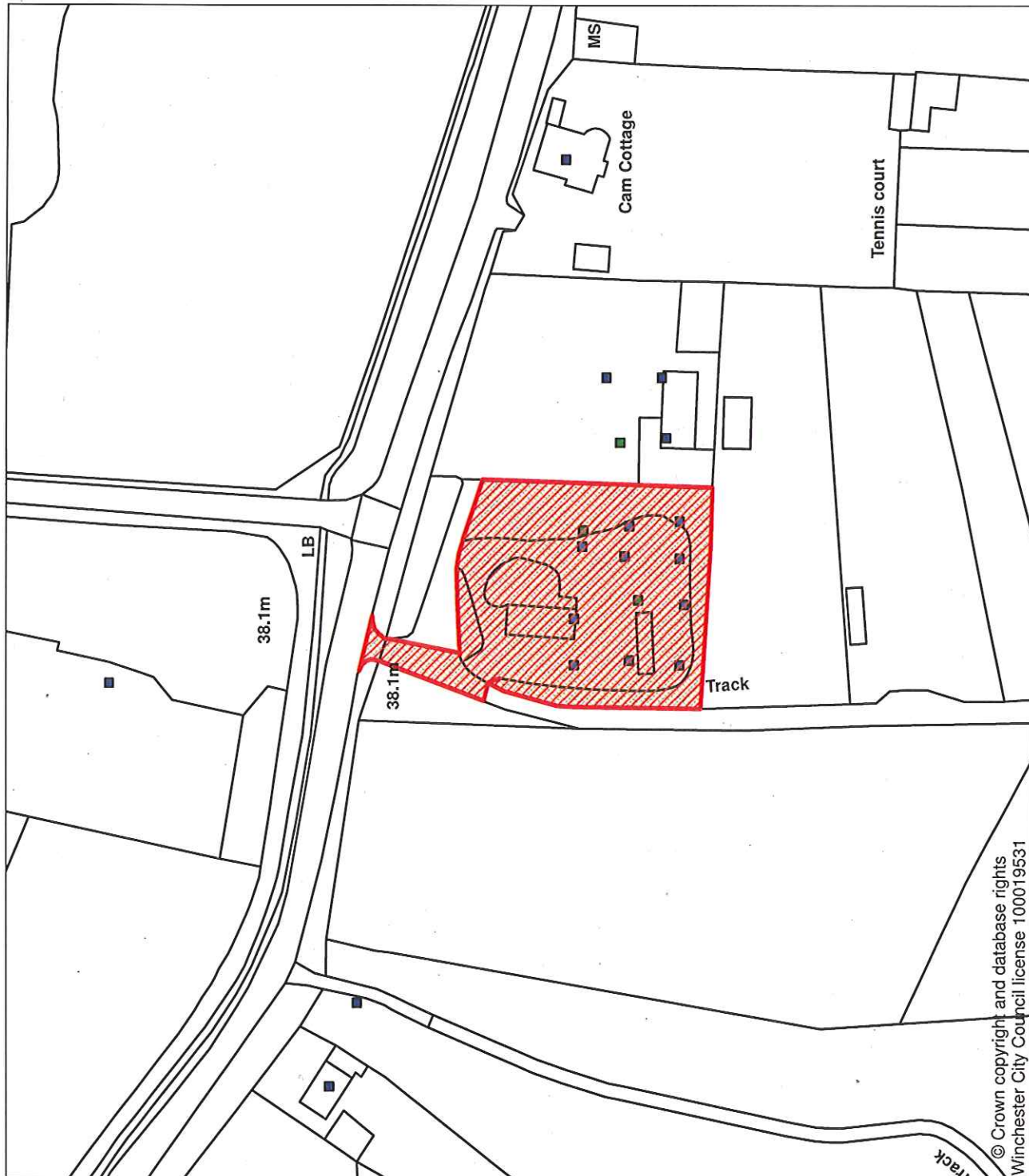


1 The Nurseries, Botley Road, Shedfield, Southampton, SO32 2HN

16/00752/FUL



Winchester  
City Council



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## Legend

Scale: 0 0.0125 0.025 0.05 KM

Organisation	Winchester City Council
Department	Winchester GIS
Comments	Not Set
Date	30/08/2016
PSMA Number	100019531

WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE AGENDA

**Item No:** 5  
**Case No:** 16/00752/FUL / WPP-05033344  
**Proposal Description:** Variation of conditions 1 & 2 of 12/01131/FUL to enable showman's accommodation to be occupied on a permanent basis.  
**Address:** 1 The Nurseries Botley Road Shedfield. Hampshire. SO32 2HN  
**Parish, or Ward if within Winchester City:** Shedfield Parish Council  
**Applicants Name:** Mrs Lila Bond  
**Case Officer:** Mr Stephen Cornwell  
**Date Valid:** 08 April 2016  
**Site Factors:**

Civil Aviation  
Contaminated Land Consultation

**Recommendation:** Application Permitted

**Application Permitted**

**General Comments**

This application is reported to Committee because one of the objectors is an elected member of the Council.

**Site Description**

The site is located on the south side of the Wickham to Botley road (A334), 1.2km west of its junction with the B2177. Sandy Lane is virtually opposite the site.

The application relates to one of 5 plots collectively known as "The Nurseries" all sharing the same access off the main road. Just inside the access two internal roadways split traffic with one track running eastward parallel to the main road serving plot 2 whilst the other track runs south inside the western boundary of The Nurseries serving plots 3,4 & 5. The Nurseries is bounded to the Botley Road by a tree belt and to the paddock to the west by a hedge. To the east beyond plot 2 is a residential property.

Plot 1 which is the subject of this application takes its access off the bell mouth of the access to The Nurseries. Plot 1 is defined on the ground by a close boarded fence only broken in the NW corner by the gated entrance. Plot 2 lies immediately to the east of the application site with plot 3 lying to the south.

The applicant has undertaken planting on the inside of the fence line along the western boundary and half of the northern boundary. The western planting is now 4-5m tall and the planting on part of the northern boundary 2m high. The plot is currently occupied by two substantial mobile homes, one positioned near the entrance and the second near the southern boundary. A smaller caravan lies in the northeast corner. A number of trading vehicles are parked in the south east and eastern part of the plot.

The nearest permanent dwelling to plot 1 lies 43m to the east (Cam Cottage). To the west some 45m away is Southside Cottage. Views of plot 1 are obtained through the access



## WINCHESTER CITY COUNCIL PLANNING COMMITTEE AGENDA

and fleeting views can also be obtained looking from the road across the field that lies west of The Nurseries. The area is open countryside but not expansive open farmland, characterised by open fields and woodland blocks with scattered dwellings. The application site does not carry any designations.

### **Proposal**

This application seeks the removal of conditions 1 & 2 of planning permission reference number 12/0113/FUL.

- Condition one limits the occupation of the site to named people only and for a limited period expiring 10 May 2016.
- Condition two requires the site to be cleared after 10 May 2016.

A planning statement has been submitted with the application from which the following points are taken:

- Site is screened from road.
- Site used since 1993 by travelling showman subject to applications and appeals.
- Use of plot 1 allowed on appeal in May 2008, expired May 2012. Another application and then appeal allowed temporary consent expiring May 2016.
- Temporary permission based around intention to prepare policy on traveller showmen.
- Council still does not have policy.
- Traveller Accommodation Assessment for Hampshire showed in 2013 need for 3 new pitches in addition to current sites. This figure rising to 12 by 2017, 19 in 2022 and 26 in 2027.
- Lack of policy and 5 year supply of sites is a significant material consideration.
- No justification for granting further temporary consent.

The applicant has responded in correspondence expressing a view that the site meets all requirements set out in policy CP5. This will be considered in the planning assessment below.

A further response has also been made to some of the points raised by one of the objectors regarding the availability of another site and this will also be addressed in the planning assessment.

Finally, the applicant has drawn attention to a recent appeal decision where a travelling showman's site has been allowed in the green belt in West Yorkshire despite a high number of objections (1297) with the inspector having given regard to the lack of provision of show peoples plots in the area.

### **Relevant Planning History**

The application site comprises part of a larger showman's site that consists of five plots. It has a long and detailed planning history.

The site was occupied by travelling show people in 1992 and two Enforcement Notices were issued in April 1993 and upheld on appeal although the time period for compliance

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with the requirements of the notices was extended to 12 months.

Planning application reference number 93/01387/OLD: Change of use from agricultural to use for travelling show peoples depot (submission made one month prior to the expiry of the new compliance date). Application refused March 1995. Appeal dismissed January 1996.

Planning application reference number 95/01300/OLD: Continued use of land for travelling show peoples depot, refused.

A decision was made to extend the compliance time for enforcement until August 1995.

Decision made in April 1997 to prosecute for non compliance with Enforcement Notices. Proceeding delayed throughout 1997 and first half of 1998.

Planning application reference 98/00123/CHU for continued use of land as travelling showmen's quarters refused April 1998. Appeal dismissed October 1998.

In July 1998 prosecution case against two of plot owners proved and they were fined.

In March of 2000 Planning Committee authorised the actions to seek an Injunction against continued failure to comply with the Enforcement Notice. Injunction proceeding commenced in County Court in 2001.

Planning application reference 01/00399/FUL: Use of land as a travelling showmen's site for a period of 12 months and retention of hardstanding refused. Appeal dismissed November 2001.

Planning application reference 2/02350/FUL: Change of use to showmen's permanent quarters refused. Appeal dismissed September 2003. Decision subject of challenge in High Court. Decision remitted to secretary of state for re-determination. This resulted in further dismissal dated December 2004.

*(Subsequent applications have been made for individual plots and not the whole site).*

Planning application 06/02659/FUL for use of Plot 1 (only) as site for showmen's quarters refused January 2007, but granted temporary permission on appeal in 2008 and expired in 2012.

Planning applications reference 10/01555/FUL & 10/01556/FUL: retention of plots 2 and 4 as showmen's quarters together with hardstanding and unauthorised bund in plot 2 granted temporary consent in November 2010, expiring May 2012.

*(None of other plot owners have submitted planning applications relating to their land).*

Planning application reference number 12/01131/FUL retention of plot 1 for showmen's permanent quarters refused August 2012. Appeal allowed extending temporary consent until 10 May 2016.

Planning application reference number 12/01453/FUL: plot 2, temporary planning approved October 2012. Appeal allowed extending temporary consent until 10 May 2016.



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Planning application reference number 12/01454/FUL: plot 5, temporary planning permission approved October 2012. Appeal allowed extending temporary consent until 10 May 2016.

Planning application reference number 16/00952/FUL: Removal of conditions 1 and 2 of planning permission 12/01453/FUL, as amended by appeal decision dated 27 June 2013; At plot 2 The Nurseries Botley Road Shedfield Hampshire. Yet to be determined.

Planning application reference number 16/00956/FUL: Removal of conditions 1 and 2 granted under permission 12/01454/FUL. At plot 5 The Nurseries Botley Road Shedfield Southampton Hampshire SO32 2HN. Yet to be determined.

### **Consultations**

#### WCC Highways Engineers:

- Not aware of any accidents at access that are attributable to this site.
- Unlikely removal of conditions will cause material harm to highway safety and do not wish to raise any highway objection.

#### Strategic Planning Officer

- The level of need for gypsy and travelling showpeoples pitched/plots will be determined locally through the updated assessment work. Although it is clear that there is some level of local unmet need and the Council cannot currently demonstrate a 5 year supply of deliverable sites to meet this need.
- The relevant DPD is about 2 years from establishing the level of need and allocating suitable sites if needed.
- Substantial weight should be accorded to meeting the general need for sites for travelling showpeople and to the personal circumstances of the applicants.
- The application represents an element of demonstrated unmet need and has local connections.
- As the existing site is well established and the applicant can be expected to have developed local connections and use of local facilities it would seem appropriate to permit this site provided it is satisfactory in other respects.

#### Environmental Protection:

- No adverse comment to make.

### **Representations:**

#### Shedfield Parish Council:

- WCC consistently failed to come up with 5 year plan throughout last 8 years whilst this site subject of applications. In view of this parish council would not object to this proposal.

#### Neighbour Representations:

44 representations received in support of application (including one from applicant's son in law who resides on site). A number simply state they support application whilst other refer to the character of the family. Main points summarised

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- Note no objection from Parish Council.
- Have known family for around 30 year's good hard working.
- Showmen have to have a base somewhere to live and keep equipment and provide stable and secure future for themselves and their family.
- Applicant has been living here for 20 years and deserves to be allowed to remain here.
- Cannot believe they do not have full planning permission after all these years.
- Surely uprooting family will do more harm than good.
- Family is part of local community.
- WCC has failed to provide suitable alternative pitches.
- Three generations from infant to pensioner live on site.
- Support them building home.

Four letters of objection received. Main points summarised:

- This rural and originally an agricultural site
- Access off A334 and close to Sandy Lane junction is highly dangerous.
- Site should never have been allowed and change to permanent is wholly unacceptable.
- Will encourage further similar changes.
- Unnecessary and wholly detrimental incursion into countryside.
- Site is unsightly and inappropriate in rural setting.
- Previously site only had mobile homes that could be occupied by travelling showmen.
- History of The Nurseries goes back to 1993 when site bought and occupied by Travelling Showpeople without any consent.
- Enforcement continually thwarted by numerous applications all refused and dismissed on appeal.
- However, because Hampshire authorities required to find suitable sites (still ongoing task) this lead to inspector granting a temporary consent pending identification of suitable sites.
- One such site identified at Micheldever which was granted consent. However showpeople did not relocate to it and it has been subdivided and occupy by gypsies.
- Families at The Nurseries run rings around law and WCC for years. Council spent large amount of money in process.
- Poised to change grade 2 agricultural land into permanent site.
- Large number of letters in support do not give any reason for support.
- All reasons officers given in past to resist use still valid today in terms of conserving and protecting environment and local amenity.
- Proposal does not fit in terms of design, scale and layout nor does it response positively to character, appearance and local environment.
- This rural residential area not light industrial.
- Structures placed other side of my western boundary obstruct light to my property.
- Residential amenity adversely affected by noise and general disturbance from the site.
- Sites does not relate well to existing community.
- Number pitches too great resulting in over concentration of activity.
- Harmful impact on nearby neighbouring properties has not been avoided.
- Effective screening to site not developed over 24 years.



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- Urge that this application refused and further temporary consent granted whilst policy formulated and suitable sites identified.

### **Relevant Planning Policy:**

#### Winchester District Local Plan Review (WDLPR)

- DP3 (General Design Criteria).
- DP11 (Un-neighbourly Uses).
- T2 (Development Access).

#### Winchester Local Plan Part 1 – Joint Core Strategy (LPP1)

- MTRA1(Development Strategy Market Towns and Rural Area).
- MTRA4 (Development in the Countryside).
- CP2 (Housing Provision and Mix).
- CP5 (Sites for Gypsies Travellers and Travelling Showpeople).
- CP10 (Transport).
- CP13 (High Quality Design).
- 

#### Winchester District Local Plan Part 2-Development Management and site Allocations (LP

Submitted for examination March 2016.

- DM1 (Location of New Development).
- DM5 (Site Design Criteria).
- DM15 (Site Design Criteria).
- DM16 (Site Development Principle)
- DM17 (Access and Parking).
- DM19 (Development and Noise).
- DM22 (Rural Character).

Inspectors feedback on identification and provision of sites:

Paras 6.2.19 and 20 – reintroduce policy from draft LP2, including new numbers of both types of pitches required in the plan area to 2031, once known from new study to be published in September 2016. As LP1 policy CP5 provides the relevant criteria element, reintroducing the former policy should enable this part of the plan to be found sound, subject also to the inclusion of a firm commitment, including a clear timetable, to the separate development plan document to make the necessary site allocations that is now in the Council's latest Local Development Scheme.

#### Supplementary Planning Guidance:

- Traveller Accommodation Assessment for Hampshire 2013 (TAA)

#### National Planning Policy Guidance/Statements:

- National Planning Policy Framework
- Planning Practice Guidance
- Planning Policy for Travellers Sites (PPTS) August 2015
- Planning Practice Guidance Use of Conditions

### **Planning Considerations**

#### The principle of development

- The weight that should be given to the planning history
- The weight that should be given to the use of temporary consents.

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- Whether the proposal conforms to planning policy.

The weight that should be given to the planning history.

The site has a long and detailed planning history which is outlined above. It began as an unauthorised site in 1992. The position of the local planning authority was to resist any development on the site and this is reflected in the outcomes of the application, appeals and the enforcement action that was taken at that time. All these decisions reflected the relevant planning policy framework both local and national that was adopted at the time.

Notwithstanding the resources that would have been committed to maintaining this position, it is incumbent on the authority to consider any new application in the context of the up to date policy framework and this is the approach that is taken below. Accordingly, whilst due regard is given to the planning history it should not automatically dictate the direction of this application if new circumstances have arisen.

For the avoidance of doubt the planning history does appear to indicate that whilst plots 1,2 & 5 have obtained temporary consents over recent years, the other plots have not benefitted any such consents. Having granted the temporary consents, it is likely that a similar approach would have been followed had these plots also made applications. They are still covered by the original enforcement notices which could be relied upon if action were considered necessary. Accordingly, a degree of control is still present over their use.

The weight to be given to the use of temporary consents

The current guidance on the use of temporary consents is set out in the Planning Practice Guidance on the use of planning conditions. One of the circumstances where a temporary consent can be used is when there is expected to be a change in the planning circumstances in a particular way at the end of the temporary consent. The emerging policy was the reason why the temporary consents were supported. The guidance also states that "It will rarely be justifiable to grant a second temporary permission". This latter guidance has been noted by the applicant and used in the application to support the claim for permanent consent. Whilst the repeated use of temporary consents is clearly not encouraged, the guidance does acknowledge that they can be used in special circumstances. Accordingly, it is not considered that this factor alone would justify a permanent consent. Due regard should be given to the location which is within an area of open countryside where there are strong policies to limit new residential development and protect its character.

Whether the proposal conforms with planning policy.

The site lies outside any development boundary in an area considered to be open countryside. There is an acknowledgement that a travelling showman's sites could be located within the countryside if circumstances justify this outcome. The current planning policy framework is provided by the saved policies of the WDLPR, the LPP1 and the emerging policies within LPP2. Regard must also be given to the guidance contained in the Planning Policy for traveller sites (August 2015).

One of the principal considerations when the temporary consents were granted by the authority and by the inspector, was the belief that when the temporary consents expired, the authority would have in place a clear definitive policy on the provision of sites. This has not occurred. Work continues on the provision of policy with the jointly commissioned Gypsy & Traveller and Travelling Showpeople Site Assessment Study by Peter Brett. The LPP1 inspector's feedback is supportive of the direction being taken by this study. Comments from the Strategic Planning Officer would suggest that any DPD is still 2 years away. From the research undertaken as part



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of the formulation of policy there is a recognised need that is unfulfilled within the district. The PPTS does indicate that if the local planning authority cannot demonstrate an up to date 5 year supply of deliverable sites, this should be a significant material consideration when considering applications in the grant of temporary consents. This application is seeking a permanent consent.

In the circumstances outlined above when assessing the suitability of this site it would seem appropriate to apply the criteria in policy CP5. The ten site section criteria currently being used by the ongoing Gypsy & Traveller and Travelling Showpeoples site assessment study have been noted and are considered to be in compliance to those contained within CP5. Accordingly, any assessment made in connection with this application should not be in conflict with the eventual outcome of the DPD. The main headings of CP5 are outlined and considered below:

*Objectively assessed accommodation need* - As noted above there is an unmet need for additional pitches within the district. The TAA puts this at 3 new pitches by 2013, increasing to 12 by 2017, 19 by 2022 and 26 by 2027. One of the objectors has suggested that the travelling showmen's community had the option of relocating to the Carousel Park site near Micheldever. This site was approved in 2003 with 9 pitches. However, it has been occupied by gypsies and it is currently the subject of a legal case on whether its use is restricted to travelling showpeople or not. The applicant has responded to this comment and made the following points:

- Have no connection with the Micheldever site, not been offered any land there and have no future interest in that site.
- First made aware of the Micheldever site around 10 years ago when it was brought to our attention that someone had told Winchester city council that the showmen at Shedfield would move to Micheldever if was granted planning permission.
- Informed Winchester before planning permission was granted (for Micheldever) that this was not the case.
- Had no intention then of moving to Micheldever then and have no intention now.

Notwithstanding the comments from the applicant outlined above, the availability of an alternative site would be a factor officers are obliged to consider. With the ongoing issues at Micheldever still unresolved and mindful of the potential implications of seeking to move any existing residents off that site, there is no clear date when that site might be available, if at all. Accordingly, it is considered that for the determination of this application Micheldever is not considered as a viable or realistic alternative. Its existence therefore must carry little weight in the outcome of this application.

*Proximity to existing community* - This criteria considers how well the site is related to the existing community to encourage social inclusion and a sustainable pattern of living whilst noting the need for a degree of separation to avoid tensions with the settled community.

The site is not located within or on the edge of the village of Shedfield. Pedestrian links are constrained by the location off a busy road and the absence of a footpath outside the site. However, this is a situation shared with the surrounding residential properties. Weight must also be given to the recognition that Travelling Showmans sites do need a degree of separation from residential properties to ensure the controlled activities on the site do not adversely impact on residential amenity. They must also have good access onto the local road network. It is not considered that the level of integration must rely solely on a distance calculation. The applicant has provided the following points to indicate the level of contact with the local community.



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- Feel we are well integrated into local community, son in law to applicant has sat on local parish council, daughter grew up living on site, she went to local school and her daughter now attends school in Waltham Chase and son will attend playschool in village.
- Use local services such as doctor and are members of local organisations.
- Supply fairground rides and attractions for local village fetes.
- Operate separate business in Wickham and members of Wickham Chamber of Trade.
- Position of site on edge of village allows us to be both integrated but not intrusive upon other residents. Only one immediate neighbour to site (Cam Cottage) as a whole and there is extensive screening. Last appeal decided there is no visual impact onto Cam Cottage.
- One of children has medical condition and nearest specialist unit is Southampton. Close proximity is beneficial for appointments or any emergency.

The links into the local community have been supported in the letters of representation. Whilst not as close to the build up area as may be considered ideal, having reviewed the site in the wider context, and the information supplied the applicants are considered to comply with the intentions of the above criteria.

*A clearly defined site* - In this criterion consideration is given to the landscape screening of a site and its impact on landscape character.

The application site is part of a larger site which is screened from the outside by existing and developing vegetation. The nature of the use which requires good access off the main road means that complete screening is not a practical option. Current views from the road are obtained through the access and the tops of the mobile units within plot 1 can be seen from the west across the small field. A sense of the presence of a fence is also obtained from the area at the junction of the A road and Sandy Lane. With the absence of a footpath most views are likely to arise from people passing the site in a vehicle. These will be of a short duration with the drivers attention focused on the road.

In the determination of the earlier appeals the inspector expressed a view that the site was not well screened and represented an urban incursion into the rural area. The general character of the area whilst rural does contain a number of residential properties which themselves exhibit urban characteristics. Consequently the area is not undeveloped open farmland. The degree of screening to the overall site has been improved over the years and the occupants of plot 1 have planted some vegetation on the inside of the fencing that defines their plot. Further work still needs to be undertaken to develop the screening such as the planting of the final section of the northern boundary within plot 1. This could be achieved through the use of conditions. The submitted plan has been revised to include the front tree screen and the western boundary hedge. This enables the authority to impose conditions relating to their retention and future management if members are minded to support the application. This is an aspect not addressed through any of the previous approvals.

Having assessed the site from the public road it is considered that the impact can be reduced to an acceptable degree and accordingly the scheme will meet this criteria.

*Provision of acceptable level facilities* - In this criteria consideration is given to the size of the site and whether it can accommodate all the requirements whilst providing an adequate level of living facilities

The site provides adequate space for the provision of the mobile homes and a designated area for the storage of commercial vehicles. The applicant has confirmed that the site has a connection to a mains water supply and to a waste water treatment plant.



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*Proposal consistent with other policies* - This criteria looks at compliance with other policies including flood risk, contamination and designations.

The site is not covered by any restrictive designations.

Regarding other policy considerations, the site has good access onto the main road and this is reflected in the comment of no objection from the highway engineer. The potential for any impact on the amenity of the surrounding area or nearby properties has been considered. The separation distance of plot 1 from the closest dwellings together with appropriate conditions should ensure no adverse impact occurs. The comment from the property owner to the east is noted but appears to relate to activity on plot 2 and not this site. The Environmental Health officer has commented on this application and raises no objection to this application.

*Retention of site for specific use* - In recognition of the specific characteristics of the site, if the application is supported it will be necessary to impose a planning condition limiting the use of this site to travelling showpeople as opposed to opening it up generally to anyone falling within the definition of Annex 1 to the PPTS.

Having reviewed the criteria outlined in CP5 it is considered that the site has sufficient conformity to be supported not just on a temporary basis but on a permanent basis.

### Other Matters

The applicant's personal circumstances must be taken into account. It is noted that they have been resident on this site for over 20 years during which time two generations have attended the local school. Access to educational and health facilities are important considerations. As noted in the level of support, the applicants have built up strong local links within the surrounding community. These factors add to the weight for them remaining on the site.

In coming to the recommendation due weight is given to the number and nature of the representations received. It has been noted that a number of the letters in support do not set out any reasons for that position. Equally, the points raised by the objectors have also been noted. Some comments in the objections do appear to relate to other plots.

Members will note from the planning history section above, there are currently two other applications with the authority relating to plots 2 & 5. They are also seeking permanent consent for use as showmen's accommodation. They were submitted later than this application. Consideration has been given to the question whether all three applications should be considered at the same time. Whilst mindful of the shared elements of the applications it is considered that this application can be determined separately.

### Conclusion

The use of this site began as an unauthorised activity and for a number of years was strongly resisted by the authority. This approach reflected the prevailing planning policy framework at the time. Changes to both the local and national policy have required an adjustment to that position and this in part reflected the approach from 2008 onward when a series of temporary consents have been granted. There was also a strong expectation that the emerging planning policy framework would identify sites for showpeople. Unfortunately that clear guidance has not emerged. Accordingly, it has been necessary to apply the criteria set out in LPP1 Policy CP5 to assess the suitability of this site. Policy CP5 of LPP1 is a criteria-based policy that will be used to determine planning applications and to assist in developing the Gypsy and Traveller Site Allocations DPD. Whilst not a perfect fit with all



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the criteria, it is considered that there is sufficient common ground to support the continued use of this site. Turning to the question of whether the applicant should be supported on a temporary or permanent use, the degree of compliance with the criteria in policy CP5 and the clear guidance in the PPTS leads to the conclusion that this site does have the characteristics suitable for a permanent site. This recommendation is reached having acknowledged the points raised by both supporters and objectors to the proposal. Other factors including the length of time the applicant has been resident on site has also been noted

Accordingly the application is recommended for permanent approval with appropriate conditions. Appropriate conditions will limit the occupancy of the site to Travelling Showpeople, seek to apply the same conditions that protect the amenity of the nearby residential properties by controlling the nature of activities on site including when they can take place, and seeking to retain and maintain the screening both within plot 1 and on the boundaries of The Nurseries.

### **Recommendation**

#### **APPROVAL – subject to the following conditions:**

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

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

2. The approved plan for this site which shows the red lined application site is the undated revised site plan submitted as part of an email dated 23 August 2016 from Curtis Smith sent in on behalf of the applicant.

Reason: For the avoidance of doubt.

3. The occupancy of the residential caravans hereby permitted, shall be limited only to a person or persons who meet the definition of Travelling Showpeople as defined in paragraph 3 of Annex 1 to the Planning Policy for Traveller Sites 2015 (or its equivalent in replacement national policy), together with any dependents.

For the avoidance of any doubt travelling showpeople means:

Members of a group organised for the purposes of holding fairs, circuses or shows (whether travelling together as such). This includes such persons who on the grounds of their own or their family's or dependents more localised pattern of trading, education or health needs or old age have ceased to travel temporarily, **but excluding** Gypsies and Travellers as defined in Annex 1 to the Planning Policy for Traveller Sites 2015.

Reason

In recognition of the nature and character of the site which is designed to service the Travelling Showpeoples community.

4. No more than 2 residential caravans and one touring caravan as defined in the Caravan



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Sites and Control of Development Act, 1960 and the Caravan Sites Act of 1968, shall be stationed on the land at any one time. For the avoidance of any doubt, the touring caravan shall not be occupied when it is on the site.

Reason

To ensure that the site is not over-occupied and does not have any adverse impact on the character and amenity of the surrounding area.

5. The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within two months of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
- (i) Within 3 months of the permission hereby granted, scaled and detailed plans indicating the existing site layout and positions of all permitted residential caravans, touring caravan, vehicle parking areas, equipment compound, hardstanding areas and amenity spaces within the showmen's quarters hereby approved (hereafter referred to as the site development scheme), shall have been submitted for the written approval of the local planning authority. The use of the site shall conform to the approved plan unless a written variation is approved by the applicant and local planning authority.
  - (ii) Within the first planting season following the permission hereby granted, the planting on the inside of the northern fence line which defines the extent of plot 1 on the ground shall be completed using species to match those already planted on this boundary.
  - (iii) Within 3 months of the permission hereby granted, a scheme for the future management of the road side trees and other vegetation on the northern boundary of The Nurseries to the A334 and the hedgerow on the western boundary of The Nurseries, shall be submitted to and approved with the local planning authority. Both of these boundaries are shown in red on the revised site plan. With regard to the roadside planting, the scheme shall include any understorey planting and succession planting to ensure the longterm survival of any effective screen to the site. With regard to the western boundary, the submitted scheme shall include measures to reinforce the hedgerow to be maintained at a minimum height of 4 metres. A timetable for these measures to be implementation shall also be submitted. The approved scheme shall be implemented in accordance with the agreed details and timetable.
  - (iv) The existing planting on the inside of the fence line that defines the western boundary of plot 1 shall be retained and maintained at a minimum height of 3 metres.
  - (v) Any new planting shall be undertaken in accordance with British Standard 4428 Code of Practice for General Landscape Operations 1989.
  - (vi) With regard to all the vegetation referred to in points (ii), (iii) & (iv) above none of the trees, plants or any hedgerow plants shall be cut back lopped topped or felled without the prior written approval of the local planning authority
  - (vii) Any trees or plants which within a period of five years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

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Reason

To ensure that the site does not have any adverse impact on the surrounding area or nearby properties.

6. Fairground equipment, lorries, heavy goods vehicles (HGVs) and other equipment shall only be stored in the designated areas of the plan approved in accordance with Condition 5.

Reason

To ensure that any activity within the site does not have any adverse impact on the surrounding area or nearby properties.

7. No commercial activity other than the storage, maintenance and testing of fairground equipment shall take place on the land.

Reason

To ensure that any activity within the site does not have any adverse impact on the surrounding area or nearby properties

8. The testing and maintenance of fairground equipment shall not take place except between the hours of 09.00 to 17.00 Monday to Friday, 09.00 to 13.00 on Saturdays and at no time on Sundays, Bank or Public Holidays.

Reason

To ensure that any activity within the site does not have any adverse impact on the surrounding area or nearby properties.

9. The storage, testing and maintenance of fairground equipment shall be limited to equipment owned by those lawfully occupying the site.

Reason

To ensure that any activity within the site does not have any adverse impact on the surrounding area or nearby properties

10. No fairground equipment, vehicle, mobile home or other item stored or stationed on the site shall exceed 5 metres in height (above ground level).

Reason

To ensure that any activity within the site does not have any adverse impact on the surrounding area or nearby properties

11. There shall be no external lighting on the site unless details of any such lighting have been previously submitted to and approved in writing by the local planning authority. No external lighting shall be installed other than in accordance with the approved details.

Reason

To ensure that any activity within the site does not have any adverse impact on the surrounding area or nearby properties

12. No generators shall be operated on the site except for the testing and maintenance of generators which are part of fairground equipment or to facilitate the testing and



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maintenance of fairground equipment. Such operations shall not take place except between the hours of 09.00 to 17.00 Monday to Friday, 09.00 to 13.00 on Saturdays and at no time on Sundays or Public Holidays.

Reason

To ensure that any activity within the site does not have any adverse impact on the surrounding area or nearby properties

13. At no time shall fairground sound amplification equipment be operated or tested on the site.

Reason

To ensure that any activity within the site does not have any adverse impact on the surrounding area or nearby properties.

**Informatives**

01. In accordance with paragraphs 186 and 187 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;
- offering a pre-application advice service and,
  - updating applicants of any issues that may arise in the processing of their application and where possible suggesting solutions.
  - shared the draft conditions with the applicant
02. This permission is granted for the following reasons:  
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 the approval of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.
03. The Local Planning Authority has taken account of the following development plan policies and proposals:-
- Winchester District Local Plan Review policies DP3, DP11 & T2
- Winchester Local Plan Part 1 – Joint Core Strategy policies MTRA1, MTRA4, CP2, CP5, CP10 & CP13.
04. No materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Health and Housing Department, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under The Clean Air Act 1993.