local Plan Policy CE.27 was not a saved policy and so can no longer be afforded any weight.

Circular 01/2006 provides detailed advice relating to the provision of Gypsy sites. Its aim is to ensure that Gypsies have fair access to suitable accommodation, education, health and welfare provision, to reduce the number of unauthorised encampments and to significantly increase the number of Gypsy sites in appropriate locations. The circular aims

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to help those who wish to provide their own private sites. It is the Coalition Government's stated intention to abolish the circular and replace it with light touch guidance. The circular therefore remains relevant to the consideration of this application, although the Government's intention to abolish the guidance is a material consideration, and therefore may be given less weight. Sites on the outskirts of built-up areas and in rural areas are acceptable in principle. As this is already an established Gypsy caravan site for a single family, the guidance is considered to have limited practical application. Proposals to improve / provide additional accommodation / facilities on the site will, therefore, largely depend on site-specific considerations.

The planning history of the site, and the Inspector's findings in allowing the appeal in 2002, are significant material considerations in the determination of this application. One of the policy tests at that time was that the site must not be unduly intrusive. As a result of its small size, good screening and the relatively brief views into it during winter from only one part of the A31, the Inspector concluded that it was not. A further criterion at that time was that the site should be previously developed or contain buildings. This criterion was not met, but the Inspector concluded that the educational needs of the children on the site at that time were a significant material consideration and allowed the appeal. For visual reasons, the Inspector imposed conditions limiting the number of caravans on the site (to one mobile home and one touring caravan only), prohibiting outside storage and the parking of vehicles over 3.5 tonnes and restricting the use of the site to a 20m strip along the western boundary.

Reinforcement of the planting along the western boundary was also required, although details were never agreed and not therefore implemented. As this matter remains outstanding, officers in the Enforcement Team have been in discussions with the site's managing agent with a view to a revised reinforcement landscape scheme being submitted for approval and implemented by the end of the year.

When the planning application (ref: 07/02898/FUL) to vary the personal permission to allow occupation by the current applicant and his family was considered in 2007-8, the policy situation had changed slightly and there was no longer a requirement for the site to be previously developed or to contain buildings. Circular 01/2006 had also been published and was a significant material consideration. There were, therefore, no policy objections to the site being occupied by any Gypsy family rather than solely by the original occupiers.

The siting of an additional single unit mobile home on the land, for occupation by the applicant, who is a young adult, will provide him with some independence from his father and his siblings, and is therefore acceptable in principle. In addition, the applicant is also the main carer for his father, who is registered as disabled and, therefore, there will remain a strong link between the two accommodation units. However, officers are keen to ensure that the site remains a small Gypsy site for a single family. The proposed conditions attached to this report are therefore deemed necessary, as they seek to restrict the size of the additional and existing mobile homes to single units only. A condition is also proposed to prevent the touring caravan being used as residential accommodation (the applicant previously occupied the touring caravan prior to the additional mobile home being brought on the site, and this was permitted under the terms of the existing planning permission).

Crucially, the proposal will not result in a net increase in the number of residential caravans on the site. Permission already exists for one mobile home and one touring

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caravan to be sited on the land, and both of these can be residentially occupied (as has previously been the case). The development as proposed, along with the conditions, will result in the siting of two single unit mobile homes on the land, whilst the residential occupation of the touring caravan will be prohibited.

The provision of utility / amenity buildings is a common feature on Gypsy sites and conforms with the Good Practice Guide for Designing Gypsy Sites (2008). The proposed replacement utility building is therefore considered to be acceptable in principle, and it would provide the occupants with much-improved facilities. The proposed building would contain a bathroom, utility area and store, and would function much like the existing twin unit caravan, which is in poor condition and in need of being replaced. A condition is proposed to prevent it being used as sleeping accommodation (Condition 9).

Design and layout

The additional mobile home, the subject of this application, has been located to the rear of the existing accommodation units on the site, in accordance with officer advice (previously it was positioned at the front of the site, which resulted in a cluttered appearance and took up parking / turning space, forcing vehicles to park in the lane, resulting in the refusal of application ref: 09/01076/FUL).

Restricting the size of the mobile homes to single units only (Condition 2) and painting the sides of the mobile homes dark green (Condition 6) will minimise their visual impact in this countryside location.

The proposed replacement utility building would have timber sides, stained / painted dark brown and a green felt roof. It has a shallow ridge roof and measures 6.15(w) x 8.65(l) x 3.3m (h), similar in size to a large shed or outbuilding. In this regard, it will not be very much different to the altered / extended twin unit caravan that it is proposed to replace, but it will result in a significant improvement in the appearance of the site.

Although the site benefits from mature planting around its edges, it is visible, particularly in the winter months, from Appledown Lane and can be glimpsed by passing traffic on the A31. The replacement utility building and the two single unit mobile homes will be grouped together in close proximity in the western part of the site. Painting the sides of the mobile homes dark green and the sides of the utility building dark brown will help to minimise their visual impact. Reinforcement of planting along the western boundary will further help to screen the development from Appledown Lane by in-filling the gaps in the existing established hedgerow. As a result, the proposal is not considered to be unduly intrusive or to cause material harm to the appearance of the area.

Impact on the character of the area and neighbouring properties.

The intention is for the site to remain a small caravan site for a single Gypsy family, which would not intensify the use of the site to the extent which would be materially harmful to neighbours' residential amenity or the surrounding countryside.

The imposition of conditions restricting the size of the mobile home units and the restriction on the use of the touring caravan, should not result in any material intensification of residential activities on the site. Normally, it would not be necessary to limit the size of a caravan that can be sited on land, which could be up to the maximum dimensions of 18.2m x 6.8m for a twin unit. However, in this case, it is considered

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necessary and reasonable to limit the size of the mobile homes to single units, which are already *in situ* on the land, as this is considered to be sufficient to meet the accommodation needs of the applicant and his family. In addition, the proposed replacement utility building will give the occupants improved facilities and an acceptable amount of ancillary living space. Siting large twin unit caravans on the land (up to the maximum size permitted) would increase the potential for additional residential activity, due to the increase in the level of accommodation provided, and would also increase the visual impact of the development.

Conditions

The application is only recommended for approval subject to the imposition of the conditions appended to the end of the report. In other words, without the conditions the development would be unacceptable.

The applicant's agent has been supplied with a copy of the draft conditions and has raised concerns as to whether some of them are reasonable or necessary. However, he has not indicated that they are unworkable for the applicant and his family. The proposed conditions have been carefully considered and legal advice has also been taken. Officers have concluded that they meet the tests set out in Circular 11/95, and can therefore be reasonably imposed, should permission be granted.

Concerns over the Council's perceived inability to monitor the site, or the resources available to undertake future monitoring, are not a sound basis for refusing permission. Officers will have the opportunity to visit the site at least twice a year in conjunction with the biannual Gypsy and traveller caravan count, and any condition requiring on-going compliance can be monitored then.

If the applicant remains dissatisfied with any of the conditions imposed following the grant of planning permission, then he is entitled to lodge an appeal within 6 months of the date of the decision (this is the same for any planning permission granted where conditions have been imposed). The Council would have the opportunity to defend the reasons for the imposition of the disputed condition(s) and a Government appointed Inspector would make the final decision. The same situation would apply if an appeal were to be lodged following refusal of the application. The Inspector would be asked to consider imposing the same conditions, should they be minded to grant permission, and they would decide whether they meet the relevant circular tests, i.e. reasonable, necessary, relevant, enforceable, etc. In either appeal scenario, planning permission could be granted without the conditions being attached. The possibility that the conditions could be challenged at a later date, following approval of the application, should therefore not deter Members from considering the application as set out in this report.

After 6 months, a planning application could be made to relax or remove any of the conditions, and the Council would assess its merits before reaching a decision, in the usual manner. Should the Council refuse permission for such an application, the applicant could lodge an appeal, which would involve the same considerations by an appeal Inspector as detailed above.

Recommendation

Application Permitted, subject to the following conditions:

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Conditions

1. The additional mobile home hereby permitted shall only be occupied as part of a single Gypsy family, in accordance with Condition 4 of planning permission reference 07/02898/FUL. For the avoidance of doubt, Condition 4 of planning permission reference 07/02898/FUL states, 'The site shall only be occupied by one family of Gypsy status as defined in Circular 01/2006 and by no other people'.

Reason: To limit occupation of the site to one Gypsy family only.

2. The additional mobile home hereby permitted and the existing mobile home (approved under application ref: 07/02898/FUL) shall be single units only.

Reason: The Local Planning Authority is concerned to ensure that the site remains a small gypsy caravan site for a single Gypsy family. It is only prepared to grant planning permission for an additional mobile home and the erection of a utility building (and the re-siting of the existing mobile home), on the basis that the accommodation on the site is limited to meet the requirements of the existing occupants only. The replacement of the two single units with larger twin units, in addition to the utility building permitted, would increase the visual impact of the accommodation units on the site and is likely to result in an intensification of residential activities on the site, to the detriment of the residential amenities of nearby properties and the visual amenities of the area.

3. The additional mobile home hereby permitted and the existing mobile home (approved under application ref: 07/02898/FUL) shall be sited in the positions shown on the approved site plan dated 2/9/10, Issue B, Drawing 2.

Reason: To safeguard the visual amenities of the area.

4. The external surfaces of the additional mobile home hereby approved and the existing mobile home (approved under application ref: 07/02898/FUL) shall be painted dark green within 2 months of the date of this permission. Thereafter, the external painted surfaces shall remain unchanged, unless otherwise agreed in writing by the Local Planning Authority. If the units are replaced, the external surfaces of the replacement units shall be painted dark green within 2 months of their occupation and shall thereafter remain unchanged unless otherwise agreed in writing by the Local Planning Authority.

Reason: To minimise the visual impact of the caravan and to blend in with its rural surroundings.

5. The existing utility building (in the same position as the proposed replacement utility building shown on the approved site plan dated 2/9/10, Issue B, Drawing 2) shall be demolished and removed from the site within 12 months of the date of this permission.

Reason: The proposed replacement utility building will tidy up and improve the appearance of the site and provide the occupants with improved services and facilities. As the additional mobile home is already *in situ*, the Council is concerned to ensure that the existing utility building is replaced within a reasonable time frame and therefore considers it necessary to specify a time limit for its removal.

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6. Details of the colour of the paint / stain to be used on the external surfaces of the replacement utility building shall be submitted to and approved in writing by the Local Planning Authority prior to its construction. Development shall only take place in accordance with the agreed details. Thereafter, the external appearance of the building shall not be altered, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the appearance of the building is appropriate to its rural surroundings.

7. The touring caravan (permitted under planning application reference 07/02898/FUL) shall not be used for the purposes of human habitation whilst stored on the land.

Reason: The Local Planning Authority is prepared to grant permission for an additional single unit mobile home to be sited on the land, subject to the touring caravan not being used for residential purposes, in order to limit the amount of residential accommodation on the site.

8. The 3 parking spaces shown on the approved site plan dated 2/9/10, Issue B, Drawing 2, shall be kept free of obstructions and made available for the parking of vehicles at all times.

Reason: To ensure adequate provision is made for off street parking, in the interest of the visual amenities of the area.

9. The utility building hereby permitted shall only be used as a utility room, bathroom and store ancillary to the residential accommodation on the site and shall not be used for overnight sleeping.

Reason: To accord with the terms of the application, since the site lies within an area where additional residential properties would not normally be permitted and to prevent the creation, by conversion, of inappropriate units of accommodation, possibly leading to over-intensive use of the site.

Informatives

1. This permission is granted for the following reason:

The development is in accordance with the policies and proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

2. The Local Planning Authority has taken account of the following Development Plan policies and proposals:

South East Plan 2009: C2, C3 and BE6

Winchester District Local Plan Review: DP3

National Planning Policy Guidance/Statements: Circular 1/2006.