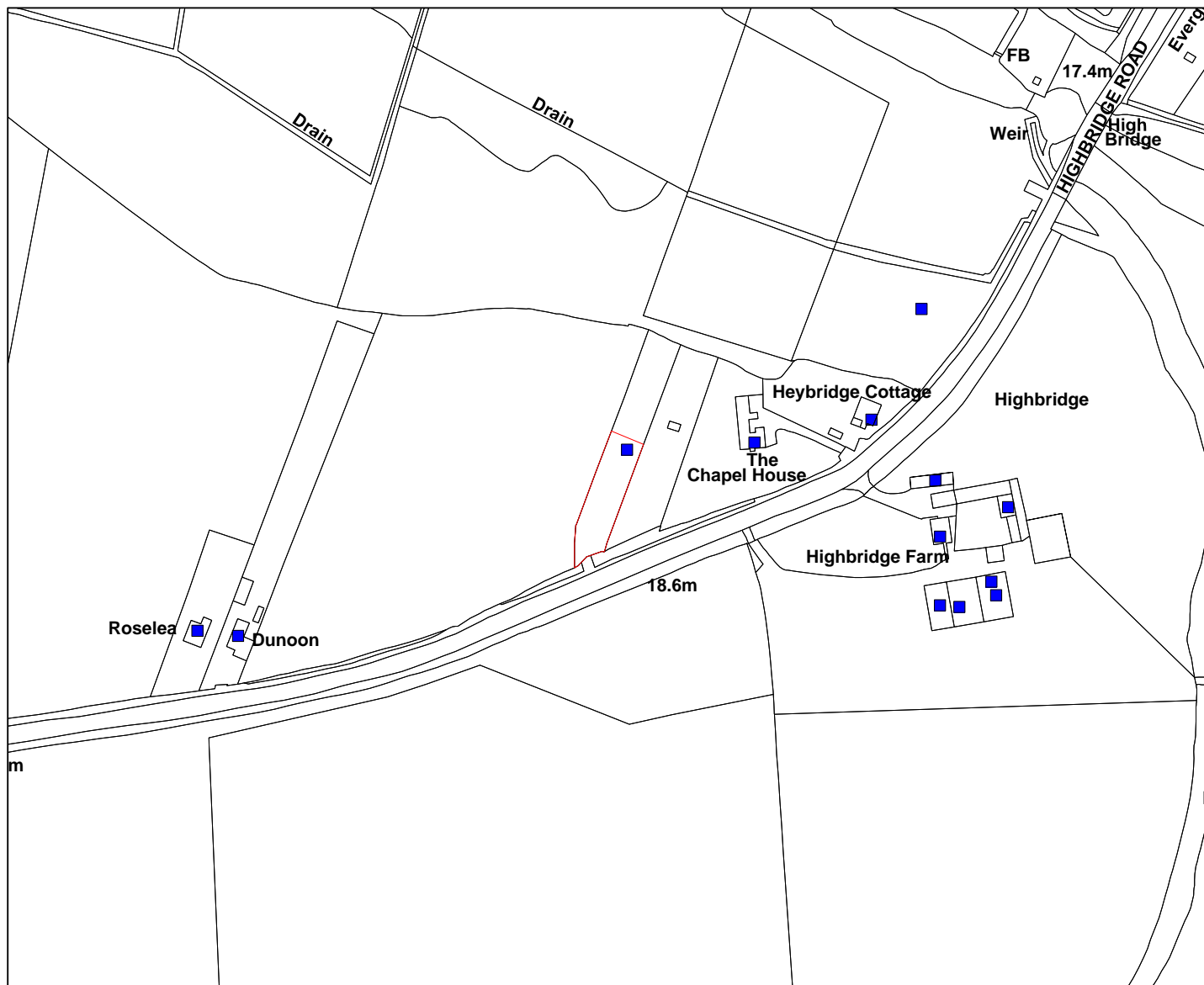


Riverside, Highbridge Road, Highbridge



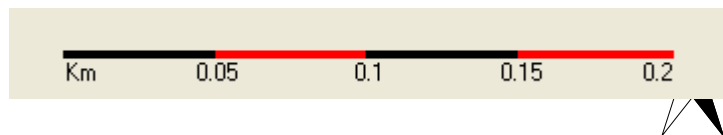
Winchester
City Council

10/02208/FUL



Legend

Scale:



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

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 18 November 2010

Item No: 3
Case No: 10/02208/FUL / W07126/09
Proposal Description: Change of use of agricultural land to private Gypsy site for one family siting of one mobile home and one touring caravan (Retrospective)
Address: Riverside Highbridge Road Highbridge Eastleigh Hampshire
Parish, or Ward if within Winchester City: Otterbourne
Applicants Name: Mr G Cooper
Case Officer: Mrs Jane Rarok
Date Valid: 2 September 2010
Site Factors: SSSI, SAC River Itchen
Recommendation: Application Permitted

General Comments

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

The application seeks to regularise the current unauthorised situation which sees the applicant occupying the site in breach of an extant Enforcement Notice, dating back to October 1987. An appeal against this Enforcement Notice was dismissed in March 1988.

The site was purchased by a family member in 2001 and the current applicant, Mr Cooper, has been in residence since 2003. An application was submitted in 2004 to regularise this situation but this application was stalled. Mr Cooper is in his mid sixties and suffers from ill health and, at the time, it would seem there was an issue over whether he met the then Circular definition of a Gypsy / Traveller (1/94), as he was in effect looking to lead a settled life. The application was later resubmitted with additional information which took account of the changes in government advice relating to Planning for Gypsy and Traveller Caravan Sites (Circular 01/2006) which has been changed to allow gypsies who, through old age or ill health, or those with children with educational needs, need a settled base.

Ultimately the 2004 application was withdrawn in August this year due to an administrative technicality relating to the declaration of ownership of the land.

Site Description

The application site is a long rectangular parcel of land on the north side of the B3335 Highbridge Road. The access is defined by a metal 5 bar gate with more intricately designed gates set inside. There appears to be sufficient room to park a car off the highway prior to going through these gates. The site is well screened from the road by a mature hedge and tree belt which characterises this section of the road. Internally the site is screened by a mixture of hedge and/or mature trees.

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 18 November 2010

On site there is a mobile home, traditional touring caravan and two small stable buildings, one at the southern end used for storage and one at the northern edge serving the paddock beyond. The supporting information states that both the mobile home and stables are in need of repair.

The site has a rear boundary with the edge of the River Itchen SSSI and SAC (Special Conservation Area). The character of the area is predominantly rural with sporadic residential development. This site is between two sets of residential dwellings and opposite Highbridge Farm. Further to the west is the more built up settlement of Allbrook, which is outside Winchester's District.

Proposal

This application seeks to regularise the current unauthorised situation for a change of use of agricultural land to private gypsy site personal to the applicant Mr Cooper. The form of development relates to one mobile home and one touring caravan. The site has been occupied by Mr Cooper since 2003, relatively unobtrusively and has not generated much local complaint, notwithstanding in breach of an extant Enforcement Notice, dating back to October 1987.

Relevant Planning History

83/00921/OLD - Erection of dwelling refused 26th January 1983.

85/00814/OLD - Use of land as private gypsy caravan site (3 pitches) refused 12th June 1985. Appeal dismissed 13th June 1986.

86/00910/OLD - Use of land as site for gypsy caravans refused 24th November 1986. Appeal dismissed 25 August 1987;

90/00848/OLD - Use of land for siting of mobile home refused 24th August 1990.

93/00648/OLD - Use of land for siting of mobile home: Cobdale refused 4th March 1993.

03/02031/FUL - Part V use of Agricultural Land for the temporary siting of a caravan for seasonal accommodation for agricultural workers. Refused 10th November 2003;

04/00264/FUL Change of use of agricultural land to private gypsy site for one family siting of one mobile home and one touring caravan (Now including additional supporting information) withdrawn 20th August 2010.

Consultations

Enforcement comment:

This case relates to a single gypsy caravan on a site in Highbridge. There is an extant enforcement notice on the land (dated October 1987) in relation to the siting of a residential mobile home.

Engineers: Highways: - no objection

The applicant purchased the site in 2002 and has lived there since then. He looks after two horses in a small paddock but does not undertake any business from the site. The

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 18 November 2010

access has been in existence for a considerable time its precise history is not known and was probably an access to the agricultural field. It is possible to turn on the site and therefore vehicles can enter and depart the public highway in a forward gear. Visibility splays of 116m north and 95m south can be achieved. This is an existing access and has a low key use. The proposal is likely to result in an additional average daily trip rate of 4/6 trips per day which is not considered to be a significant increase and is the comparable level likely to be generated by a single stable block.

Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites, paragraph 66 explains that proposals should not be rejected if they would only give rise to modest additional daily vehicle movements and or the impact on minor roads would not be significant. Mindful of the above, it is my opinion that a Highway reason for refusal relating to an increase in use of the vehicle access could not be successfully sustained at appeal.

Landscape: - objection

The application site is within the Lower Itchen Valley Landscape Character Area. This character area is sensitive, not only for its landscape but for its ecological sensitivity as well. The floodplain contains habitats of National and European ecological importance including the clear alkaline river, fen, carr, swamp and reedbed, unimproved neutral grassland, calcareous grassland, standing open water, ephemeral headwaters and ancient semi-natural woodlands. The water course and banks are designated as a SSSI and the watercourse has also been designated as a Special Area of Conservation (SAC).

While the site is not clearly visible from either road or footpath this does not alter the harm that will accrue to the character of the landscape (policy CE.5) and these sensitive assets if an agricultural field is turned over to a residential land-use (with all that might entail).

WCC Ecology - unlikely that there are any onsite protected species or other ecological concerns, as it appears to be existing hard standing, the site is already in occupation and has been for some time and providing the activity is restricted to the red line area. Drainage and pollution control is important, as is lighting and these should be controlled by condition (condition 5).

Environment Agency:- no objection

Flood Risk - The information supplied by the applicant demonstrates that the site and access are located at a level above the 1 in 100 year modelled flood level and therefore are at a low risk of flooding.

Foul Drainage - The applicant or agent should ensure that the development is designed so that any wastewater arising from this development is disposed of in line with current regulations and guidelines.

Natural England – no objection subject to conditions. The proposal in its current form is unlikely to have a significant effect on the interest features of the SAC and therefore does not require appropriate assessment in accordance with Regulation 48 of the Conservation (Natural Habitats) Regulations 1994. Natural England has concerns about the potential impacts on the SSSI but is not objecting to the scheme subject to a permission personal to the applicant (condition 1); no business activity (condition 3); removal of manure from the paddock; porous paving and soakaways, regularly emptied and marinated sealed sewage treatment plant..

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 18 November 2010

Representations:

Otterbourne Parish Council – object:

- The Parish Council does not consider that the applicant has sufficient connection with the area and that the proposal is contrary to policy CE27;
- Outside development boundary and would represent intrusive linear development in the countryside;
- Set a precedent which would make it difficult to refuse similar proposals;
- Adverse impact on amenity and enjoyment of neighbouring land.
- Mobile home not in accordance with the Village Design Statement;
- Adjacent to Listed Building and SSSI;
- Vehicle access onto a sinuous and dangerous stretch of highway which has been subject to several accidents.
- If approved the Parish Council would ask that a personal condition be applied.

Allbrook Parish Council – concern that the development would set a precedent for other land in the area. There would be a risk of additional, larger sites being developed which would be harmful to the local environment.

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

- Detrimental effect on the enjoyment of neighbouring land;
- Poor access and highway safety;
- Future use of the site;
- Urbanisation of open countryside;
- Out of character with the adjoining residential area;
- Loss of agricultural land to residential use;
- Detrimental impact on the wildlife habitat of the SSSI and SAC;
- Flooding;
- Lack of mains water and drainage.

Relevant Planning Policy:

Winchester District Local Plan Review

DP3, CE5

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPS 3 Housing

PPS 7 Sustainable Development in Rural Areas

PPS 9 Biodiversity and Geological Conservation

PPG 25 Development and flood risk

Supplementary Planning Guidance

Winchester District Landscape Character Assessment

Otterbourne Village Design Statement

Other Planning guidance

Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites;

GTAA Gypsy and Traveller Accommodation Assessment (2006)

Planning Considerations

Principle of development

This application seeks to rectify the current unauthorised use of this site as a private gypsy site which includes the change of use of land and the siting of one mobile home and one touring caravan.

As mentioned above under 'the proposal' heading, the site has been occupied since the late 1980s and has substantial planning history. The two applications which sought permission for gypsy caravans/pitches were refused (86/00910/OLD and 85/00814/OLD) and subsequently dismissed at appeal. At that time – in 1986 and 1987 - the inspectors dismissed the appeals on the basis that there was no overriding justification for additional dwellings in the countryside, precedent, visual impact and highway safety.

It is considered that the screening surrounding the site has matured since the time of these decisions and the site is not readily visible in the wider public realm being restricted to oblique views from directly outside the access. The issues surrounding highway safety have been overcome to the satisfaction of the Council's Highway Engineer. The road has been reclassified from an A to a B road, and the small number of daily trips generated by the site is now insufficient to warrant refusal.

Since Local Plan Policy CE27: Sites for gypsies and travelling show people policy was not saved when the South East Plan was introduced, and following the revocation of the South East Plan as regional planning guidance, the pertinent policy advice relating to such development is set out in Circular 01/2006. This document aims to ensure that gypsies have fair access to suitable accommodation, education, health, and welfare provision. It also seeks to reduce the number of unauthorised encampments and to significantly increase the number of gypsy sites in appropriate locations. The Circular aims to help those who wish to provide their own private sites recognising that this approach may result in the freeing-up of pitches elsewhere on local authority sites. It is considered that this proposal accords with the aims and objectives of this Circular.

This application previously stalled as there was some question as to whether the applicant met the definition of 'gypsy' status because age/ill health prevented him from travelling. However, Circular 01/2006 makes it clear that the definition of gypsies is "persons of nomadic habit of life including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age has ceased to travel temporarily or permanently".

The Circular also states that sites on the outskirts of built-up areas may be appropriate and rural settings are acceptable in principle. In assessing the suitability of sites, the Local Authority "should be realistic about the availability of alternatives to the car in accessing local services". This site is on the edge of settlement (Allbrook, Eastleigh BC) and approximately 1.5km to Colden Common to the north which contains a number of services and facilities. There is a bus stop immediately adjacent to the site entrance which serves the outlining settlements including Winchester and Colden Common. In this respect it is considered that the proposal meets the advice in the Circular.

Finally, the Circular requires that sites should respect the scale of, and not dominate, the nearest settled community and they should not place undue pressure on the local infrastructure. This is a small, well defined site which is relatively unobtrusive and

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 18 November 2010

adjacent to existing residential dwellings. The size of this site is sufficient to accommodate the single mobile home and touring caravan proposed but would be unlikely to accommodate any material increase in pitches. Other considerations include the existing level of provision and need for sites in the District, and the availability or lack of alternative accommodation. Whilst it is understood that Mr Cooper's daughter lives locally, the Circular states that a lack of a local connection is not considered sufficient in itself to refuse an application.

It is recommended that any permission is made personal to this named applicant in order that the activity and intensity of occupation on site is controlled. Furthermore conditions should restrict the structures on site to one mobile home and one touring caravan as stipulated in the proposal description (conditions 2 and 4).

Impact on the character of the area and nature conservation

The site is relatively small and well defined. It has a frontage width of approximately 12m and is screened along the boundaries by mature hedging. The application relates to the southern half of this site which contains the structures, which is some 40m from the rear edge of the site adjacent to the SSSI. Paragraph 52 of the Circular states that in areas with nationally recognised designations, such as a SSSI, sites can be approved where it can be demonstrated that the designation would not be compromised by the development. Natural England has raised no objection on nature conservation. Preliminary consultation with the Council's Ecologist raised no concern regarding protected species, but formal clarification is being sought following Natural England's Standing Advice which is not available at the time this report was written. Any comments will be reported via the Update Sheet.

The Council's own Landscape Officer identifies the sensitive nature of the location and also notes that the site is not clearly visible from either road or footpath. He does raise concerns about the potential harm that will accrue to the character of the landscape with a residential use, but it is considered that the use has been ongoing since 2003 with little complaint and that controls through conditions can be effective mitigation for any harm.

Furthermore, in response to the Appeal Inspectors' comments, it is considered that the screening surrounding the site has matured since the 1980s decisions, and the site is not now readily visible in the wider public realm. Views of the mobile home are restricted to oblique views from directly outside the site entrance and not in longer views as it is screened by existing boundary vegetation.

Impact on the neighbouring properties and setting of Listed Building

Concern has been raised that the proposal could affect the setting of the neighbouring listed building Chapel House. However, the site is not considered to be within the curtilage of this dwelling and is separated from it by a separate parcel of land of a similar size to the application site. This land is understood to be in the same ownership as Chapel House and until recently was a scrubby parcel of land which provided effective screening. It is since understood that much of this scrub has been cleared which could have resulted in an opening up of views of the site. However, as this land is within the control of Chapel House, additional planting would re-screen the development effectively. Notwithstanding this, it is not considered that the development detrimentally impacts upon the setting of Chapel House.

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 18 November 2010

Chapel House itself is some 40m from the shared boundary and the next nearest neighbour to the west is in excess of 100m, separated from the site by agricultural land. At these distances, it is unlikely that the development would lead to detrimental impacts on the amenities of the occupiers, as would appear evident from the lack of complaints generated by the existing use.

Highways and parking

When the application was first submitted in 2004, the Council's Highways Engineer originally objected to the proposal. However, Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites explains that proposals should not be rejected if they would only give rise to modest additional daily vehicle movements and/or the impact on minor roads would not be significant. Given that the proposal is likely to result in an additional average daily trip rate of 4-6 trips per day, which is not considered to be a significant increase, and the accident records for the past three years suggest that no accidents have occurred within close proximity to the site entrance, the highways reason for refusal has been withdrawn. It is now the opinion of the Highway Officer that the reason for refusal previously recommended could no longer be successfully sustained at appeal.

Conclusion

The proposal addresses the Council's identified unmet need for gypsy sites in the District (The Gypsy and Traveller Accommodation Assessment 2006) and accords with the provision of Government advice set out in Circular 01/2006. Advice from Natural England suggests that it is unlikely to have a significant effect on the SSSI/SAC and the site is well screened from public view. The activities on site are constrained by the size of the site and could be controlled by the suggested conditions including a personal condition to the applicant Mr Cooper, controls over the activity and number of structures on site. Residential dwelling either-side of the site are at sufficient distances to avoid detrimental impacts.

Recommendation

Application Permitted subject to the following condition(s):

Conditions/Reasons

1 The use/occupation of the site hereby permitted shall be personal to the applicant, Mr George Cooper. When the premises cease to be occupied by the applicant, Mr George Cooper, the use hereby permitted shall cease and all materials, mobile homes, caravans and equipment brought on to the site in connection with the use shall be removed.

Reason: The site is situated in the countryside where new residential premises are not normally permitted.

2 Not more than one mobile home and one touring 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 these shall be located in the positions shown on the approved plans WIN/874/ID/001a, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To define the extent of this planning permission.

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 18 November 2010

3 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.

Reason: To protect neighbouring amenities and the character of the countryside.

4 The touring caravan shall only be stored on site and shall not be occupied as a separate residential unit of accommodation.

Reason: The site is situated in the countryside where new residential premises are not normally permitted.

5 At no time shall the site be floodlit.

Reason: In the interests of countryside and neighbouring residential amenities

Informatives

1. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Winchester District Local Plan Proposals: DP3, CE5

2. 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 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.