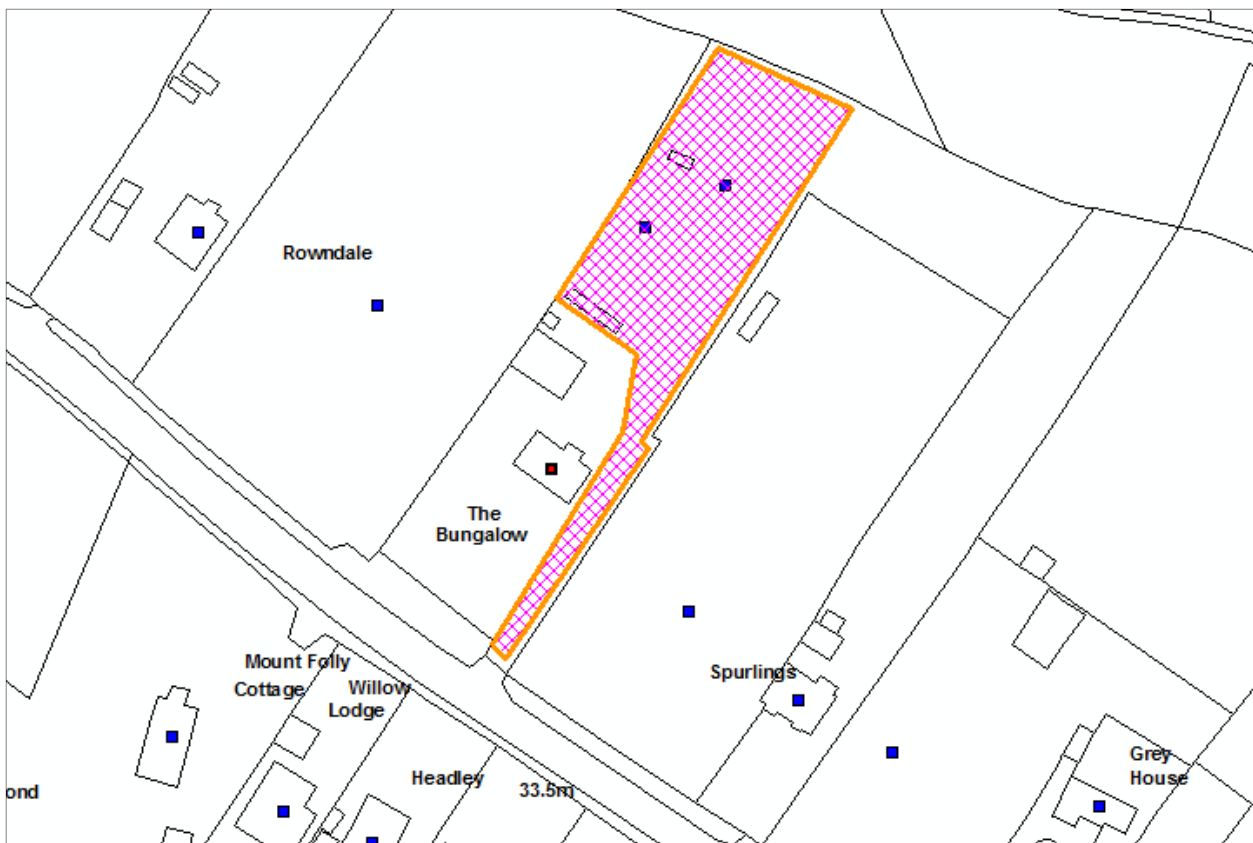


WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

**Case No:** 18/01732/FUL  
**Proposal Description:** Change of use of land from travelling showpersons permanent family plot to private residential garden for The Bungalow  
**Address:** The Bungalow Southwick Road North Boarhunt Fareham Hampshire  
**Parish, or Ward if within Winchester City:** Boarhunt  
**Applicants Name:** Mr L.S. Smith  
**Case Officer:** Robert Green  
**Date Valid:** 18 July 2018

**Recommendation:** Application Refused



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## General Comments

The application is reported to Committee due to the number of comments submitted contrary to the Officer's recommendation.

The application is also reported at the request of Boarhunt Parish Council, whose correspondence is attached in full as an appendix to this report.

The application is also reported at the request of Councillor Cutler, whose response is included as a further appendix to this report.

## Site Description

The application site is situated to the rear of a property known as 'The Bungalow' which fronts onto Southwick Road in North Boarhunt. The site is accessed by a driveway from Southwick Road which serves both the application site and The Bungalow. The access drive continues to the east of the property before reaching the application site to the rear.

Due to the spacious grounds The Bungalow sits in and the proximity from the roadway, the application site is largely screened from the public realm.

The site contains an area of hardstanding to the north of a large garage which is outside of the application site. An area of grassland then divides this area from a shed, a gravelled area and a caravan which is toward the rear of the site.

To the west, the rear garden a recently constructed property runs the length of the boundary. To the east, undeveloped land divides the site from the next neighbouring property at 'Spurlings' whilst to the rear a dense band of trees divides the site from open countryside.

The site boundaries consist of a mixture of natural vegetation and a tall wooden fence.

## Proposal

The proposal is to change the use of the land from a Travelling Showperson's plot to a residential garden.

## Relevant Planning History

- 10/03186/FUL - Change of use of land for travelling showpersons permanent family plot (RETROSPECTIVE) – Approved 24.02.2011
- 15/02699/FUL – Construction of a replacement dwelling – Approved 05.02.2016
- 16/00646/FUL – Construction of a replacement dwelling – Approved 20.05.2016
  - Note: both 15/02699/FUL and 16/00646/FUL relate to the dwelling to the front of the application site. Neither permission has commenced but at time of writing (October 2018) both cases are within their 3-

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year time limits for implementation.

**Consultations**

Head of Strategic Planning:

- The proposal does not meet Policy CP5 and emerging Policy TR1
- Whilst the site is no longer needed by the previous occupants there is still a need across the district which is yet to be met.
- Until this situation changes the site will be needed and therefore safeguarded from alternative development.

**Representations:**

Boarhunt Parish Council

- Believe the original consent would not have been granted if considered today.
- Future occupants would have no connections with the Parish.
- Village infrastructure has worsened since approval of 2010 application
- Over-allocation of sites to Boarhunt.
- Comparison to other sites in the area.

15 letters of support from 14 addresses received.

- Land not being cared for.
- Statistic for travelling person should not effect this application.
- Benefit returning to 'green land'.
- Too many travellers and caravan sites in the area.

**Relevant Planning Policy:**

Winchester Local Plan Part 1 – Joint Core Strategy

DS1 – Development Strategy and Principles

MTRA3 – Other Settlements in the Market Towns and Rural Area

MTRA4 – Development in the Countryside

CP5 – Sites for Gypsies, Travellers and Travelling Showpeople

CP7 – Open Space, Sport and Recreation

CP10 – Transport

CP13 – High Quality Design

CP20 – Heritage and Landscape Character

CP21 – Infrastructure and Community Benefit

Winchester Local Plan Part 2 – Development Management and Site Allocations

DM1 – Location of New Development

DM4 – Gypsies, Travellers and Travelling Showpeople

DM6 – Open Space Provision

DM15 – Local Distinctiveness

DM16 – Site Design Criteria

DM17 – Site Development Principles

DM18 – Access and Parking

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DM23 – Rural Character

Winchester District: Gypsy, Traveller and Travelling Showpeople Development Plan Document

TR1 – Safeguarding Permitted Sites.

National Planning Policy Guidance/Statements:

National Planning Policy Framework

Planning Policy for Traveller Sites

## **Planning Considerations**

### Principle of development

Policy MTRA4 of the Winchester Local Plan Part 1 is relevant as the site is situated in the countryside. This policy states that the Planning Authority will seek to limit development other than that which has an essential need to be located in the countryside. However, the policy makes no reference to the change of use to residential.

In recent district appeal decisions (*APP/L1765/W/16/3147290 – Flintwall Cottage, Soberton*), the Inspector notes that in cases which involve the conversion to residential garden, bespoke consideration should be given as their planning considerations will differ and need to be treated on their own merits within the general framework of protecting the countryside from inappropriate development.

However, this application differs as the site is listed in the Winchester District: Gypsy, Traveller and Travelling Showpeople Development Plan Document (DPD), which needs to be satisfied to establish the principle of development.

The DPD, and the policies which are contained within it, are the result of extensive research across the entire district to determine the need for Gypsy, Traveller and Travelling Showpersons sites. As a result, Policy DM4 of the Local Plan Part 2 requires the provision of 24 showpersons plots within the Winchester District over the plan period.

As it is necessary to retain existing sites which are founded and have confirmed planning consent, policy TR1 has been included in the DPD to safeguard sites to ensure they are not lost through the grant of any subsequent planning permission to allow for other types of development.

'The Bungalow' is listed under policy TR1 ('Safeguarding Permitted Sites'). As a result, the site is safeguarded from alternative development unless the site is no longer required to meet any identified traveller need across the district.

Policy CP5 ('Sites for Gypsies, Travellers and Travelling Showpeople' - Local Plan Part 1) also ensures that existing permanent travelling showperson sites which are needed to meet the identified needs of particular groups will be retained for the use of these groups unless it has been established they are no longer required.

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Therefore on the above basis the proposed development does not comply with policies TR1 and CP5.

It is acknowledged that the documents submitted in support of the application note that the occupants who received consent for the travelling showperson use have now left the site, leaving it unoccupied. However, the original application was not a personal consent to the previous occupants and instead allowed the site to be used by any occupants who met the travelling showperson definition.

Whilst the original occupants may no longer require the site, it has been established that there is a particular need for travelling showperson sites across the district, with a shortfall of around 8 plots across the district cited in the Head of Strategic Planning's assessment of the proposal.

As the original consent allows for the use of the site by any travelling showperson, the site is available for others to use and contributes to the unmet need across the district.

As exemptions to policies CP5 and TR1 are only applied if it is demonstrated the site is no longer required to meet an identified traveller need across the district, the loss of this travelling showperson site is not justified and must continue in its currently approved use as part of the Development Plan Document which now holds significant weight in decision making.

Therefore, the proposal does not satisfy policy CP5 of LPP1 and TR1 of the DPD. Whilst the site is no longer needed by the previous occupants, there is still a need across the district which should be met. Until this situation changes the site is therefore safeguarded from alternative development and the principle of development is not established on these grounds.

#### Impact on character of area and neighbouring property

The physical alterations which would occur as a result of the application would be the removal of the remaining caravan on the site and the return of the land to the garden area of 'The Bungalow'.

As previously discussed, the site is not readily visible from the public realm and therefore its use for residential purposes is not considered to have an intrusive impact on the surrounding area. The permitted use as a travelling showperson site was equally not considered to adversely affect the character of the area.

The development does not have an impact on the residential amenity of surrounding properties.

#### Other Matters

The Parish Council response raises two issues which require further clarification.

Firstly, the reported over-allocation of sites to North Boarhunt will be a matter addressed by the Planning Inspector when examining the DPD.

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Also, other sites in the area are referred to which would be assessed on their individual planning merits should this be necessary and have no bearing on the consideration of the current proposal.

**Recommendation**

Application Refused due to the following reason(s):

1. The Travelling Showperson site to the rear of The Bungalow is a permitted site under policy TR1 of the Winchester District: Gypsy, Traveller and Travelling Showpeople Development Plan Document which is safeguarded from alternative development.

The site is required to meet a need for Travelling Showperson sites across the district and justification has not been provided to prove that the site is no longer required to meet this need.

The proposal is therefore contrary to policy TR1 of the Winchester District: Gypsy, Traveller and Travelling Showpeople Development Plan Document and Policy CP5 of the Local Plan Part 1 (Joint Core Strategy).

**Informatives:**

1.

In accordance with paragraph 38 of the NPPF (July 2018) , 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.

2.

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

Local Plan Part 1 - Joint Core Strategy: MTRA4, CP5

Local Plan Part 2 – Development Management and Site Allocations: DM4, DM15, DM16, DM17, DM23

Winchester District: Gypsy, Traveller and Travelling Showpeople Development Plan Document – TR1

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**Appendix A – Response from Boarhunt Parish Council**

Dear Rob,

Could you show the following as Boarhunt Parish Council's Consultee Comments for Planning Application 18/01732/FUL, please?

**BOARHUNT PARISH COUNCIL'S CONSULTEE COMMENTS FOR APPLICATION 18/01732/FUL**

The Parish Council met on 5th September 2018 and **UNANIMOUSLY RESOLVED TO FULLY SUPPORT Planning application 18/01732/FUL**, The Bungalow, Southwick Road, North Boarhunt, PO17 6JH - **Change of use of land from travelling showpersons permanent family plot to private residential garden for The Bungalow.**

**Support for the Application**

Members of the Public that attended the PC meeting voiced their support for the application and, at the time of writing (7th September 2018), **there were 14 expressions of SUPPORT for the application** on Winchester City Council's (WCC's) Planning Portal.

**The site's planning history**

The PC believe that the original grant on **23rd February 2011 (Application 10/03186/FUL) - Change of use of land for travelling showpersons permanent family plot (RETROSPECTIVE), would not have been granted if it was being considered today.** At the time of the original grant, the occupants of the site had close and strong links with the owners of The Bungalow and their children attended the local school [located outside of the Parish]. **This is no longer the case and the owners of The Bungalow have relocated outside of the District, so any future occupants of the site are likely to have no connections at all with the Parish.**

Since the original grant, the Parish of Boarhunt has changed very much.

**Infrastructure**

This has changed significantly for the worse since 2011; Boarhunt **no longer has a shop, garage, post office, public telephone box, pub, Methodist Church or any regular bus service.** **The nearest doctor's surgery is located in Wickham, over 3.5km from this site.** These changed circumstances all contribute to the unsuitability of the site as being able to meet the needs of Travelling showpersons.

**The Development Plan**

The District Authority's (WCC's) emerging Gypsy and Traveller Development Plan (G&T DPD), currently being examined in Public, identified the **G&T needs for the whole of its District (Area: 250 square miles; Estimated Population: 118,000) as 15 pitches for Gypsies and Travellers and 24 plots for Travelling Showpersons.**

Within the G&T DPD, the **Parish of Boarhunt (Area: 4 square miles [i.e. 1.6% of the District]; Estimated Population: 700 [i.e. 0.6% of the District by population])** was identified as suitable to host **4 of the 15 Gypsy and Traveller pitches [i.e. 26.67%] and 2 of the 24 plots for Travelling Showpersons [i.e. 8.34%].** **The proposed number of sites allocated to a such as small Parish like Boarhunt is totally disproportionate to its respective area, size of population or existing and diminishing infrastructure, especially when compared with the District as a total entity.**

**Related Development**

In addition to the proposals identified in the G&T DPD, **there are 3 Gypsy and Traveller Planning applications for Boarhunt**, all located within 400 metres of the site of this application, **that still need to be decided by the Planning Authority; one dates back to April 2017!**

The applications are:

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**17/00951/FUL – The Old Piggery, Firgrove Lane, North Boarhunt** – This application refers to both the Old Piggery & The Withy Beds sites. Permanent retention of 26 residential caravans for travellers and 6 transit pitches, together with associated access arrangements, foul water disposal, landscaping and earth bund.

**18/01441/FUL – Land adjacent to Strawberry Barn, Southwick Road, North Boarhunt, PO17 6JF** – Use of land for the stationing of caravans for residential purposes.

**18/01691/FUL – 7, The Old Piggery, Firgrove Lane, North Boarhunt, PO17 6JF** – Continued siting of 4 no. residential gypsy caravans without complying with condition 3 of planning permission Ref. 11/01875/FUL.

**It is considered that the 3 applications above and the conclusion of the examination of the G&T DPD should all be considered concurrently when deciding upon this application.**

**Unauthorised Development**

**There has been considerable and ongoing unauthorised development at the Firgrove Lane site located off Southwick Road. It is estimated that there are nearly 40 residential Caravans at the site; only 4 of them having temporary Planning which has now expired. The unauthorised development has not been controlled very well at all by WCC Enforcement for a number of years and is a continuing cause of concern for the Parish Council, District Councillors and the residents of Boarhunt.**

**Enforcement**

As far as the PC are aware since the grant of Permission at this site, it has been well-managed by the Landowner and the conditions of the grant have been fully met. **This is in marked contrast to the Firgrove Lane site.** However, if the existing permission continues unchanged and this application to change use is rejected, that without the supervision and good management by the existing landowner Enforcement will become an issue at this site.

**Conclusion**

**In conclusion, as all of the matters detailed above are considered material to this application, if the Planning Officer is minded to Refuse the Application, then the Parish Council request that the application be referred to Planning Committee for Decision.**

Kind regards,

Geoff Wright, FMAAT, PSLCC, CiLCA  
***Clerk to and on behalf of Boarhunt Parish Council, Hampshire***

email: [boarhuntpc@gmail.com](mailto:boarhuntpc@gmail.com) website: <http://boarhuntparishcouncil.org>



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Appendix B – Correspondence received from Councillor Cutler

**City Councillor's request that a Planning Application be considered by the Planning Committee**

<b>Request from Councillor: Neil Cutler</b>
<b>Case Number:18/01732/FUL</b>
<b>Site Address: The Bungalow, Southwick Rd, North Boarhunt,Fareham, PO17 6JH</b>
<b>Proposal Description: Change of use from travelling showpersons family plot to private residential garden</b>
<b>Requests that the item be considered by the Planning Committee for the following material planning reasons: If officers recommend refusal of this application, I request that the item be considered by the planning committee for the following reasons: 1) The site is no longer used as a travelling showpersons site 2) Despite current policy suggesting that there is a need for more travelling showpersons' sites in the district, in North Boarhunt there is evidence that the other existing 10 sites are not occupied by bona fide travelling showpeople, thus suggesting that demand in this area is limited.</b>