

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA

Winchester City  
Council  
Planning Department  
Development Control

TEAM MANAGER  
SIGN OFF SHEET

## Committee Decision

<b>Case No:</b>	08/00843/FUL	<b>Valid Date</b>	6 May 2008
<b>W No:</b>	14981/02	<b>Recommendation Date</b>	15 October 2008
<b>Case Officer:</b>	Mr James Jenkison	<b>8 Week Date</b>	<b>1 July 2008</b>
		<b>Committee date</b>	<b>13 November 2008</b>
<b>Recommendation:</b>	<b>Application Permitted</b>	<b>Decision:</b>	<b>Committee Decision</b>

**Proposal:** Siting of mobile home for Gypsy accommodation (RETROSPECTIVE)

**Site:** Rambling Renegade Ranch Pricketts Hill Shedfield Southampton Hampshire

Open Space Y/N	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
<b>NO</b>	<b>NO</b>	<b>NO</b>	<b>YES</b>	<b>NO</b>	-	-

DELEGATED ITEM SIGN OFF		
APPROVE Subject to the condition(s) listed	REFUSE for the reason(s) listed	
	Signature	Date
<b>CASE OFFICER</b>		
<b>TEAM MANAGER</b>		

**AMENDED PLANS DATE:-**

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**Item No:** 3  
**Case No:** 08/00843/FUL / W14981/02  
**Proposal Description:** Siting of mobile home for Gypsy accommodation  
(Retrospective)  
**Address:** Rambling Renegade Ranch Pricketts Hill Shedfield  
Southampton Hampshire  
**Parish/Ward:** Shedfield  
**Applicants Name:** Mr W Green  
**Case Officer:** Mr James Jenkison  
**Date Valid:** 6 May 2008  
**Site Factors:**

**Recommendation:** Application Permitted

### General Comments

This application is reported to Committee because of the number of objections received and at the request of Shedfield Parish Council, whose request is appended in full to this report.

The Hampshire County Council Gypsy Liaison Officer is satisfied that the applicant Mr. Green and his family are of Gypsy ethnic origin local to the area, and the applicant and his family are now seeking to settle as Mrs. Green has health issues, which have been verified.

The Gypsy & Traveller Accommodation Assessment carried out on behalf of the Hampshire and Isle of Wight Local Authorities indicates that there is a shortfall of Gypsy and traveller sites in the district. The shortage of pitches has resulted in temporary planning permission being granted on appeal at Joymount Farm (Curdridge), Ashbrook Stables (Colden Common) and The Lakes (Swanmore). Further details of the histories of these sites are provided in the Relevant Planning History section. Additionally, temporary planning permission has also been granted on appeal for a travelling showpersons' site in Forest Road, Swanmore and for one of the pitches at the unauthorised travelling showperson' site in Shedfield, due to the lack of identified alternatives.

### Site Description

The application site is a relatively level section of land approximately 23m. by 25m. and with an area of approximately 0.06 hectares, which forms part of a much larger rectangular parcel of land used for horse-keeping purposes which is approximately 0.45 hectares in area.

A mobile home has been stationed on the site and close boarded fencing constructed at the boundaries.

The application site is located behind residential properties fronting onto Pricketts Hill, which is a rural lane, and is accessed by an unmade track approximately 80 metres long. The site is surrounded by other small fields and a public footpath runs across one field to the west of the application site, where extensive views are afforded of the caravan and the

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site. As it travels north the public footpath connects with a track which provides access for an isolated pocket of residential dwellings comprising Hillcrest, Hill View, Heatherdene, Oaks (facing east over common land), Vine and Rose Cottage. The track then turns east to connect to Pricketts Hill.

The common land comprises heathland with mature trees grouped at the edges and which rises from south to north, ensuring that tree canopies screen the site from the track serving Hillcrest, Hill View, Heatherdene, Oaks, Vine and Rose Cottage.

Pricketts Hill has a rural character, but residential development is more regular and evident at its north end on the western side, near where the application site is located.

### **Proposal**

The proposal is to retain the existing mobile home on the site for Gypsy accommodation.

### **Relevant Planning History**

#### The application site and its surrounding land:-

In 1987 an Enforcement Notice was issued over a larger site, which included the application site. The Enforcement Notice required that the site should cease being used for residential purposes and that the mobile home located on it should be removed. Investigations since that time have confirmed compliance with the Notice.

The application site was subsequently separated from the larger site and planning permission granted in 1997 for a replacement stable block with hay store (application ref: 97/00616/FUL, permitted 12/08/1997).

Small scale pig rearing was also undertaken on the site during this period.

The land was investigated in 2002 following complaints about a barn being used for residential purposes and was found to be in an untidy state, with vehicle bodies, builders' debris and other waste strewn about the site. However, no breach of planning control was found.

The site was investigated again in 2006 and during the course of the investigation the applicants purchased the land (2007), removed the vehicle bodies, debris and other waste from the site and renamed the site "Greenacres".

A residential mobile home was moved onto the site after its purchase and is occupied by Mr. & Mrs. Green. This is the caravan which is the subject of this application.

#### Other relevant applications:

**05/02330/FUL** - Siting of a mobile home to accommodate one Gypsy family at Joymont Farm, Curdridge Lane, Curdridge - Refused 11/07/2006 - Appeal allowed 05/04/2007.

**06/02128/FUL** - Retention of 2 mobile homes, Ashbrook Stables, Main Road, Colden Common - Refused 03/01/2007 - Appeal allowed 24/10/2007.

**06/01970/FUL** - Change of use of land to small residential Gypsy caravan site (5 pitches), The Lakes, Swanmore - Refused 13/02/2007 - Appeal allowed 23/11/2007.

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The above appeals were allowed mainly due to the fact that the Council had not identified alternative available sites and the Gypsy and Traveller Accommodation Assessment had identified a shortfall of sites. In relation to the appeal for Ashbrook Stables, the Inspector noted that it was inevitable that some visual impact would occur and that it would be unreasonable to expect Gypsy sites to be completely invisible.

**Consultations**

Landscape:

The timber panel fence and caravan are clearly visible from the public footpath and are visually intrusive. The coniferous tree planting within the site will become an alien feature in the landscape as it grows.

Hampshire County Council Gypsy Liaison Officer:

The applicant and his family can be defined as of Gypsy ethnic origin in compliance with the national guidance contained within Circular 01/2006.

Mr. Green works locally and his wife has lived in and around the area for most of her life and has relatives living in the area.

Environment Agency:

Informatives recommended. Noted that consent is required from the Environment Agency for the septic tank/ treatment plant.

Highways Engineer:

Considered that the proposal did not contain any significant highways issues and would be unlikely to impact on highway safety. Condition regarding visibility splays recommended (Condition 5).

Southern Water:

Southern Water did not wish to comment on the application.

Drainage Engineer:

Applicant must submit a copy to the Local Planning Authority of the Environment Agency's Consent to Discharge for the septic tank in order to satisfy the drainage condition, should consent be considered.

**Representations:**

Shedfield Parish Council - Objects, for the following reasons:

- Site is inappropriate.
- No overriding need for accommodation here.
- Land is agricultural and is not previously developed.
- Status of applicants needs to be determined.
- Highways safety.
- No amenities.
- Site is intrusive.
- Potential land contamination.
- There are badgers in the area.
- Concern for existing trees and hedges.

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7 letters received objecting to the application for the following reasons:

- Loss of privacy; would like mobile home relocated elsewhere on the site.
- Applicants do not meet criterion of Gypsies and are not local to Shedfield.
- Contrary to Local Plan policies.
- Sewage disposal problems.

Reasons not material to planning and therefore not addressed in this report:

- There is already a large amount of unauthorised development in Shedfield.

**Relevant Planning Policy:**

Hampshire County Structure Plan Review:

C1, C2

Winchester District Local Plan Review

CE27, CE5, DP3

National Planning Policy Guidance/Statements:

PPS3, Housing.

PPS7, Sustainable Development in Rural Areas.

Circular 01/2006, Planning for Gypsy and Traveller Caravan Sites.

Policy CE27 of the Adopted Winchester District Local Plan Review 2006 follows the guidance in Circular 01/2006 and PPS7 and sets out 5 criteria (summarised below) which applications for Gypsies' sites should meet if permission is to be granted:

- (i) There is a need which overrides general objections to residential development in the countryside.
- (ii) Site is able to accommodate the activity, using acceptable space standards.
- (iii) Site is not intrusive and adequately landscaped to blend with its surroundings.
- (iv) Site is not in East Hampshire AONB, Strategic or Local Gap or of ecological, historic or archaeological importance,

and, in the case of permanent sites:

- (v) Site is within reasonable distance of schools, shops and other community facilities and is able to be provided with essential services.

The explanatory text notes that proposals will be directed towards areas of land which already have buildings or commercial activities and derelict land and should be located close enough to existing settlements to enable residents to make use of local facilities and services, particularly schools and shops. Sites should also avoid conflict with the settled population, particularly in respect of disturbance from equipment and business activity.

**Planning Considerations**

The Hampshire County Council Gypsy Liaison Officer is satisfied that the applicant and his family are Gypsies and the application falls to be assessed under national and local policy guidance on the provision of sites for Gypsies and Travellers.

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Circular 01/2006 notes that the changes to the traditional patterns of work have resulted in the Gypsy community becoming more settled and that these changes may result in site provision away from traditional areas (Para. 17-18). The Circular notes that sites may be found in rural or semi-rural settings and that Local Planning Authorities should be realistic about the availability or likely availability of alternatives to the car in accessing local services (para. 54). The Circular also notes, at paragraph 62, that Local Planning Authorities should not refuse private applications solely because the applicant has no local connection.

As stated above, Local Plan Policy CE27 allows, in principle, for the provision of Gypsy and Traveller sites in the countryside but only where all of the 5 criteria are met. This application needs to be assessed against the criteria having regard to the planning history of the site, the circumstances of the applicant and recent appeal decisions. The criteria are as follows:

**(i) There is a need which overrides general objections to residential development in the countryside.**

Circular 01/2006 acknowledges the desire of many Gypsies and Travellers to buy their own sites, which may release pitches on Local Authority sites for public provision. In recent years a number of small sites, with a small number of pitches, have been approved within the southern parishes of the Winchester District. Some of these sites were refused planning permission by the Council, but received temporary consent on appeal, with Planning Inspectors acknowledging the difficulty of finding appropriate sites to meet the needs of Gypsies and the Local Plan policy criteria. Inspectors, in deciding to allow appeals, have also noted that the Gypsy and Traveller Accommodation Assessment acknowledges a shortage of pitches within the district and that this document is still subject to consultation. It is also acknowledged that it will not be until 2011 that the full extent of pitch allocations for Local Authorities in the South East will be determined. Winchester District continues to have a shortfall of sites for Gypsy accommodation and new sites have not been identified for allocation. As the applicant is a Gypsy, with identified local connections, it would be reasonable for permission to be given for a residential caravan where the other policy criteria are met. A site will need to be allocated for the applicants and the nature of Gypsy accommodation needs is that a site in the countryside will be required. It is notable also that the applicant's need to settle is based on the health circumstances of the applicant's wife, whose doctor is located in the area.

**(ii) Site is able to accommodate the activity, using acceptable space standards.**

The site is part of a larger piece of land owned by the applicant, which includes horse-keeping activities. The area of 0.06 hectares is more than sufficient to provide acceptable space for a single Gypsy pitch.

**(iii) Site is not intrusive and adequately landscaped to blend with its surroundings.**

It is acknowledged that this is a rural location and the site is surrounded by open land at the north end of Pricketts Hill. However, on the west side of Pricketts Hill there is relatively high density residential development and there is also a group of dwellings to the west, not far from the application site. Beyond this group of properties are the residential properties at Heathlands. Additionally, field sizes are smaller here and the mobile home is viewed in

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the context of small rural buildings of a similar size and located on adjacent properties. The land has had planning permission in the past for rural buildings, and the current level of development is no greater than that previously permitted. The application site is therefore not considered to be an isolated feature within the open and otherwise undeveloped countryside, although its setting remains rural.

The application site is a subdivision of a larger site within the applicant's ownership. A close boarded fence has been constructed around this larger section of land and the fence and stable block on this land are very visible from the public footpath to the west. These structures screen the application site in views from the public footpath but the fence is visually intrusive and an unwelcome feature. This arises predominantly from the fact that long lengths of close boarded fence are not characteristic of a rural location. Whilst a fence of this nature may be erected as permitted development, it remains visible in conjunction with the mobile home and other structures and associated vehicles. The current level of landscaping is inadequate and the development has an unacceptable impact in visual terms. The site, in its current state, is therefore not considered to meet this aspect of the criteria; however, with the implementation of a suitable landscaping scheme, the site would be able to blend in adequately with its surroundings and therefore the application is not recommended for refusal on these grounds (Condition 3).

**(iv) Site is not in East Hampshire AONB, Strategic or Local Gap or of ecological, historic or archaeological importance.**

The site is not in the East Hampshire AONB, Strategic or Local Gap or of ecological, historic or archaeological importance.

**(v) Site is within reasonable distance of schools, shops and other community facilities and is able to be provided with essential services.**

Circular 01/2006 acknowledges the difficulties that Gypsies will have obtaining rural sites accessible to facilities and that a realistic approach should be taken when assessing applications. The north end of Pricketts Hill is part of the dispersed rural settlement of Shedfield and the application site would not meet normal criteria in terms of local facilities being located within walking distance. However, there are facilities nearby, including Shedfield recreation ground approximately one kilometre away. Wickham is only 1.5 kilometres to the south and provides a wide range of local facilities and services. It is unlikely that the site would be less suitable than any alternative rural site in the area.

**Neighbour's Amenity**

The site is located at the end of an access track, approximately 80m. long, and the main windows of the mobile home face inwards towards the site (over the horse paddock and stables owned by the applicant) or towards the well-screened rear boundary of Lavender Farm. The mobile home and the service yard can be seen in oblique views from a main first floor window and balcony of The Dale, the neighbouring property located approximately 7m. away. Whilst the distances between these are substantial, there is no intervening landscaping and the higher land level of The Dale and openness of the intervening spaces ensures that there are unrelieved views of the hardstanding, caravan, parked vehicles and stables. Mature landscaping is able to be planted at the common boundary, including native trees, to reduce the visual impact from The Dale to an acceptable level (Condition 4).

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**Highways**

Prickets Hill is a rural hedge-lined lane and relatively straight in the location of the application site, ensuring that a sufficient level of visibility is able to be maintained (Condition 7). The Highways Engineer has noted that the proposal would be unlikely to impact on highway safety

**Conclusion**

The application is for a single Gypsy pitch only and is located in an area of countryside consisting of small fields and interspersed with residential development. The proposed site is considered to be an acceptable location for a single Gypsy pitch as it is located at the edge of a dispersed rural village and within reasonable distance of local facilities. Taking into account the previous activity on the site, the guidance of Circular 01/2006 and recent Planning Inspector decisions in relation to other small sites within the District, the proposal is considered to be acceptable subject to conditions.

**Recommendation**

Application Permitted subject to the following conditions:

**Conditions**

1. The site shall not be occupied by any persons other than Gypsies and Travellers, as defined in paragraph 15 of ODPM Circular 01/06.
1. Reason: The site is situated in the countryside where new residential premises are not normally permitted.
2. No more than one caravan, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time and this shall be located in the position shown on the approved plans unless otherwise agreed in writing by the Local Planning Authority.
2. Reason: To define the extent of this planning permission.
3. Within 3 months of the date of this decision a scheme for tree, hedge and shrub planting including details of species, plant sizes and proposed numbers and densities; shall be submitted to and approved in writing by the Local Planning Authority and shall include a timetable for its implementation. The landscaping approved shall be implemented in accordance with the agreed time provisions.
3. Reason: to improve the visual appearance of the site in order to preserve countryside amenities.
4. Within 3 months of the date of this decision a schedule of landscape maintenance for a minimum period of 5 years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Landscape maintenance shall be carried out in accordance with the approved schedule.



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4. Reason: To ensure that due regard is paid to the continuing enhancement and maintenance of amenity afforded by landscape features of communal, public, nature conservation and historic significance.
5. Within 1 month of the date of this decision, visibility splays of 2 metres by 39 metres shall be provided at the junction of the access and public highway. The splays shall be kept free of obstacles at all times. No structure, erection or vegetation exceeding 1 metre in height above the level of the adjacent highway shall be permitted within the splays.
5. Reason: In the interests of highway safety.
6. No commercial, industrial or retail activity shall take place on the site, including the storage of goods, materials or other items not ancillary to the residential use.
6. Reason: To protect neighbouring amenities and the character of the countryside.

**Informative:**

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.

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

Winchester District Local Plan Review 2006: CE27, DP3