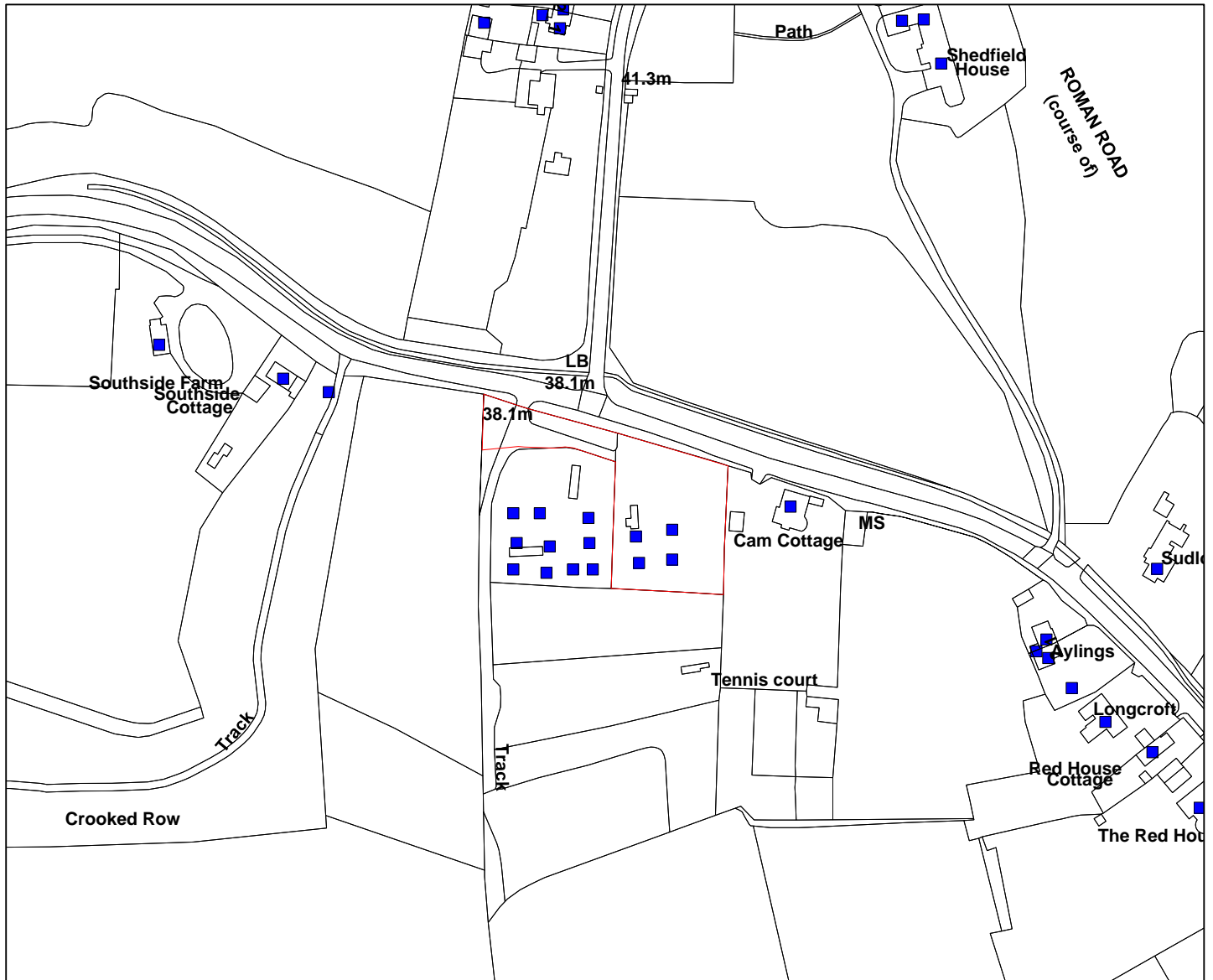


2 The Nurseries, Botley Road, Shedfield



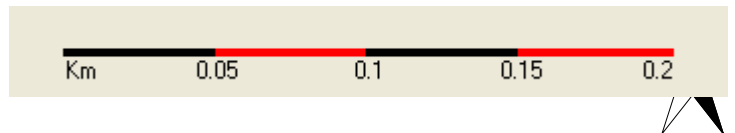
Winchester
City Council

10/01556/FUL



Legend

Scale:



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Organisation	Winchester City Council
Department	Development Services
Comments	
Date	03 November 2010
SLA Number	00018301

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Item No: 1
Case No: 10/01556/FUL / W13157/10
Proposal Description: Use of land as a site for a family of travelling showmen and retention of hard standing and bund (RETROSPECTIVE)
Address: 2 The Nurseries Botley Road Shedfield Southampton
Hampshire
Parish, or Ward if within Winchester City: Shedfield
Applicants Name: Mr And Mrs P Burton
Case Officer: Mr James Jenkison
Date Valid: 9 June 2010
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 Councillor Gemmell whose request is appended to this report.

A concurrent application (ref: 10/01555/FUL) has been submitted for 4 The Nurseries.

The application comprises part of a larger unauthorised showman's site that consists of seven plots. It includes the retention of an earth bund and the planting of a gap in the hedgerow adjacent to Botley Road.

Application 02/02350/FUL for the permanent use of the entire site of seven plots as a travelling showpersons site was dismissed at appeal in 2004.

Application 06/02659/FUL for Plot 1 of the Showman's site was granted temporary permission on appeal in 2008 and expiring in 2012 on the grounds that there was an identified shortfall of showpersons sites within the District and that the process of identifying appropriate sites to address this shortfall would not occur until 2011. The Inspector considered that the use of the site for showman's quarters was detrimental to the character of the area and did not consider it appropriate to grant permanent planning permission as this could prejudice the identification and allocation process of appropriate permanent sites.

Subsequently, there has been a change of government and the South East Plan has been revoked. Policy CE27 of the Adopted Winchester District Local Plan Review 2006 has not been saved and assessments must be undertaken in accordance with Circular 04/2007 – Planning for Travelling Showpeople. The appeal decisions and The Travelling Showpeople Accommodation Assessment prepared in March 2008 by the Strategic Housing Officers Group on behalf of local authorities in Hampshire, Southampton, Portsmouth and the Isle of Wight remain material planning considerations.

Subsequent to the consultation response by the Head of Strategic Planning the applicant has agreed to the application being limited to a temporary permission expiring on 1 June 2014.

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Appendices:

2004 Appeal Decision (entire site, planning application reference; 02/02350/FUL).
2008 Appeal decision (Plot 1, planning application reference; 06/02659/FUL).
Consultation response from the Head of Strategic Planning.
Committee request of Councillor Gemmell.

Site Description

Shedfield is a dispersed rural community with a predominance of residential and rural economy activities. It has not been defined as a built up settlement or local centre in the Adopted Winchester District Local Plan Review 2006.

The application site, which covers an area of approximately 2400m², is part of a larger area of land (approximately 1.56 hectares) which contains unauthorised pitches for travelling show people. The land of the application site, along with the other six pitches, is essentially level and has lorries, other vehicles, trailer units, caravans and mobile homes typical of the requirements for travelling show people located on it.

The site is located in the open countryside, approximately 600 metres from Church Road and ¾ of a mile from the main Winchester Road between Bishops Waltham and Wickham. The surrounding countryside has a rural character, with grass paddocks enclosed by mature trees and hedgerows, however sporadic development along Botley Road is evident, and a gap in the hedgerow in an adjoining paddock affords views of the site. A narrow and rudimentary landscape strip has been planted along the west boundary of the site, adjacent to the main access track leading to other sites to the rear; however, this is insufficient to screen views of the lorries, mobile homes and other structures on the site. There is a dense hedgerow at the front of the site, however, it is possible to glimpse some of the equipment stored on the site over a low section of the hedge. An earth bund has been constructed adjacent to the hedgerow and the east boundary with Cam Cottage.

There is woodland to the west of the site, separated from it by the exposed paddock, and this woodland is designated as a Site of Importance for Nature Conservation. Woodland, which is also a Site of Importance for Nature Conservation, is located directly adjacent to the rear boundary of the wider showmen's site, but not the application site.

A residential property (Cam Cottage) with a large and deep back garden borders the eastern boundary of the application site, and is well screened from it by dense boundary treatment that screens views of the site from the east.

The Marriott Meon Valley Hotel And Country Club occupies a large area of land on the north side of Botley Road, opposite the application site.

Proposal

The proposal is for the temporary use of the site for Showman's quarters for a period expiring on 1 June 2014 and represents one of the unauthorised showman's plots on a larger site of unauthorised travelling showmen's quarters. The application also seeks to include the retention of the earth bund and the provision of additional landscaping.

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Relevant Planning History

93/01387/OLD – Change of use of land from agricultural to use for travelling Showpeople's depot. Refused 1st July 1993.

95/01300/OLD – Continued use of land for travelling showpeople's depot. Refused 30th March 1995. Appeal dismissed.

98/00123/CHU – Use of land as travelling showmen's quarters. Refused 2nd April 1998. Appeal dismissed.

01/00399/FUL – Use of land as a travelling showmen's site for a period of 12 months and retention of hardstanding for same period. Refused 27th April 2001. Appeal dismissed.

02/02350/FUL – Change of use to showmen's Permanent Quarters. Refused 10th January 2003. Appeal dismissed.

05/01592/FUL – Change of use to showmen's permanent quarters (RETROSPECTIVE). Local Planning Authority declined to determine application 18th August 2005.

06/02659/FUL – Change of use to showmen's permanent quarters. Refused 31st January 2007. Appeal allowed for a temporary period expiring 1 April 2012.

Consultations

Strategic Planning: commented that the site is outside the defined built-up area of any settlement so the principle of development/redevelopment for residential purposes would not normally be acceptable and that the scheme should be determined in accordance with national guidance set out in Circular 04/2007, which suggests that the level of need for travelling showpeople's sites should be determined through the regional spatial strategy, with suitable sites then allocated in Local Development Frameworks (LDF).

There is no adopted figure quantifying the scale of provision that is needed at a District level, however, there is clearly some level of need in the District and recent appeal decisions suggest at least part of this relates to the southern part of the District. The Council's Development Plan Document allocating sites (if indeed site allocations are found to be the preferred solution) will not be adopted until late 2013. The Circular suggests that substantial weight should be given to unmet need in considering whether a temporary permission is needed.

The applicants represent an element of demonstrated unmet need and have local connections and there are also other sites which are only authorised on a temporary basis. Therefore, substantial weight should be accorded to meeting this need, at least temporarily. As the existing site is well established (albeit not authorised) and its inhabitants can be expected to have developed local connections and use local facilities, it would seem appropriate to permit these sites on a temporary basis provided they are satisfactory in other respects.

The situation faced by the applicant and others locally demonstrates that there is some level of local unmet need. With the relevant DPD being several years from allocating suitable sites, there is a case for granting permission, at least on a temporary basis, provided the sites meet reasonable planning requirements, such as those in former Local Plan policy CE.27, which sets out a criteria for assessing the application.

The Head of Strategic Planning's response is appended in full to this report.

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Engineers: Drainage: considered that details of the packaged treatment plant proposed should be submitted for approval.

Engineers: Highways: advised that the private driveway should be formed in hardened tarmac from the edge of the adjoining highway (Condition 8), which will help with the speedy movement of traffic into and out of the site and that the hedge line should be trimmed back to improve visibility.

Representations:

Shedfield Parish Council objected to this proposal as being out of keeping with the surrounding area and because the proposal was to continue the use in breach of previous decisions, enforcement notices, and appeals.

The Parish Council considered that if temporary permission were to be granted then the time allowed should be synchronised to terminate at the same time as the permission granted on appeal for Mr & Mrs Bond (Plot 1).

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

- Contrary to policy, land designated as agricultural.
- Unlawful occupation and granting permission would create a precedent.
- Proposal is visually intrusive and not in keeping with other development in the area.
- Proposal does not comply with PPS4.
- Alternative sites exist.
- Bund will cause damage to existing boundary vegetation.
- Noise from maintaining machinery outside working hours.
- Proposal is not farm diversification and alternative sites are available.

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

- Retired people should not be residing at a showman's site.

Relevant Planning Policy:

Winchester District Local Plan Review
DP3, DP4, DP5, CE5

National Planning Policy Guidance/Statements:

Circular 04/2007 - Planning for Travelling Showpeople

PPS 1 Delivering Sustainable Development

PPS 3 Housing

PPS 4 Industrial, Commercial Development and Small Firms

PPS 7 Sustainable Development in Rural Areas

PPG 18 Enforcing planning control

Other Documents:

Travelling Showpeople Accommodation Assessment (March 2008).

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Planning Considerations

Principle of development

The Council had consistently refused planning permission to use the unauthorised site at Shedfield as a travelling showpeople's site and until 2008 the Secretary of State had supported this stance by dismissing a number of appeals. However, the principle of allowing temporary pitches for travelling Showpeople at this site was established as a result of the 2008 appeal decision for plot 1 (Mr & Mrs. Bond). Essentially, temporary permission only was considered to be appropriate as there was an identified shortfall of sites in the area and land for the unmet demand had not been allocated through the development plan process. The Inspector, taking into account Policy CE27 (not saved), also considered that a temporary planning permission would be appropriate in accordance with paragraph 41 of Circular 04/2007. At that time, a temporary planning permission was only considered appropriate until May 2012, by which time an approach should have been identified through the development plan process to meet what the Inspector described as a substantial unmet need for travelling showpeople's sites.

The 2004 appeal decision (ref: APP/L/1765/A/03/1110565) established that the travelling showpeople's site at Micheldever was inadequate for the purposes of the showpeople located in Shedfield and that a more local site was required.

The abolition of the South East Plan has resulted in further delays in resolving the issue of travelling showpeople's accommodation in the District. The Head of Strategic Planning has indicated that the situation is unlikely to be concluded until late 2013. It is therefore considered appropriate to grant temporary planning permission until 1 June 2014.

Impact on character of area and neighbouring property

The appeal Inspector noted that the proposed development for plot 1 was visually detrimental to the character of the area, but that this could be reduced to an acceptable level through appropriate planting. In combination with plot 1 and in itself the proposal is considered to be visually detrimental to countryside character due to the scale of lorries and equipment generally associated with travelling showpersons sites. However, notwithstanding these concerns, weight must be attached to the shortage of permanent travelling showpersons sites within the District and therefore the need of the travelling showpeople to be temporarily accommodated. Consequently it is considered that refusing temporary planning permission would not be appropriate. A landscape condition (Condition 3) has been recommended to assist in ameliorating the temporary visual harm to the countryside that would result from the grant of planning permission.

Travelling showman's sites tend to be a mix of residential activity and the storage and testing of equipment and involve the use of lorries and HGV's as part of business activities. The west side of Cam Cottage has a relatively dense and wide row of boundary vegetation, that acts as a visual screen between these two properties, ensuring that there is no materially harmful visual impact from the development to that property. The main access to the showman's site is located at the opposite side of the site to Cam Cottage, however, it is accepted that activity on this particular plot, immediately adjacent to Cam Cottage, could cause disturbance from vehicle movements to and from the site and from equipment maintenance and testing. The Inspector for the 2004 appeal concluded that safeguarding conditions would be adequate to protect neighbouring residential amenities in this respect and for this reason restrictive conditions have been recommended in order to guard against any potential material harm to neighbours residential amenities during the life of the temporary permission (Conditions 3-7). The bund will also assist in

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ameliorating the effects generated from this plot.

Highways/Parking

One of the principle concerns about the permanent use of this site is that visibility splays in perpetuity could result in the inability to provide sufficient boundary treatment to screen the site. However, the 2008 appeal decision found that the lack of alternative available sites was to be afforded greater weight at that point in time and that improvements to the surface of the access was the only requirement necessary (Condition 10).

Drainage

The site is currently served by a package treatment plant and sewage disposal is considered to be adequate for the circumstances.

Other Matters

Circular 04/2007 notes the changing circumstances of travelling showpeople, problems of overcrowding associated with the difficulties of finding suitable available sites. It notes that some travelling showpeople live in extended family groups and that one of its main intentions is to help avoid travelling showpeople becoming homeless through eviction from unauthorised sites without an alternative to move to. The granting of temporary planning permission will avoid this group of travelling showpeople becoming homeless whilst no suitable allocation sites are available.

PPS4 does not provide guidance for travelling showpeople's sites.

Conclusion

The Council, in assessing the merits of this application, must have regard to the appeal decision in 2008 relating to Plot 1 where temporary permission was granted by the Inspector. He accepted that there was a need for travelling showpeople's accommodation in the District which was not being met by the development plan. Hence, whilst not considering that the Shedfield site was acceptable as a permanent site it was reasonable to grant temporary permission. In this instance a temporary permission is considered appropriate for this plot. This does not mean that landscape and other concerns regarding the use of the land as a travelling showpeople's site have been overcome and that a more permanent use of this site for this purpose is acceptable.

Recommendation

Application Permitted subject to the following condition(s):

Conditions

1 The use hereby permitted shall be carried on only by Mr and Mrs Whittle and their dependents living with them and shall be for a limited period expiring on 1 June 2014 or the period during which the premises are occupied by them, whichever is the shorter.

Reason: It is considered that prior to June 2014 the process for identifying suitable sites for travelling showpeople in the Winchester and adjoining Districts will have been completed and the applicants will be expected to occupy one of the identified suitable sites.

2 When the premises cease to be occupied by Mr. and Mrs. Whittle and their dependents living with them or at 1 June 2014, whichever shall first occur, the use hereby permitted

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shall cease, all materials and equipment brought onto the premises in connection with the use shall be removed and the land restored to its former condition.

Reason: In the interests of countryside amenities.

3 Storage, maintenance, repairs and testing on the land shall be limited to equipment, rides and vehicles and any other ancillary items reasonably required in connection with or relating to the carrying out of a business as a travelling showperson by the occupants of the application site only.

Reason: To define the permission and circumstances relating to this planning permission.

4 No maintenance, repair or testing of equipment shall take place outside the hours of 09:00 to 18:00 on Mondays to Fridays; 09:00 to 13:00 on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: In the interests of neighbouring residential amenities.

5 At no time shall the site be floodlit.

Reason: In the interests of countryside and neighbouring residential amenities.

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

Reason: In the interests of countryside and neighbouring residential amenities.

7 No structure, container, vehicle, plant or equipment shall exceed a height of 5 metres above ground level when stored on the site.

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

8 Within 3 months of the date of this decision detail of improvements to the surfacing of the access for a distance of 15 metres from the highway boundary, together with a programme for carrying out the works, shall be submitted to and approved in writing by the Local Planning Authority. The improvements shall be carried out in accordance with the approved details and programme.

Reason: In the interests of highways safety.

9 Planting in accordance with the landscaping scheme hereby approved and shown on plan no: WIN/924/IE/003 shall be carried out in the first planting season following the grant of this planning permission. The additional boundary hedging as shown on the approved plans shall be planted as double staggered rows with plants at 450mm spacing and 500mm between rows in accordance with the planting schedule specification hereby approved. Should gaps occur in the hedgerow new boundary hedging shall be planted within these gaps in accordance with the planting specification hereby approved. If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same

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place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

Reason: To improve the appearance of the site in the interests of visual amenity.

Informatives:

The Local Planning Authority has taken account of the following national guidance, case law development plan policies and proposals:-

Circular 04/2007

Appeal decision APP/L1765/A/07/2051524

Appeal decision APP/L1765/A/03/1110565

Winchester District Local Plan Review 2006: DP3, CE5.