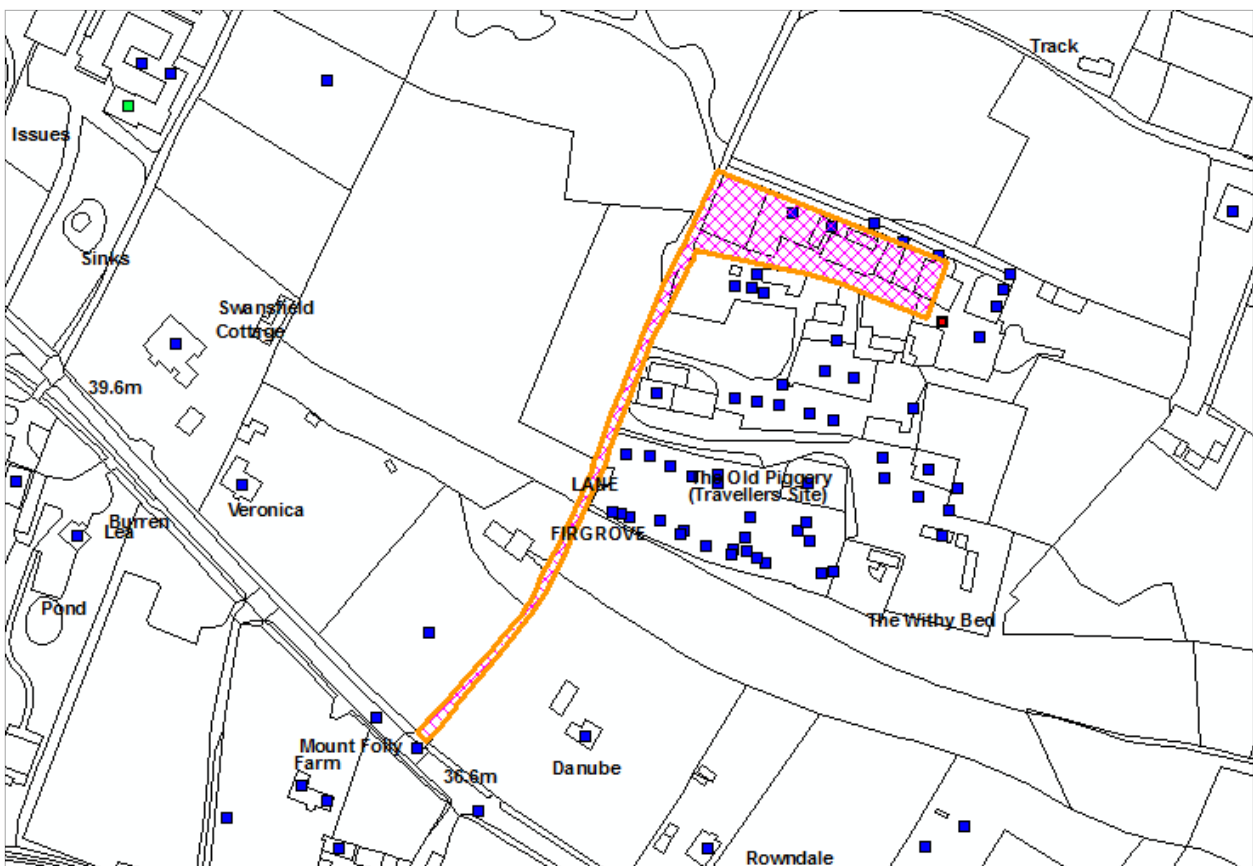


Case No: 18/01691/FUL
Proposal Description: Continued siting of 4 no. residential gypsy caravans without complying with Condition 3 of planning permission ref. 11/01875/FUL
Address: 7 The Old Piggery, Firgrove Lane, North Boarhunt, Fareham Hampshire
Parish, or Ward if within Winchester City: Boarhunt
Applicants Name: Mrs Jane Keet
Case Officer: Liz Marsden
Date Valid: 3 July 2018

Recommendation: Permission subject to conditions



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Case No: 18/01691/FUL

General Comments

Link to Planning Documents <https://planningapps.winchester.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PBP5VRBP0RI00>

Parish Council's request for application to be determined by Planning Committee, see Appendix 1

Site Description

The site covers an area of 0.27ha of land, located to the north of Southwick Road, and forms the northernmost part of a larger area of land on which there are a large number of caravans and mobile homes. The overall area extends from around 115m north of Southwick Road, where a belt of trees separates it from the properties that front Southwick Road, for a distance of around 150m. The land is on a gentle gradient which slopes up from the south to the north.

The 4 pitches, labelled 1 – 4, which are the subject of this application, are set in a row along the northern boundary of the site and are occupied by a mix of single and double units. There is a gravelled area to the front of the units which provides vehicular access to pitches 1-3 and unit 4 is accessed from a track along the northern boundary, which is defined by a mature hedgerow.

Access to the site from the main road is via an unadopted road, Firgrove Lane, which runs up the western boundary of the site and beyond to a green waste disposal facility located approximately 250m to the north of the site. Firgrove Lane is not a vehicular through route and is an adopted public right of way.

Land to the west east and north of the site is characterised by open fields, with those to the north and east being used primarily for grazing horses. The land immediately to the west of the track is at present very unkempt with a number of dilapidated buildings and containers located on it. To the north of this area, on land in separate ownership, there is a further area which has a number of vehicles and other structures on it.

Proposal

The proposal seeks the permanent retention of 4 gypsy pitches, which obtained temporary consent in 2011. That permission was subject to a condition (3) which limited use of the site for a period of 5 years and the application is for the continued occupation of the site without complying with that condition. The caravans are still in situ on the site.

There are no residential properties of a permanent construction in close proximity to the application site, though there are other caravans to the east and south of the units. There is also an empty caravan located in a parking area at the western end of the site, which is used for storage.

Relevant Planning History

11/01875/FUL - Siting of 4 residential gypsy caravans - temporary permission (until 30.11.16).

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This consent was subject to a number of conditions, including the requirement for details for the disposal of sewage to be submitted to the Local Planning Authority for approval and landscaping to be carried out in accordance with the approved plan.

16/01349/FUL - Continued stationing of 4 residential gypsy caravans. - application withdrawn 31.01.2017

The above application was withdrawn together with a number of other applications for additional units on land in the vicinity of the site which had been installed without consent. Following a site inspection it was apparent that these applications did not in fact include all of the caravans that had been placed on the expanded site and it was considered to be appropriate that these applications were withdrawn and a single, comprehensive, application submitted to try and regularise the situation.

An application for the permanent retention of 26 caravans for travellers (17/00951/FUL) was submitted in March 2017, but during the consideration process the draft Gypsy, Traveller and Travelling Showpeople Development Plan Document (DPD) was approved for consultation at the end of June 2017. The proposal did not accord with the site specific policies of the DPD, either the original version in the draft consultation DPD July 2017 or the revised policy in the pre-submission DPD January 2018 and an appeal against non-determination of the application was submitted in December 2017. This appeal was subsequently withdrawn with the effect that there are currently 26 unauthorised pitches on the site known as The Old Piggeries and The Withy Beds. The current application seeks to regularise 4 of these.

Consultations

Engineers: Drainage:

The drainage system must be installed in accordance with the condition attached to the original consent.

Engineers: Highways:

No highway objections

Head of Environmental Protection:

No objection in principle, but would recommend that condition 4, 7 and 8 of previous permission should be included.

Head of Landscape:

Verbal comment. The application site is well screened by existing hedgerows that have been planted and the units on this site do not themselves have a significant impact on the landscape character of the area.

Head of Strategic Planning:

Application is seeking consent in line with emerging DPD proposals and seems to be acceptable in principle.

Environment Agency:

(comments on previous application for 26 pitches) No objection in principle to the development but may require Environmental Permit with regard to discharge of foul drainage.

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Representations:

Boarhunt Parish Council objects to the application and also on behalf of local residents on the grounds of:

- Original planning permission was not in accordance with the Development Plan and the conditions that were imposed on it have not been complied with.
- Reference to other activity that has taken place on land near the site
- The allocation of sites in the DPD results in an exceptionally high and disproportionate number of gypsy and traveller plots in a small parish
- Lack of landscaping in accordance with the original temporary consent together with the removal of trees has had a detrimental impact on the visual amenities of the area.
- Environmental concerns over the disposal of materials believed to be of a hazardous nature
- Lack of infrastructure and facilities in the area to support more properties.
- Continued interference and damage to the public right of way along Firgrove Lane

The full text of the objection is attached as appendix 1.

3 letters of support received from residents of the site with no reasons given.

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1)
MTRA4, CP5

Winchester Local Plan Part 2 – Development Management and Site Allocations (LPP2)
DM4, DM15, DM16 and DM17

National Planning Policy Guidance/Statements:
National Planning Policy Framework
Government Planning Policy for Traveller Sites (PPTS)

Supplementary Planning Guidance
Traveller DPD Publication (Pre-submission) January 2018
Boarhunt Village Design Statement

Planning Considerations

Principle of development

The site is situated outside of a defined settlement boundary within the countryside. In this area, the principle of allowing units of accommodation is generally not acceptable.

LPP1 Policy MTRA4 - Development in the Countryside - indicates that the Council will only support particular types of development - those which generally preserve the openness and character of the countryside, or to allow appropriate expansion of existing appropriate uses. The proposed use for gypsy and traveller accommodation is not supported by Policy MTRA4.

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Policy CP5 of LPP1 indicates that new sites will be allocated and planning permission granted for sites to meet the objectively assessed accommodation needs of gypsies and travellers, provided the criteria set out in the policy are met. The current proposal for 4 pitches would not lead to an over-concentration of authorised pitches in the area.

Policy DM4 includes numerical targets for additional pitches/plots for both Gypsies and Travellers, and Travelling Showpeople to meet the assessed need for traveller accommodation (about 15 gypsy and traveller pitches and about 24 travelling showpeople plots between 2016 and 2031).

Government Planning Policy for Traveller Sites (PPTS) indicates that amongst other considerations, the existing level of local provision and need for sites, and the availability (or lack) of alternative accommodation for the applicants should be key factors in assessing applications for traveller accommodation.

Whilst the Council is currently able to demonstrate a 5 year supply of traveller accommodation, the granting of permanent planning permission would contribute to meeting the ongoing identified need over the plan period. Allowing the proposal would also be in line with the Council's strategy set out in the emerging Winchester District Gypsy, Traveller and Travelling Showpeople Development Plan Document (DPD), and the application site is identified in that document under policy TR2 (Site Ref - W0014) as one which should be given permanent permission, subject to the submission of appropriate landscaping.

Whilst development plan policies generally restrict new residential development in the countryside, relevant national and local planning policies indicate that there may be justification to use rural sites for the special needs of travellers. In this case the proposal would be in accordance with the emerging DPD, which is at an advanced stage and it is considered that planning permission should be granted in this case. However, it is noted that the conditions imposed on the previous, temporary, consent have not been fully complied with and it is considered to be appropriate to include these conditions, particularly in relation to a sewage disposal system, in order to ensure that permanent use of the site is satisfactory.

Design/layout

The plan submitted with the application is the same as that was submitted with the original application which received temporary permission and the actual layout of the caravans on the site is slightly different, though still in a row in the location shown. Vehicular access is available to all of the pitches and each has an area of enclosed amenity space adjacent to it.

Impact on character of area and neighbouring property

The four units that located on the application site have, in themselves, very little impact on the character and appearance of the surrounding area. There is a dense hedge which runs along the northern boundary of the site which, although the land continues to rise slightly to the north, effectively screens the majority of the units from views from that direction. From Firgrove Lane to the west, the caravans are obscured by planting within the site and to the south and east there are further (unauthorised) caravans. It is not considered that the units

Landscape/Trees

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Condition 6 of the temporary planning consent required landscaping to be carried out in accordance with a plan submitted with the application. This plan showed the provision of earth bunding to the rear (north) and east of the site, together with a hedge screen along all boundaries, including to the south of the access track that served the pitches. It is apparent from the current appearance of the site that some of this work has been carried out, including the planting of the hedge along the northern and western boundaries, which has matured into a tall and dense screen. The area shown as earth bunding is now an access track but, since it was to be 1.5m high and therefore lower than the existing hedge, it would not contribute further to the screening of the site.

The planting to the east and south has not taken place, instead there have been further caravans placed on the land, which would make the provision of hedges in these locations irrelevant at the present time. In these circumstances it is not considered to be appropriate to re-impose the condition but, it should be varied to ensure the retention and maintenance of the hedges that have been planted.

Highways/Parking

The assessment was made in 2011 that the access from Southwick Road to Firgrove Lane was capable of accommodating the traffic generated by the units and, despite the subsequent increase in pitches on the surrounding land, this is still the case. There is adequate room within the site for the parking of vehicles, to ensure that these do not obstruct Firgrove Lane.

Other Matters

Footpath. Concern has been raised by the Parish Council about the impact of the development on the public right of way (PROW) that runs up Firgrove Lane and the HCC Rights of Way officer has objected to other proposals along Firgrove Lane on the basis that there are no recorded public vehicular rights over this path, though this was not raised as an issue at the time of the original temporary consent. Furthermore, it is necessary to take into account the current situation with regard to the use of the access which has been used for many years to access the travelling showman site located to the northeast along Firgrove Lane, and more recently by occupants of additional mobile homes that have been sited to the north of that site. In addition, HCC granted permission, in 2010, for the retrospective change of use to a green waste facility, which specified that the access should be along Firgrove Lane (10/02304/HCS).

Drainage. The condition imposed on the original temporary planning consent in respect of sewage disposal from the units was not complied with. The applicant did provide a comprehensive drainage scheme as part of the withdrawn application for 26 units. This scheme has not been implemented and would be excessive for the number of units that are currently being applied for and therefore it is appropriate to apply a condition requiring satisfactory drainage measures for the permanent units and advisory notes from the Environment Agency are included as informatives to the decision.

Planning Obligations/Agreements

In seeking the planning obligation(s) and/or financial contributions for the Solent Recreation Mitigation Strategy, the Local Planning Authority has had regard to the tests laid down in para 204 of the NPPF which requires the obligations to be necessary; relevant to planning; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects.

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This site is within 5.6 km of the Solent coastline. Tens of thousands of birds come to the Solent coast for the winter and there are three Special Protection Areas (Chichester & Langstone Harbours; Portsmouth Harbour; and Solent & Southampton Water) to safeguard them. The protection afforded by the SPA designations has particular consequences. Under the Habitats Regulations, any plan or project can only lawfully go ahead if it can be shown that the development, either on its own or in combination with other plans or projects, will have no adverse effect on the integrity of the SPAs.

New housing around the Solent will lead to more people visiting the coast for leisure with the potential to cause more disturbance to the birds. Research shows that additional disturbance will affect the birds' survival unless mitigation measures are put in place. Bird Aware Solent provides a means to deal with the potential impacts along the coastline resulting from housing developments. The initiative is run by the Solent Recreation Mitigation Partnership, which is made up of 19 organisations (local authorities and conservation bodies) including Winchester City Council, and is funded by financial contributions from new dwellings and other forms of residential developments within 5.6km of the SPAs. The measures implemented by the Partnership provide a means for developers to mitigate the effects of their schemes so that obligations under the Habitat Regulations can be met and planning permission granted.

The planned mitigation measures are set out in the Interim Solent Recreation Mitigation Strategy. The main one is a team of rangers to help coastal visitors and communities understand the importance of the different bird species and the impact of disturbance. Additional work is taking place to encourage responsible dog walking and visits to less sensitive parts of the coast. This work is particularly important as research shows that around 40% of bird disturbance occurs as a result of interactions with dogs. In addition the Bird Aware Solent team have secured Local Growth Deal funding which has been spent on creating or enhancing alternative local green spaces for some people who would otherwise visit the coast. The effectiveness of the Strategy's measures is also being monitored.

The applicant has made a contribution of £1948, which would be applicable to 4 x 2 bedroom units.

Recommendation

Permission, subject to the following conditions:

Conditions

1. The site shall not be occupied by any persons other than Gypsies and Travellers, as defined by the Planning Policy for Gypsies and Travellers, published in August 2015.

Reason: To ensure an adequate supply of gypsy and traveller caravan pitches throughout the District and because the site is situated in the countryside where new residential premises are not normally permitted.

2. There shall be no more than 4 pitches on the site. No more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 (as amended) and the Caravan Sites Act 1968 (as amended) - of which no more than one shall be a static caravan or mobile home - and no more than one day room shall be stationed on each pitch at any time.

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Reason: To define the extent of this planning permission and to prevent more intensive use of the site.

3. No commercial, industrial or retail activity (including vehicle sales and display or the storage of goods, materials, scrap and scrap metal, equipment or machinery) and no parking of heavy goods vehicles (other than as specified in condition 7) shall take place on the site .

Reason: To protect neighbouring amenities and the character of the countryside and to ensure that use of the track, which is also used as a public footpath, does not become excessive and inconvenient through inappropriate activity.

4. Within 3 months of the date of this planning permission a system for the disposal of sewage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed in accordance with the approved details within one month of the approval by the Local Planning Authority.

NB: The scheme to be submitted for approval should be prepared in consultation with the Environment Agency.

Reason: To ensure satisfactory provision of foul and surface water drainage.

5. The existing hedges along the northern and western boundaries of the site shall be retained and maintained in good condition, and if necessary, reinforced with appropriate species to be agreed in writing with the Local Planning Authority.

Reason: To ensure that an acceptable level of screening of the site is achieved in the interest of countryside amenities.

6. The parking area of the plan hereby approved shall only be used by the occupants of the 4 gypsy and traveller pitches hereby approved or visitors to the occupants of the pitches. No more than 2 heavy goods vehicles (HGV's) shall be parked, stationed or stored on the site and those HGV's shall not have an authorised mass exceeding 7.5 tonnes.

NB: The applicant is advised that their rights to use the private road that the site gains access from (Firgrove Lane) may not include the right to drive heavy goods vehicles on it. This permission and condition does not in any way confer any such right on the applicant.

Reason: For the avoidance of doubt as to the scope of this planning permission and to protect the amenities of the locality.

7. No external lighting shall be provided on the site.

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

Informatives:

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1. In accordance with paragraph 38 of the NPPF, Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:
 - offer a pre-application advice service and,
 - update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.

In this instance there have been continued discussions with the applicants over an extended period and advice given about the

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

Local Plan Part 1 - Joint Core Strategy: MTRA1, CP2, CP11

Local Plan Part 2 – Development Management and Site Allocations: DM1, DM14, DM15, DM16, DM17

3. This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out above, 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.

4. Environmental Permit

Please note that this development may require an Environmental Permit, a variation of an existing permit or an exemption from an Environmental Permit from the Environment Agency. The applicant must ensure that the operations at the site are in accordance with the Environmental Permitting Regulations 2008.

The applicant is advised to contact the National Customer Contact Centre (NCCC) on 03708 506 506.

Under the Environmental Permitting (England and Wales) Regulations 2010 the operator of a waste site will require an environmental permit for the importation, storage and treatment of waste.

The need for an environmental permit is separate to the need for planning permission. The granting of planning permission does not necessarily lead to the granting of an environmental permit.

5. Ordinary Watercourse Consent

The prior written consent of the relevant Lead Local Flood Authority is required for the erection of any flow control structures, culverting or diversion of ordinary watercourses, including streams, land drains and ditches.

Please be aware that the Lead Local Flood Authority has up to two months to determine applications for consent made under Section 23 of the Land Drainage Act 1991 and you are therefore advised to contact Hampshire County Council as soon as possible to discuss making an application.

Full details of HCC's consenting procedure and requirements can be found on [Hampshire CC Ordinary Watercourses](#). HCC's consenting email address is owc@hants.gov.uk

Appendix 1

Boarhunt Parish Council met on 1st August 2018 and would like to record the following as its Consultee Comments (Objection) for application 18/01691/FUL - 7, The Old Piggery, Firgrove Lane, North Boarhunt, PO17 6JU - Continued siting of 4 no. residential gypsy caravans with:

Boarhunt Parish Council OBJECTS to this application as follows:

PLANNING APPLICATION – 18/01691/FUL – 7, THE OLD PIGGERY, FIRGROVE LANE, NORTH BOARHUNT, PO17 6JF

The Parish Council are aware that there continues to be strong objections from local residents regarding this application and feel that in view of potential intimidation these objections should be expressed via the Parish Council.

The site's planning history - The original, Retrospective and Temporary permission (11/01875/FUL) was granted with a number of conditions attached **as the development was not in accordance with the Policies and Proposals of the Development Plan.**

Several conditions continue to be blatantly disregarded as can be evidenced from Planning Enforcement orders that remain in force namely: 13/00017/CARAVN – Additional Mobile homes; 14/00328/WKS – Demolition of stables and erection of a dwelling and, 16/00061/WKS – Several houses being built.

The latter notice culminated in a Stop Notice being issued to prevent further residences being built upon the site and breaches Condition 2 of the original grant, namely that *'There shall be no more than 4 pitches on the site. No more than two caravans. ...of which no more than one shall be a static caravan or mobile home - and no more than one day room shall be stationed on each pitch at any time.'*

In addition, since the original Temporary grant there have been at least five other Planning Applications submitted for the site; most of these being withdrawn prior to Planning decisions being made. Application 17/02302/FUL – erection of 1 x 5 bed detached dwelling... was decided and this **resulted in a Refusal of Permission and this decision has not been appealed by the applicant.**

Only planning application 17/00951/FUL – **Permanent retention of 26 residential caravans for travellers and 6 transit pitches, together with associated arrangements, foul water disposal, landscaping and earth bund**, and this application remain 'live' and still need to be decided. The recent withdrawal by the applicant (prior to its hearing) of an '8 Week' appeal for application 17/00951/FUL further delayed any effective enforcement action being taken on this site. **Ever-increasing and mainly unauthorised development at this location continues unabated**; this can be clearly evidenced from examination of the three aerial photographs (attached) which show the site as it was in 2007, in 2015 and finally, in May 2017.

The Development Plan

The District Authority's (Winchester City Council [WCC]) emerging Gypsy and Traveller Development Plan Document (G&T DPD), about to be examined in Public, identifies Gypsy and Traveller needs **for the whole of WCC's district (area 250 square miles and estimated population of 118,000)** as being a total of 15 pitches for Gypsy and Travellers and 24 plots for Travelling Showpersons.

The G&T DPD proposes that the Parish of Boarhunt (area 4 square miles and estimated population of 700, i.e. 1.6% by area and 0.6% by Population) should be allocated 4 of the 15 Gypsy & Traveller pitches (i.e. this application). This represents 26.67% of the total for the District. By comparison the G&T DPD proposes that only 2 of the 24 plots for Travelling Showpersons (which represents 8.34%) be allocated.

The allocation of an exceptionally high and disproportionate number of Gypsy and Traveller plots in such a small Parish in the District, considered on either an area or population basis is most unacceptable, especially when other material considerations are considered.

Landscape adjoining the site - Condition 6 of the original grant (Landscaping) specified that *'Landscaping shall be carried out in accordance with the planting details and density as set out on drawing 3/4 submitted with the planning application. 'in order that an acceptable level of screening of the site is achieved in the interest of countryside amenities. ' This has not been done. In fact, a number of established trees have been removed from the site in direct contravention of this condition, and with no evidence of any replanting. It is considered that lack of compliance with this condition has severely damaged the visual impact of the sprawling development within the Countryside.*

Environmental issues - There continues to be a number of Environmental concerns raised due to processing, burning and burial of materials that are believed to be of a hazardous nature and in the vicinity of the site. **This can be evidenced by the successful prosecution by the Environment Agency for knowingly permitting the deposit of controlled waste in the vicinity of the site.** Additionally, it is considered that a range of pollutants (for example, paint, oil, solvents) are being dumped into the water course resulting in the pollution of the stream and causing a detrimental effect upon the Environment and the enjoyment of it.

Infrastructure – Since the original grant in 2011, Boarhunt's infrastructure has continued to decline, despite the best efforts of the Parish Council and others to try to maintain it. **The Parish no longer has a Garage, Post office, shop or public telephone box.** The very **limited bus service is now also under threat** from Hampshire County Council's latest budget savings proposals making travel to **the nearest Doctor's surgery located in Wickham (a distance of 3.3 km from the site)** an increasingly difficult journey.

Rights of Way & Roads - There has been continued interference and damage to the Public Right of Way since the original grant; on one occasion a series of trenches were dug across the highway, causing much inconvenience and severe distress to residents further along the Right of Way, whose right of access to and from their properties was grossly affected. It is understood that none of this interference and damage has had the necessary permission of Hampshire County Council and that no rectification work has been carried out.

In conclusion, it is considered that all of the above matters are material Planning issues and, if this application was approved, that it would reward non-compliance with reasonable and lawful planning conditions in an area where development would not usually be permitted.

Therefore, the Parish Council requests that this application be considered by the Planning Committee.

Kind regards,

Geoff Wright, FMAAT, PSLCC, CiLCA
Clerk to and on behalf of Boarhunt Parish Council, Hampshire
email: boarhuntpc@gmail.com

Enclosures:

Aerial views of site in 2007, 2015 and May 2017.