

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>	07/02898/FUL	<b>Valid Date</b>	19 November 2007
<b>W No:</b>	17635/01	<b>Recommendation Date</b>	29 January 2008
<b>Case Officer:</b>	Mrs Jill Lee	<b>8 Week Date</b>	<b>14 January 2008</b>
		<b>Committee date</b>	<b>20/02/2008</b>
<b>Recommendation:</b>	<b>Application Permitted</b>	<b>Decision:</b>	<b>Committee Decision</b>

<b>Proposal:</b>	Variation of condition 02 of pp W17635 (personal permission) to allow site to be occupied by those of Gypsy origin/status
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<b>Site:</b>	The Caravan Travellers Rest Appledown Lane Bishops Sutton Alresford Hampshire
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Open Space Y/N	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
NO	No	No	Yes	No	No	Yes

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>		

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**AMENDED PLANS DATE:- Not applicable.**

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**Item No:** 3  
**Case No:** 07/02898/FUL / W17635/01  
**Proposal Description:** Variation of Condition 2 of planning permission W17635 (personal permission) to allow site to be occupied by those of Gypsy origin/status  
**Address:** The Caravan Travellers Rest Appledown Lane Bishops Sutton  
Alresford Hampshire  
**Parish/Ward:** New Alresford  
**Applicants Name:** Mr John Edward James  
**Case Officer:** Mrs Jill Lee  
**Date Valid:** 19 November 2007  
**Site Factors:** None identified.  
**Recommendation:** Application Permitted

### General Comments

This application is reported to Committee because of the number of objections received and at the request of Councillors Verney and Cook, whose requests are appended in full to this report, and of New Alresford Town Council, whose request is appended in full to this report.

### Site Description

The application site is formed by an area of approximately 0.25 hectares of previously agricultural land which is in the countryside outside the settlement boundary of Alresford. The site is bounded to the north by the A31 and to the other sides by agricultural land.

The site is accessed off a road which underpasses the A31 and also provides access to other residential properties.

The site is fairly well screened from views by existing hedging and contains one mobile home and one touring caravan. There is also a building attached to the mobile home, which provides additional accommodation. There is an area of hard standing, with the remainder of the site being grazing land.

The access is to the south of the site off a hard surfaced track which runs off Appledown Lane. The area is rural in character with some scattered dwellings. There is also a golf course in the vicinity.

### Proposal

The proposal is to amend the previous personal consent to allow anyone of gypsy origin to occupy the site. The proposal would still comply with the other previously imposed conditions such as having only one mobile home and one touring caravan on the site and no lorries over 3.5 tonnes and no open storage. The access and area of site to be developed is still the same as before, with the remainder of the site being given over to grazing.

### Relevant Planning History

Planning application reference 02/00512/FUL (W17635) for the retention of a mobile home and a new parking and turning area was refused on 14 June 2002 for the following reasons;

1. The site lies in open countryside detached from any settlement by the line of the A31 is visually intrusive and prominent to view from the adjacent embanked section of the west – bound carriageway and is harmful to the character and open landscape quality of the countryside along this major road.
2. The development does not therefore accord with Policies C1, C2, H10, And E9 of the

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Hampshire County Structure Plan (Review), Policies C1, C2, C23 and EN5 of the Winchester District Local Plan and Policies C1, C18, H2, and H9 of the emerging Winchester District Local Plan (Review)

Subsequent to the refusal, the land owner submitted an appeal which was allowed on 4 February 2003.

The Inspector allowed the appeal but made the permission personal to Mr and Mrs Bicknell who were the occupants at the time. He made his decision under the policies of the Winchester District Local Plan and, because the site was agricultural land which had not contained buildings or non-agricultural commercial uses, it failed to meet all of the criteria in the Local Plan. The Inspector found that it was the particular circumstances of the applicant which were material in his allowing the appeal, but he was not persuaded that the site should be a general gypsy site. He also imposed conditions restricting the number of caravans on the site, no vehicles over 3.5 tonnes and no open storage. He further restricted development to the westerly end of the site, requiring the remainder to be kept open.

Mr and Mrs Bicknell vacated the site and the current applicant moved on to the site with the agreement of the landowner about 2 years ago. The Councils Enforcement Officer advised Mr James that he was in breach of the personal condition imposed by the Inspector and advised him to make a planning application for variation of the condition in order to regularise the situation.

### Consultations

#### Enforcement:

Mr James and his family are of gypsy status. The family has a local connection and the children are in local schools. The site is the same as that granted personal permission for the previous occupants and the circumstances similar.

#### Hampshire County Council Gypsy Liaison Officer:

Confirms that the applicants can legitimately claim gypsy status, i.e. *“persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their families or dependants educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such”*.

### Representations:

Bishop's Sutton Parish Council - objects to the application. Appeal Inspector was specific in allowing personal permission only, requiring the site to be returned to agriculture if Mr and Mrs Bicknell vacated the site. This should now be carried out.

New Alresford Town Council - objects to the application, the land should be returned to agricultural and the buildings removed.

The Alresford Society – objects to the application.

Councillor Verney – objects to the application. The site was only made an exception limited to a family who had a child with special teaching needs, not a general gypsy site in an unsuitable area. The effect of the removal of the condition would be to allocate the site as a permanent pitch for gypsy and traveller accommodation contrary to the Inspectors decision. The Council has recently submitted its joint gypsy and traveller accommodation assessment to Government which plans in a strategic way for provision of sites for travelling people. This emerging plan clearly recognises the need for more identified sites for the above group and offers a clear way forward to allow such sites to be brought forward in a strategically sensible manner.

Councillor Cook – objects to the application. The previous Inspector made it clear in his decision that this was an exception specifically relating to the applicant at that time. Another family moved on to the site in breach of the condition and has now retrospectively applied to have the condition removed. The applicant has made no case for the condition to be varied. The site is isolated from the town and does not have infrastructure to support it. The site has caused certain problems of

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vandalism, litter and minor criminal damage and all types of waste disposal.

Councillor Hollingbery – objects to the application. The effect of removing the condition would be to allocate the site as a permanent pitch for gypsy and traveller accommodation which would be contrary to the Inspector's decision. The Council has recently submitted its joint gypsy and traveller accommodation assessment to Government which plans in a strategic way the provision of sites for travelling people. This emerging plan clearly recognises the need for more identified sites for this group and offers a clear way forward. To allow sites to come forward in an unplanned way would undermine the planned approach being undertaken.

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

- The personal permission has lapsed and the site should be returned to agriculture.
- Site is not suitable for the proposed use.
- Previous Inspector did not find the site suitable for general gypsy occupation.
- Road access is not suitable for additional use.
- Encroachment into the countryside.

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

- Application has not been given sufficient publicity.
- Site has given rise to anti - social behaviour and vandalism.
- Sun Hill Infant School – one child is in school and one is to start in September 2008. Continuity of education is important particularly for children who find aspects of learning difficult and I therefore would like to support Mr James' application to enable the family to remain at Travellers Rest.

Two letters of support received

- Children in local schools
- Site is a suitable home for them.
- The site complies with policy and is suitable for the proposed use.

### **Relevant Planning Policy:**

Winchester District Local Plan Review

CE27

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPG 3 Housing

PPS 7 Sustainable Development in Rural Areas

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

### **Planning Considerations**

Principle of development

The development of gypsy sites is allowed for at national level by Circular 01/2006 Planning for Gypsy and Traveller Caravan Sites, and at local level by Policy CE27 of the Winchester District Local Plan Review.

Circular 01/2006 replaces the previous Circular 01/94 which failed to deliver adequate sites for gypsies and travellers. In addition to this, the duty of local authorities to provide gypsy and traveller sites has been repealed, leading to an increase in applications for private sites. The circular requires the Local Planning Authority to provide an assessment of the requirement for pitches within their area which will then form part of the regional spatial strategy which will identify the number of pitches required. The number of pitches required will then be translated into specific site allocations in the development plan documents that will form part of the local development framework. At the present time WCC has submitted its assessment of gypsy and traveller accommodation needs to Government and has yet to receive a formal response to this. Until the Local Development Framework becomes the adopted development plan, the LPA has to

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assess the provision of private sites against the criteria of the Winchester District Local Plan Policy CE27.

The Winchester District Local Plan deals with the provision of permanent and temporary sites for gypsies in Policy CE27. This is a criterion based policy that accords with the requirements of Circular 1/94. The criteria are as follows;

- 1 The LPA is satisfied that the need for such provision in the locality overrides the general objections to the residential development in the countryside, for example because of the applicants strong local connections;
- 2 The site is capable of accommodating the number of caravans/mobile homes proposed together with any proposed equipment or business activities, using acceptable space standards;
- 3 The site will not be unduly intrusive and is or will be clearly defined by physical features such as hedges and adequately landscaped to blend the site into its surroundings;
- 4 The site is not in the East Hampshire Area of Outstanding Natural Beauty, strategic or local gaps or of particular ecological, historic or archaeological importance;

and, in the case of permanent sites,

- 5 The site is capable of being provided with essential services and is within reasonable distance of schools, shops and other community facilities.

The requirements of Policy CE27 differ from the previous Policy C23 of the WDLP in that it no longer contains the requirement of the site to currently (or until recently) accommodate buildings or non – agricultural commercial uses and the proposed use would maintain or enhance its appearance. This was the only criterion with which the previous Inspector considered the site did not comply.

In the case of the current application the site and the circumstances of the applicant are largely the same as the case allowed by the Inspector at appeal. The appeal findings are a material consideration in the determination of this application, as are the policies of the development plan. The applicant no longer travels for work because he is registered as disabled and because of family commitments. Four of the five children residing at the site are in schools in Alresford and the family has strong local connections. The application therefore complies with Criterion 1 of Policy CE 27.

In respect of Criterion 2, the site is clearly capable of accommodating the number of caravans and mobile homes proposed and does not propose any increase over the level of accommodation permitted at the previous appeal.

The site is well defined by hedges and planting and the previous Inspector found that the site was not unduly intrusive. He found that the site was of small size with good screening and relatively brief views into it in winter from only one part of the A31. The site is clearly defined by physical features and it is adequately landscaped and therefore complies with Criterion 3 of the WDLP.

With regard to Criterion 4, the site had no special designation at the time of the last appeal and this has not altered. The site is not within the AONB and will not be within the National Park.

Criterion 5 requires the site to be provided with essential services. The site has water, electricity and a septic tank with consent to discharge from EA. It is also within reasonable distance of schools, shops and other community facilities. At the time of the previous appeal the Inspector found that the location of the site was reasonable in relation to the existing community facilities and this has not changed.

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Considered against national and local development plan policies, the principle of the application is acceptable.

Layout of the site.

In allowing the previous appeal the Inspector considered that the stationing of the mobile home and caravan and associated hard standing should be restricted to the western side of the site in the interests of the visual amenities of the area. The current proposal retains the mobile home and hard standing in the same position as with the previous occupants. The remainder of the site is being used for pony grazing and has been kept clear of buildings, vehicles or paraphernalia in line with Condition 5 of the Inspector's consent.

Impact on character of area and neighbouring property

The impact of the site and use as a gypsy site has been carefully considered, both at the time of the previous appeal and under the current application. The findings of the Inspector are a material consideration in determining the application and the Inspector found that the use was acceptable and the site met all but one of the criteria of the then Local Plan and, as that criterion is no longer in the revised local plan, the proposed use therefore complies with all of the remaining criteria. The impact is acceptable. There are limited views into the site and the site is well contained by physical features. Although many letters of objection have been received citing impact on neighbours by way of anti-social behaviour, this is not a planning matter.

Landscape/Trees

The site is currently contained by the embankment of the A31 and hedges which are to be retained. There are limited views into the site during the winter months but these will be much reduced when the leaves are on the trees. There are no landscape features of note within the site. At the time of the previous application the Landscape Officer raised no objection to the application as it was well screened and, as this is still the case, no further consultation response was requested.

Highways/Parking

The site is accessed off a properly surfaced road. The access does not run past other neighbouring residential properties and serves only the application site. The hard standing within the site has been constructed in accordance with the Inspector's Condition 9 of the allowed appeal and has been restricted to the western end of the site. There are no highways implications for the continued use of the site at the same level as previously permitted.

Other Matters

There is a great deal of objection to the current application. Many of the 77 objectors consider that, because the previous Inspector made the consent personal with a requirement that the site be returned to agriculture when the occupants vacated the site, that this should result in the current application being refused and the land returned to agricultural. Each application has to be determined in accordance with the policies of the development plan and on its own merits. In the case of the current application, the development plan does allow for the provision of private gypsy sites subject to them meeting the criteria of Policy CE27. The circumstances of the current applicant are very similar to those of the previous applicant and the site satisfies the criterion based Policy CE27 which allows for the provision of private gypsy sites.

**Recommendation**

Application Permitted subject to the following conditions:

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**Conditions**

1 Not more than one mobile home/caravan and one trailer (touring) caravan shall be stationed on the land at any one time.

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

2 No open storage shall be carried out on the site, and no vehicles over 3.5 tonnes shall be kept on the site.

Reason: In the interests of the amenities of the area.

3 The use hereby permitted shall be restricted to a 20m wide strip along the western boundary of the site. The remainder of the site shall be retained as an open area and shall be kept free of any structures, vehicles or other paraphernalia.

Reason: To ensure that the use of the site is controlled and that it presents a satisfactory appearance in the countryside.

**Informatives:**

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

Winchester District Local Plan Review 2006: Policy CE27