

# Planning Committee

## Update Sheet

**The information set out in this Update Sheet includes details relating to public speaking and any change in circumstances and/or additional information received after the agenda was published.**



Item No	Ref No	Address	Recommendation
01	16/00456/FUL	Land Adjacent to Gravel Hill, Shirrell Heath	PERMIT

**Agenda Page: 4**

**Officer Presenting: Julie Pinnock / Michaela Mercer**

**Public Speaking**

**Objector:** Matthew Hampshire

**Parish Council representative:** Jess Bond

**Ward Councillor:** Cllr Bentote

**Supporter:** Dr Angus Murdoch (Agent)

Update

Page 6 of the report refers to an Appeal decision at Bowen Farm, Wangfield Lane, Curdridge, which is attached to the update sheet as Appendix A.

Item No	Ref No	Address	Recommendation
02	16/02043/REM	Land North And South Of Forest Road Waltham Chase Hampshire	Permit

**Agenda Page: 26**

**Officer Presenting: Simon Avery**

**Public Speaking**

**Objector:**

**Parish Council representative:** Jess Bond

**Ward Councillor:**

**Supporter:** Martin Hawthorne (WYG Planning)

Update

**Foul sewage**

This current application is seeking approval of reserved matters and the discharge of certain conditions attached to the outline consent 15/01106/OUT and this originally included the discharge of condition 6 e) which requires approval of drainage details.

In response to the drainage details submitted Southern Water initially advised that there was insufficient capacity within the foul sewage system to accommodate the proposed development and that further infrastructure would need to be provided before this condition could be discharged. However, since then the applicant has applied to Southern Water to undertake a capacity assessment and this has identified the extent of works needed to enable adequate foul drainage for the site. There is therefore a technical solution to create capacity for the development and

the applicant is continuing to work with Sothern Water to agree the final details of this. However, as this is not finalised, the applicant has asked to withdraw the drainage details from this application. The drainage details to discharge condition 6 e) of permission 15/01106/OUT will therefore have to be submitted in a further reserved matters application along with the other reserved matter items not addressed in this current application.

**Affordable Housing**

Details of the affordable housing scheme have now been agreed with the Council’s New Homes Delivery team. The s106 agreement attached to the outline consent 15/01106/OUT sets out an affordable housing mix and illustrative site layout plans. The agreement allows for another mix to be agreed at reserved matters stage, subject to the applicant submitting to the Council certain details. The reserved matters submission does vary slightly from the outline stage.

The applicant has confirmed the proposal for affordable housing is as follows:

	North Site		South Site		TOTAL
	Affordable Rent	Shared Ownership	Affordable Rent	Shared Ownership	
1 bed maisonette	2		4		6
2 bed maisonette	2	2	2	2	8
2 bed house	4	2	3	1	10
3 bed house	2	1	3	2	8
<b>TOTAL</b>	<b>10</b>	<b>5</b>	<b>12</b>	<b>5</b>	<b>32</b>

The quantum of affordable housing has not changed from the s106 agreement. The revised mix and the placement of the affordable homes is acceptable. The applicant has provided likely costs to householders to ensure compliance with the affordability tests in the s106 agreement. The applicant has also provided a location plan for each site showing the Affordable housing land and parking.

Affordable housing will be delivered as per the s106 agreement and to the standards agreed. The New Homes Delivery team has therefore confirmed that the affordable housing scheme being proposed for this reserved matters application is acceptable.

**Details of Materials and Large Scale Plans**

Condition 03 requires approval of materials and condition 04 requires the submission and approval of large scale plans of key elements of the buildings. Both conditions have been drafted to be approved *prior to commencement of development*, but the applicant has requested that the trigger point be changed to *construction above slab level* in order to allow them to get the early stages development progressed quickly. This is considered to be acceptable and the amended conditions are set out below. (Other minor changes to condition 04 is that the colour of rainwater goods is to be agreed rather than all being black and the reference to bonnet hip tiles is removed):

**Amended Condition 03**

*Prior to construction above slab level, samples of all the external materials of the building, walls and other structures and external hard landscaping surfaces shall*

*submitted to and approved in writing by the local planning authority. Bricks for all buildings and any walls in the public realm shall be Michelmersh bricks. Roof materials for all buildings and any tile hung elevations shall only be clay plain tiles. Render shall be roughcast and timber cladding shall be natural timber. The development shall be constructed in accordance with the approved details.*

#### **Amended Condition 04**

*Prior to construction above slab level, 1:20 scale fully annotated plans, elevations and sections for each house type, garage and other buildings, of the following typical details shall be submitted to and approved in writing by the local planning authority:*

- Eaves, verges, bargeboards, fascias which shall be grey or black.*
- Ridge tile and hip tile profiles.*
- Rainwater goods the colour of which shall be agreed.*
- Windows including bays and dormers which shall include materials. The window frames shall be recessed from the elevations by a minimum of 75mm. Mullions and transoms shall be of an integrated system and shall not just be applied to the faces of the glass.*
- Window cills and headers/lintels.*
- Doors including front doors, garage doors and garden gates, which shall include materials.*
- Canopies/porches and supports including their eaves and cladding materials (which shall not be GRP).*
- Solar panels including their positions within the roof planes and the fixings to the roofs.*
- Metre boxes/cabinets including positions, colours and materials.*
- Gas pipes on external walls seen from the public realm, (which shall be concealed behind RWGs or within recesses).*

*The above details shall be implemented in accordance with the approved details before each building is occupied.*

#### **Ecology**

Additional ecological information has been provided and the Council's Ecologist has confirmed the updates and recommendations within these documents are acceptable.

#### **Sustainability**

Further comments have been received from the Council's Sustainability Consultant who has confirmed that additional information supplied by the applicant shows that the 81 units meet the code 4 standards for energy and water as required by condition 14 of the outline permission 15/01106/OUT.

Item No	Ref No	Address	Recommendation
03	16/01205/FUL	The Brook, Clewers Lane, Waltham Chase, SO32 2LP;	PERMIT
<b>Agenda Page: 42</b>			
<b>Officer Presenting: Mehdi Rezaie</b>			
<b><u>Public Speaking</u></b>			
<b>Objector:</b>			
<b>Parish Council representative:</b> Jess Bond			
<b>Ward Councillor:</b>			
<b>Supporter:</b> David Neame			
 <u>Update</u>			
Deletion of Conditions 6, 14, 32 and 34, as these conditions are deemed unnecessary or duplicated elsewhere.			
Conditions 16 and 17 needs updating to read ....'the Town and Country Planning (General Permitted Development) (Amendment) (No2) (England) Order 2015' as oppose to 'Order 2008'.			
Condition 18 to be removed and placed as an informative.			
Informative 1 needs updating to read.... 'Article 31 of the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2015' as oppose to 'Order 2012'.			

Item No	Ref No	Address	Recommendation
04	16/02527/FUL	Land abutting Alexandra Cottage, Lower Chase Road, Swanmore	REFUSED
<b>Agenda Page: 76</b>			
<b>Officer Presenting: Nicholas Parker</b>			
<b><u>Public Speaking</u></b>			
<b>Objector:</b> Jeremy Harrison			
<b>Parish Council representative:</b>			
<b>Ward Councillor:</b>			
<b>Supporter:</b> Michael Knappett (agent)			
 <u>Update</u>			
Comments from WCC Ecology: Following receipt of additional information regarding Protected Species WCC Ecology are now satisfied that adequate ecological			

mitigation could be implemented that overcome original objection.

Following this advice reason for refusal 02 relating to ecology is withdrawn from the officer's recommendation.

Item No	Ref No	Address	Recommendation
05	16/01971/FUL	Parsonage Barn, Compton Street, Compton	PERMIT

Agenda Page: 88

Officer Presenting: Mehdi Rezaie

**Public Speaking**

**Objector:** Dr Peter Ashcroft

**Parish Council representative:**

**Ward Councillor:** Cllr Warwick

**Supporter:** Stella McCue (applicant)

Update

None

Item No	Ref No	Address	Recommendation
06	15/02937/FUL	Dawn Cottage, Romsey Road, Winchester	REFUSE

Agenda Page: 100

Officer Presenting: Stephen Cornwell

**Public Speaking**

**Objector:**

**Parish Council representative:**

**Ward Councillor:**

**Supporter:** Nigel Dyer & Louise Cutts

Update

The local member request for committee consideration was omitted from the back of the report. The request was handwritten and is typed below

“This scheme was submitted back in January 2015 and has still not been dealt with. Whilst the planning officer seems to have concerns over the application I feel that it is acceptable in its appearance and is not different to the scheme that Millgate Homes built two doors away, indeed the scheme is very similar to the scheme Benny built in Chilbolton Avenue. I therefore think this application should be discussed at committee to determine the outcome”.

Item No	Ref No	Address	Recommendation
07	16/02255/FUL	Orchard Cottage, Grafton Road, Winchester	PERMIT

**Agenda Page: 110**

**Officer Presenting: Lisa Booth**

**Public Speaking**

**Objector:** Peter Moir

**Parish Council representative:**

**Ward Councillor:**

**Supporter:** George Saumarez Smith (Architect) or Robert Cox

Update

Condition 3 and 4 needs updating to read ....'the Town and Country Planning (General Permitted Development) (Amendment) (No2) (England) Order 2015' as oppose to 'Order 2008'.

Item No	Ref No	Address	Recommendation
08	16/01899/FUL	Land Adjacent to 1 Old Hillside Road, Winchester, Hampshire	PERMIT

**Agenda Page: 120**

**Officer Presenting: Nicholas Parker**

**Public Speaking**

**Objector:**

**Parish Council representative:**

**Ward Councillor:**

**Supporter:** Joanne Hall (on behalf of applicant)

Update

None

Item No	Ref No	Address	Recommendation
9	16/01736/FUL	Old Saddlers Stockbridge Road Sutton Scotney Hampshire	Application be Permitted

**Agenda Page: 130**

**Officer Presenting: Stuart Corbey**



**Public Speaking**

**Objector:**

**Parish Council representative:**

**Ward Councillor:**

**Supporter:**

Update

Condition 6 needs updating to read..... The parking spaces shall be provided in accordance with the approved parking layout plan 0321/P/1/B prior to the first occupation of the new unit of accommodation (known as flat 5) and thereafter permanently retained and used only for the purpose of accommodating private motor vehicles.

Item No	Ref No	Address	Recommendation
10	16/02931/HO U	57 Alresford Road, Winchester	PERMIT

**Agenda Page: 140**

**Officer Presenting: Marge Ballinger**

**Public Speaking**

**Objector:**

**Parish Council representative:**

**Ward Councillor:**

**Supporter:**

Update

The recommendation is missing from page 140. It should read "Recommendation – Application Permitted".

Item No	Ref No	Address	Recommendation
11	16/02573/TPO	Morningdale House, Berewecke Avenue, Winchester	PERMIT

**Agenda Page: 146**

**Officer Presenting: Ivan Gurdler**

**Public Speaking**

**Objector:** Peter Jacobs

**Parish Council representative:**

**Ward Councillor:**

**Supporter:**

Update

Typographical error on page 146 under relevant planning history. Should say none 'relevant'.

Under the heading 'Relevant planning policy' remove reference to the South East Plan 2009. Insert Local Plan Part 2 – policy DM24

Item No	Ref No	Address	Recommendation
TPO 2180	TPO 2180	Fell House, Whiteshute Lane, Winchester	CONFIRM TPO 2180

**Officer Presenting: Ivan Gurdler**

**Public Speaking**

**Objector:**

**Parish Council representative:**

**Ward Councillor:**

**Supporter:** Dr Richard Aldous

Update

None

**End of Updates**

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## Appeal Decision

Hearing held on 9 December 2015

Site visit made on 9 December 2015

**by J A Murray LLB (Hons), Dip.Plan.Env, DMS, Solicitor**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 23 December 2015**

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**Appeal Ref: APP/L1765/W/3017453**

**Bowen Farm, Wangfield Lane, Curdridge, Southampton, Hampshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs N Page against the decision of Winchester City Council.
- The application Ref 14/02404/FUL, dated 1 October 2014, was refused by notice dated 13 March 2015.
- The development proposed is described in the application as the "change of use of land to a private gypsy and traveller caravan site consisting of 3 No. pitches."

**Summary of Decision: The appeal is allowed, and planning permission granted subject to conditions set out below in the Formal Decision.**

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### Procedural and preliminary matters

1. It was agreed at the hearing that the proposal can be described simply as "the change of use of land to use as a residential caravan site with associated hard and soft landscaping." The restriction on the number of caravans and their occupation by gypsies and travellers can be addressed through conditions. The appellants nevertheless confirmed that there would be just 3 static caravans and any touring caravans would be stored elsewhere.
2. At the hearing, the appellants submitted a revised site layout and detailed landscape proposals drawing No TDA.2071.01A<sup>1</sup>. Aside from adding a note regarding the timing of the removal of the existing coniferous hedgerow, this revised plan shifts plot 3 further north, to provide for a play area in the south-east corner of the site. The hearing was attended only by the Council's representatives, the appellants and their representatives and the other proposed occupants of the site. However, the revised drawing does not substantially change the nature of the proposal and does not necessitate consultation with third parties. I will determine the appeal on the basis of the revised plan and the Council had no objection to that.

### Main Issues

3. The Council's reasons for refusal included a concern over whether the site is capable of providing an adequate water supply, foul water drainage and recycling/waste management facilities. However, the Council accepted during

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<sup>1</sup> Hearing document 1. (This was originally numbered TDA.2071.02 but renumbered TDA.207101A at the start of the hearing to avoid confusion, as the site location plan is also numbered TDA.2071.02).

the hearing that this can be addressed through a pre-commencement condition.

4. The main issues are:

- The effect of the proposal on the landscape character of the countryside;
- The effect of vehicle movements associated with the development on neighbours' living conditions and the amenity of users of the public right of way;
- Whether occupiers of the development would have acceptable access to local services and facilities;
- The need for and provision of gypsy and traveller sites in the area;
- Whether the proposal accords with the development plan and national policy and, if not:
  - whether the appellants and other proposed occupiers have gypsy and traveller status for planning purposes; and
  - whether the conflict with policy is outweighed by other considerations including the accommodation needs and other personal circumstances of the appellants and other proposed occupiers, having regard to Articles 6, 8 and 14 of the European Convention on Human Rights (ECHR), the Equality Act 2010 and the Housing Act 2004.

## Reasons

### *Landscape character*

5. Together with intervening structures, the distance between the appeal site and both Wangfield Road and Frogmill Track (the public right of way) would prevent the development being seen from any public vantage points. The Council accepts that the development would cause no visual harm, but nevertheless maintains that it would be detrimental to the landscape character of the area. Though there is a dwelling and other structures at Hamble Valley Vineyard to the west, the appeal site is bounded by open fields to the south and east and by Little Golds Copse, a Site of Importance to Nature Conservation (SINC), to the north.
6. The site is in a countryside location and my attention was drawn to extracts from the Winchester District Landscape Character Assessment March 2004 (LCA)<sup>2</sup>. The area in which the appeal site lies is identified in the LCA as falling within the Mixed Farmland and Woodland (Open) Landscape Type. The LCA indicates that many areas within this landscape type remain remote from busy through routes and are valued for, among other things, their tranquillity. In terms of landscape character, the impact of the proposal on the tranquillity of the area is the Council's principal concern. It considers that the increased vehicle movements, noise and light associated with the proposal would erode that tranquillity, which is an important element of local distinctiveness and, as such is protected by Policy CP20 of the Winchester Local Plan Part 1 Joint Core Strategy (CS), adopted March 2015.

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<sup>2</sup> Hearing document 4.

7. As well as the appeal site, Frogmill Track serves 7 dwellings and 3 businesses, namely Able Piling, Hambrooks (landscaping and gardening services) and a poultry farm. I understand that Able Piling and Hambrooks only operate during normal working hours, 5 days a week. However, the appellants say that the poultry farm is active at all hours, with collections often taking place at night or weekends and Hambrooks also work on their vehicles at weekends. I have no baseline survey information but, as disclosed at the hearing, during my 15 minute pre-hearing unaccompanied site visit, I saw 6 heavy goods vehicles returning to Hambrooks and I encountered some 15 cars travelling along Frogmill Track.
8. Furthermore, the appellants say they keep 8 horses, numerous chickens, working ferrets, dogs and a cat at the site and so, whilst they do not live there, they and their family already drive to and from it numerous times each day. This is normally between the hours of 0700 and 1900, but could be during the night, if a mare is in foal. The proposed use would change the pattern of movements to and from the appeal site; it would probably increase the frequency and number of night time vehicle movements, but it could reduce other movements during the day.
9. Whilst I accept that Frogmill Track becomes more tranquil and rural to the north of the entrances to Hambrooks, the poultry farm and the dwelling known as 'Brackenfield' opposite Hambrooks, that northern section still serves 2 dwellings and the existing appeal site. On the evidence before me, I am not persuaded that the likely change in the pattern of vehicle movements associated with the site would significantly erode the tranquillity of Frogmill Track.
10. In terms of noise on the site itself, the site is set back from Frogmill Track and the proposed layout plan<sup>3</sup> shows the caravans located beyond the existing barn and stable block. In these circumstances and given the intervening residential uses and the business uses on Frogmill Track, there is no reason to conclude that the proposal would generate noise to the detriment of the character of the area.
11. Although external lighting on the site is currently limited to a security light on the western end of the stable block, there is no control over this at present. The grant of planning permission would provide an opportunity to restrict external lighting by condition. In these circumstances, and given the location and proposed layout of the site, the potential for increased light pollution to impact on the character of the area is minimal.
12. Whilst recognising the absence of visual harm, the Council is concerned about the suburbanisation of the site itself, through the provision of an intense residential use, with block paved areas and hedged front gardens. The LCA identifies suburbanisation and urban fringe encroachment as a key issue in the Durley Claylands Landscape Character Area, within which the site falls. The scheme's paved parking spaces and footpaths/patios would be more suburban in character, but would cover a modest area in comparison to the existing hard surfacing already on the site. The proposed laurel hedging along the internal boundaries of the 3 pitches would also introduce a suburban feel. However, the scheme would substitute a native hedgerow for the existing conifer hedge, which marks much of the eastern site boundary and wraps around to the

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<sup>3</sup> Hearing document 1.

southern boundary<sup>4</sup>. This would represent an enhancement to the physical features that already clearly define the site and would integrate the development into its rural setting, consistent with the LCA's landscape strategy for this character area.

13. Though the appeal scheme would inevitably change the character of the site itself, it has due regard to the LCA and would not materially harm the character of the wider landscape, in terms of its tranquillity or otherwise. I recognise the legitimacy of seeking to guard against the cumulative erosion of landscape character through piecemeal development, but I nevertheless find that the proposal would conserve local distinctiveness; it would not harm the landscape character of the countryside and would not conflict with CS Policy CP20. For the same reasons, I find no conflict with saved Policies DP3 and DP4 of the Winchester District Local Plan Review (LPR), adopted 2006. Among other things, those policies together require new developments to respond positively to the character of the local environment and not detract from the landscape framework.

*Impact on neighbours' living conditions and the amenity of users of the public right of way*

14. I have already found that the change in the pattern of vehicle movements to and from the site would not unacceptably erode the tranquillity of the area. In these circumstances, and given the nature of the traffic which already uses Frogmill Track, including heavy goods vehicles at least as far as Hambrooks, I am not persuaded that the proposal would unacceptably harm the amenity of users of that public right of way.
15. I have given careful consideration to the occupiers of dwellings served by Frogmill Track, but these are generally set back a reasonable distance from the track. Part of the dwelling at Willow Tree Farm comes close to it, but that part is screened by a high brick wall. Furthermore, being close to the junction of Frogmill Track with Wangfield Lane, that property will already be affected by all the vehicles using the track and the traffic on Wangfield Lane. In all these circumstances, the change in the pattern of vehicle movements associated with the appeal site, including additional night time traffic, would not unacceptably impact on neighbours' living conditions. In this regard, I find no conflict with LPR Policy DP3 or CS Policy CP5, which seek to avoid unacceptable adverse impacts on neighbouring occupiers.

*Access to local services*

16. The Council contends that, contrary to CS Policy CP5 and Planning Policy for Traveller Sites (PPTS), the site is not in a sustainable location, in terms of accessibility to local services, as it is not on a safe and convenient walking route. Curdridge Primary School is about 1km from the site and the nearest secondary school is at Swanmore some 4km away. Other services and facilities are in Botley or beyond, at least 3km from the site and the closest bus stop is around 1km away.
17. I accept that, given the lack of footways and lighting on Wangfield Lane, even Curdridge Primary School is not within "safe or convenient walking distance." However, whilst most journeys to and from the appeal site would probably be

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<sup>4</sup> Ibid.

by car, neither CS Policy CP5 nor PPTS require sites to be accessible to services on foot. Policy CP5 states simply that sites should be “accessible to local services, such as schools, health and community services”. The appellant draws my attention to another appeal decision Ref APP/V3310/A/12/2179189 concerning a site in Somerset. In that case the relevant development plan policy required sites to be “within a reasonable distance” of services and the Inspector said: “The nearest settlement providing a reasonable range of facilities, such as a school, is Ascott about 5km away...or about 6 – 7 minutes in a vehicle. That is a reasonably sustainable distance in my view.”

18. In this case Botley, with its wide range of shops, services and facilities, including a railway station, is significantly nearer than the 5km accepted by the Inspector in the Somerset appeal. The small settlement of Curdridge and its primary school, day nursery and farm shop are closer still. In these circumstances, I am satisfied that the appeal site is sufficiently accessible to satisfy Policy CP5. Having regard to PPTS, it is also suitably located to enable access to appropriate health services; to enable children to attend school on a regular basis; and to minimise the need for long distance travel. In short, in terms of this main issue, I am persuaded that the occupiers of the development would have acceptable access to local services and facilities.

*The need for and provision of sites*

19. The Council’s original intention was to allocate gypsy and traveller sites in Part 2 of the Winchester Local Plan Joint Core Strategy. To this end, Policy DM4 was included in the Consultation Draft. However, the pre-submission version of the plan, published on 6 November 2015 does not include Policy DM4, or any other provision for gypsy and traveller sites, and the Council now intends to address this in a separate Development Plan Document (DPD), following an update to the GTAA. It anticipates publishing a consultation draft of the DPD in November 2016, with final adoption in January 2018. Whilst acknowledging that revocation of the South East Plan complicated matters, the appellants point out that the Council has been anticipating allocating gypsy and traveller sites since 2009 and considers that it is more likely to be another 5 years before sites are allocated.
20. In any event, CS Policy CP5 says that, subject to specified criteria being met, sites will be allocated “and planning permission will be granted” for gypsy and traveller sites to meet the objectively assessed needs. Whilst PPTS says criteria based policies should be included to provide a basis for decisions where applications come forward even where there is no identified need, there is an acknowledged need in this case. The April 2013 Gypsy and Traveller Accommodation Assessment (GTAA) identified a need across that part of the district outside the South Downs National Park for 26 gypsy and traveller pitches from 2012 - 2017. The Council noted the change in the definition of gypsies and travellers<sup>5</sup> and that some planning permissions<sup>6</sup> had been granted since the GTAA. Nevertheless, it accepted that the GTAA is the best evidence I have and acknowledged that it could not demonstrate a 5 year supply or specific deliverable sites in accordance with PPTS.

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<sup>5</sup> The August 2015 PPTS excludes those who have permanently ceased travelling on grounds of educational or health needs or old age.

<sup>6</sup> There was some doubt over whether these were temporary or permanent permissions as the Council did not produce them.

21. As there is an acknowledged need for gypsy and traveller sites, which has not been met by allocations or permissions, the appeal should be allowed if the criteria in CS Policy CP5 are met, subject to consideration of other policies and provided a condition restricts occupation to gypsies and travellers.

*Compliance with the development plan and national policy*

22. CS Policy CP5 is the key development plan policy in this case. My findings on the main issues so far indicate that the proposal would cause no unacceptable harm and would comply with the corresponding criteria in CP5. With regard to the remaining criteria, there is nothing to indicate that the site would not be reasonably well related to the existing community, so as to encourage social inclusion and sustainable patterns of living. Whilst some residents refer to strained relations with the local community, the basis of that concern is not clear and I have been provided with no evidence to demonstrate why the location of this proposal would not minimise tension. Consistent with both CP5 and PPTS, the site would not dominate or be disproportionate to the nearby settled community. Whilst not proposing any new buildings, the revised plans provide for children's play space and parking, turning and vehicle manoeuvring space to satisfy CP5 and concerns over water supply, drainage and recycling/waste management can be addressed through a condition. Although some residents are concerned about the safety of the access to Frogmill Track from Wangfield Lane, that concern is not shared by the Highway Authority. I have not been provided with any accident records and I am satisfied that the additional traffic generated by the proposal would not render the access unsafe.
23. I have found no conflict with LPR Policies DP3 and DP4, or with CS Policy CP20. Whilst CS Policy MTRA4 seeks to restrict development in the countryside to that which has an operational need for a countryside location, such as agriculture, horticulture or forestry, CP5 allows for gypsy and traveller sites in rural locations.
24. PPTS says that new traveller site development in the open countryside that is away from existing settlements or outside areas allocated in the development plan should be very strictly limited. However, subject to restricting their scale, PPTS does envisage gypsy and traveller sites in rural areas. Furthermore, there are no areas allocated for gypsy and traveller sites in the district, the site is reasonably well related to existing residential and commercial development on Frogmill Track and not unduly remote from the existing settlement of Curdridge. Being clearly defined by existing boundary features and being for just 3 pitches, with no more than 3 caravans, the site and proposed use is very strictly limited in scale and intensity.
25. Whilst avoiding the sense of isolation caused by excessive hard landscaping or high walls, the proposal would integrate existing buildings on the site and the existing hedges would be supplemented and some would ultimately be substituted by native planting to enhance the environment. Adequate landscaping and a children's play area would promote a healthy lifestyle and all of these factors ensure that the proposal is consistent with PPTS, as well as the development plan.
26. I was provided with information regarding the personal circumstances of the appellants and other proposed occupiers and evidence intended to establish their gypsy status, which was not challenged by the Council. However, given



that the proposal accords with the development plan and PPTS, the success of the appeal does not depend on these factors and it is not necessary for me to address them.

#### *Other matters*

27. In addition to matters already covered above, some local residents wrote with concerns about: wear and tear on Frogmill Track; precedent for further development, including on the adjacent field; pressure on the oversubscribed school; risk of pollution to the stream; proximity to the protected woodland; and the impact on birds and badgers.
28. One local resident claims that Frogmill Track already carries some 400 vehicle movements daily. Even if this were a relevant planning matter for me, there is no evidence that the proposal would increase those movements to a degree where it would have a significant impact in terms of wear and tear. Given that this proposal complies with the development plan and PPTS, it cannot be regarded as setting a harmful precedent. Any other proposals would fall to be considered on their own merits, though any cumulative impact would be relevant. Whilst there is an adjoining field in the appellant's ownership, the appeal site is well defined by clear and defensible boundaries, which the proposal seeks to enhance. A letter from the Head Teacher of Curdridge Primary School indicates that it has sufficient capacity. Neither the Council nor the Environment Agency raise concerns regarding pollution of the stream and matters relating to drainage, waste/recycling facilities and commercial activities can be addressed through conditions. Similarly, a condition requiring the submission of an arboricultural method statement can ensure the protection of trees in the woodland to the north and I have been presented with no cogent evidence to demonstrate the likelihood of harm to wildlife.

#### **Planning balance and overall conclusions**

29. Having regard to my conclusions on the main issues and all other matters raised, and my finding that the proposal complies with the development plan and PPTS, I am satisfied that the appeal should be allowed, subject to conditions.

#### **Conditions**

30. In addition to the usual condition concerning the commencement of development, to ensure that the scheme is properly integrated into the landscape and to achieve satisfactory living conditions for the occupants, it is necessary to require that it be carried out in accordance with the revised site layout and detailed landscape proposals drawing No TDA.2071.01A. To ensure that there is adequate space on site, including for a play area, that drawing incorporates limits on the size of the caravans, below the maximum dimensions which would still satisfy the legal definition of a caravan. A condition is also necessary to ensure that the hard and soft landscaping works are carried out in accordance with an agreed programme and trees and plants are replaced if necessary.
31. To ensure that the countryside is not harmed by light pollution, a condition is also needed to restrict external lighting and, to further safeguard the environment and the living conditions of the occupiers, conditions are also

- required to ensure the provision of an appropriate water supply, foul and surface water drainage and refuse and recycling facilities.
32. To further safeguard the character and appearance of the countryside, it is necessary to restrict permitted development rights concerning the provision of means of enclosure. To safeguard trees and particularly the SINC adjoining the site to the north, I will require the submission of an arboricultural method statement. To protect neighbours' living conditions I will also prohibit commercial activities on the site, including the storage of materials, and limit vehicles to no more than 3.5 tonnes.
33. The Council's suggested condition concerning the use of touring caravans on the site as overnight accommodation is not needed, as no touring caravans are proposed. Having regard to the size of the site, the number of caravans will be restricted to 3 in any event.
34. The Council suggested conditions to make the permission temporary and personal, but these are unnecessary, given that the scheme complies with CS Policy CP5 and PPTS. However, a condition restricting occupation to gypsies and travellers is necessary to ensure compliance with Policy CP5.

## **Decision**

### **Appeal Ref: APP/L1765/W/3017453**

35. The appeal is allowed and planning permission is granted for the change of use of land to use as a residential caravan site with associated hard and soft landscaping at Bowen Farm, Wangfield Lane, Curdridge, Southampton, Hampshire in accordance with the terms of the application, Ref 14/02404/FUL, dated 1 October 2014, subject to the following conditions:
- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites.
  - 3) No more than 3 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (as amended) shall be stationed on the site at any time.
  - 4) Save as provided for by condition 7(b), the development shall be carried out strictly in accordance with drawing number TDA.2071.01A dated November 2015, including that the dimensions of the caravans shall not exceed those shown on that drawing.
  - 5) The hard and soft landscaping shown on drawing number TDA.2071.01A shall be carried out in accordance with a programme submitted to and agreed in writing by the local planning authority before the use hereby permitted commences. If within a period of 5 years after planting any tree or plant is removed, dies, or becomes in the opinion of the local planning authority, seriously damaged, defective or diseased, another tree or plant of the same species and size as that originally approved shall be planted at the same place, within the next planting season, unless the local planning authority gives its written consent to any variation.

- 6) Other than the existing security light on the western end of the existing stable block, there shall be no external lighting on the site, whether fixed or free standing, unless details of any such lighting have been previously submitted to and approved in writing by the local planning authority.
- 7) The use hereby permitted shall not commence until:
  - (a) the means of foul effluent disposal have been assessed in line with guidance set out in DETR Circular 3/99 (Planning Requirements in respect of the use of Non-Mains Sewerage incorporating septic tanks in New Development); and
  - (b) details of the water supply, proposals for the disposal of foul and surface water and facilities for recycling/waste management (including any associated structures) have been submitted to and approved in writing by the local planning authority.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls shall be erected on the site, other than those shown on drawing number TDA.2071.01A.
- 9) The use hereby permitted shall not commence until an arboricultural method statement has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with that arboricultural method statement, which shall include the method of construction of any hard surface within the root protection area of any tree and the protection measures to be implemented during the course of any such construction.
- 10) No commercial activities shall take place on the land, including the storage of materials.
- 11) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

*J A Murray*

INSPECTOR

## APPEARANCES

### FOR THE APPELLANT:

Dr Angus Murdoch BA(Hons) MSC MA PhD MRTPI	Planning Consultant
Rhodri Crandon	Landscape Architect
Penella Page	Appellant
Noah Page	Appellant
Penella Page-Strickland	Prospective occupier
Daniel Page-Strickland	Prospective occupier
Jenny Page-Bilton	Prospective occupier
Paul Page-Bilton	Prospective occupier

### FOR THE LOCAL PLANNING AUTHORITY:

Nicholas Parker	Team Leader (Development South Team – Development Management), Winchester City Council
Steve Opacic	Head of Strategic Planning, Winchester City Council
Stuart Dunbar-Dempsey CMLI	Landscape Architect, Winchester City Council

## DOCUMENTS SUBMITTED AT THE HEARING

1	Revised site layout & detailed landscape proposals drawing No TDA.2701.01A
2	Winchester District Local Plan Part 1 - Joint Core Strategy Policy MTRA 4
3	Winchester District Local Plan Part 2 – Development Management and Site Allocations Publication (Pre-Submission) Plan 2015 Policy DM22
4	Extracts from the Winchester District Landscape Character Assessment March 2004 and an aerial photograph of the site and surroundings
5	Landscape Design Statement submitted with the planning application and dated September 2014
6	Letter from the Head teacher of Curdridge Primary School dated 7 December 2015
7	Bundle of photographs and other evidence concerning gypsy and traveller status