

Winchester District Gypsy Traveller and Travelling Showpeople Development Plan Document

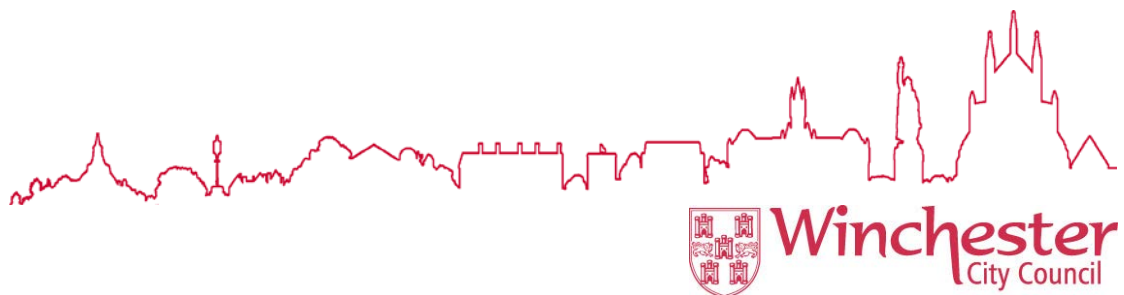
‘Traveller DPD’

Examination September 2018

Matter 6 – Site allocations

Winchester City Council’s Response

WCC Matter 6



Winchester City Council

Winchester District Gypsy and Traveller and Travelling Showpeople DPD

WCC Response to Inspector's Matters, Issues and Questions

Matter 6 – Site Allocations

Question 1 – Is site W008, under policy TR1 too close to the A31? Is it close enough to facilities?

WCC Response:

1. Site W008 is an existing site which is safeguarded by policy TR1. As such it benefits from permanent planning consent and any noise issues would have been taken into account at the time of the relevant planning applications and appeals. The A31 borders the settlement of Alresford which lies to its north, close to site W008, and has housing in close proximity to the road. Elsewhere the A31 passes through the centre of various settlements so has large numbers of homes fronting directly onto it. No planning policies are in place which would prevent such development patterns from being maintained or created.
2. This is a site that was vacant until recently and has now been occupied. This suggests that it provides an acceptable living environment for its occupiers. No evidence is submitted by the respondent who makes this objection with regard to noise levels. Even if levels of road noise were demonstrated to be an issue, the site is rightly included within policy TR1 as it is an authorised site which should be retained to meet traveller needs. It would not be realistic to revoke planning consent on the site, or appropriate to remove it from policy TR1.
3. The site lies close to the edge of New Alresford, which is one of the 'market towns' identified in the Local Plan as a main rural centre, below Winchester.

As such it has a good range of facilities and services, including shops, health provision, primary and secondary schools, public transport, library, etc. It is therefore one of the most sustainable rural settlements and has a target for housing provision in Local Plan Part 1 of 500 dwellings, much of which will be met by the allocation of land to the east of the settlement and north of the A31 for housing, open space and employment.

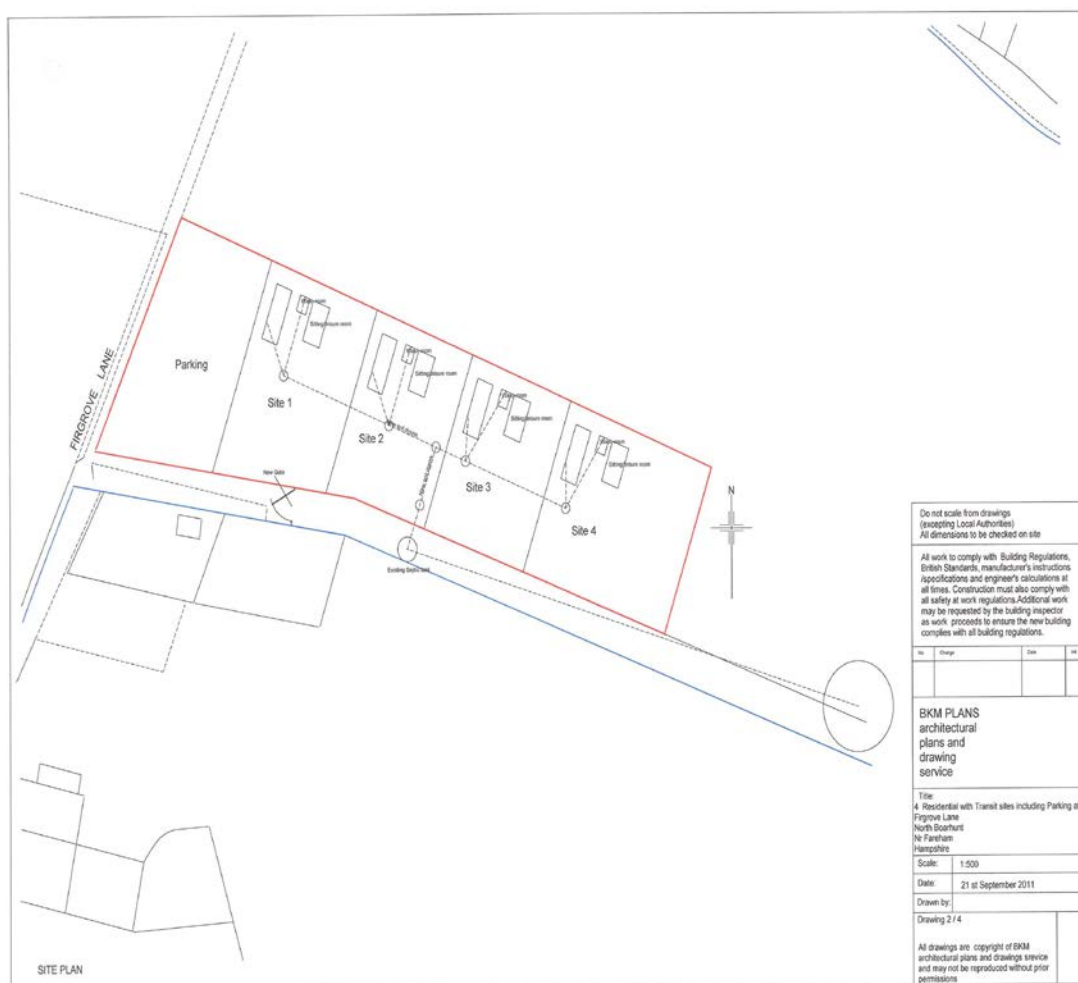
4. Site W008 is approximately 265 metres from the current settlement edge of Alresford and about 150 metres from the proposed employment area east of Sun Lane. It is about 1.7km (by road/footpath) from the commercial centre of Alresford (taken as the junction of West Street, East Street and Broad Street). Compared to other sites safeguarded by policy TR1, site W008 is in a very sustainable and accessible location. The only other site listed in policy TR1 that is close to a higher level rural settlement is Tynfield (W016), which is some 325 metres from the edge of Whiteley and over 2km from the commercial centre of Whiteley.
5. All of the sites safeguarded by policy TR1 are rural sites located beyond the built-up areas of settlements. None are located as close to such a range of facilities as site W008. Therefore, there is no basis for suggesting the site is not close enough to facilities and services, as in practice it is more accessible than any of the other sites in policy TR1.

Question 2 – Is the site boundary of site W014 correctly defined?

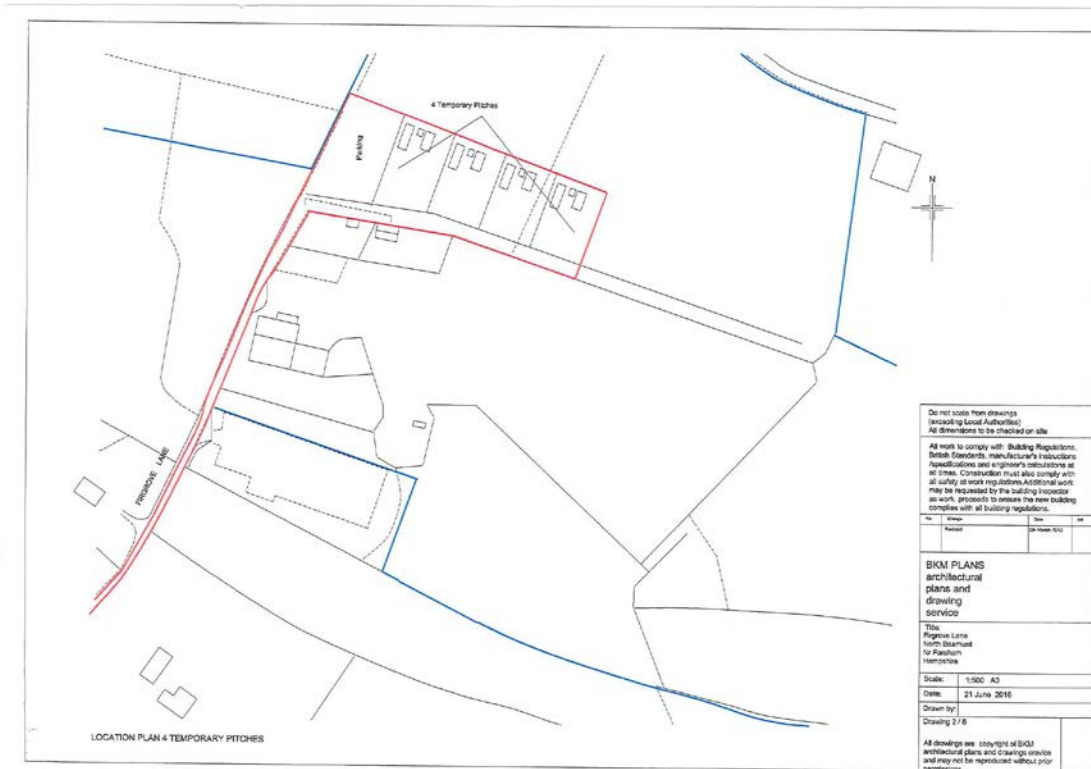
WCC Response:

- The site boundary shown on the plan accompanying policy TR2 is intended to relate to the site that had temporary consent for 4 gypsy and traveller pitches (11/01875/FUL). This site is now subject to a planning application (18/01691/FUL) for continued siting of 4 residential gypsy caravans without complying with condition 3 of the earlier consent reference (time limitation). The plans below show the boundary of the site as shown in the planning applications and the Traveller DPD:

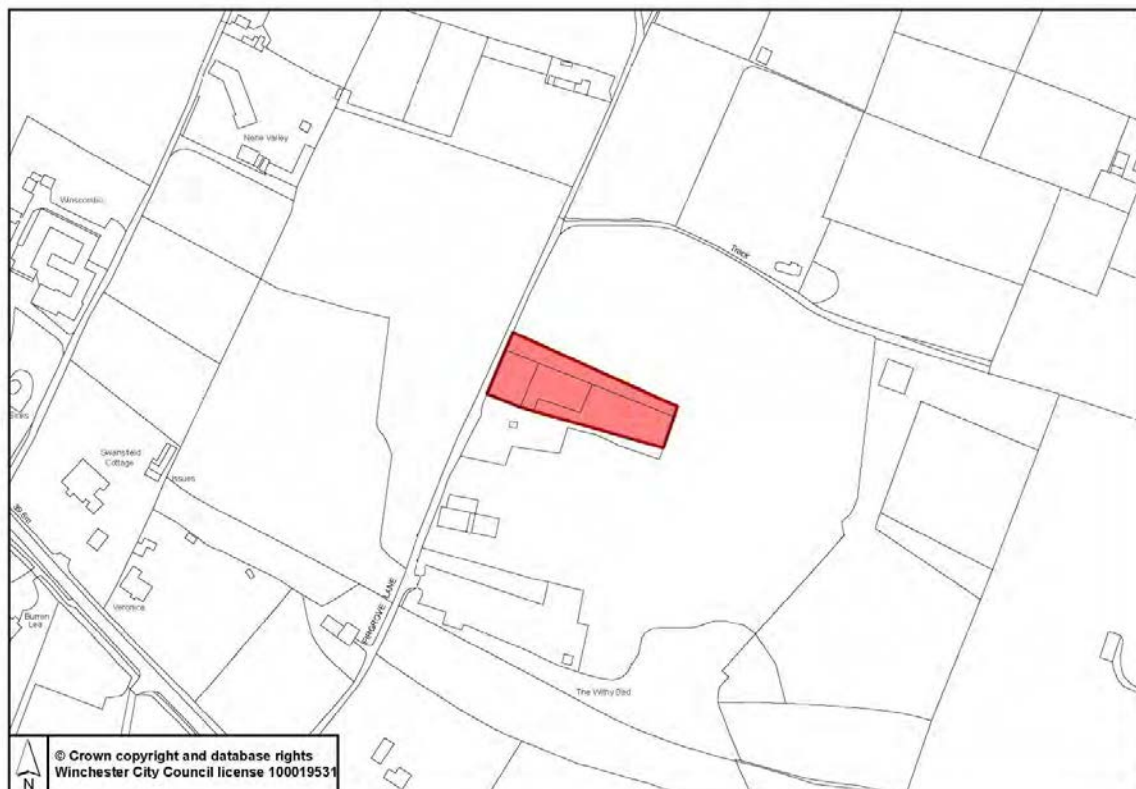
Location Plan for 11/01875/FUL (temporary consent for 4 pitches)



Location Plan for 18/01691/FUL (current application for permanent consent)



Plan of Allocated Area from Traveller DPD (Policy TR2)



7. There are some slight variations in the site boundary, depending on whether the access track to the south of the site is included or not (and Firgrove Lane is not included in the DPD allocation). However, the site illustrated in Policy TR2 of the DPD is clearly intended to equate to the site which had temporary consent and is now subject to an application for permanent consent. Some confusion may have arisen from the Gypsies and Travellers and Travelling Showpeople Site Assessment Study (document EB2, Appendix D, site W014) as this included additional land to the south. However this does not relate to the consent for 4 gypsy and traveller pitches and should not be included in the TR2 allocation.

8. The Council is aware that the site owner has made representations seeking the reintroduction of a wider site allocation, as included in the draft Traveller DPD. That is a separate issue and the Council's reasons for deleting that allocation are set out in the Traveller Submission Background Paper (CD14) and the Situation Statement on The Piggeries that has been produced in relation to Matter 4 (Matter 4, Appendix D).

Question 3 – Is the access to site W014 safe and suitable? Does it impact on a public footpath?

WCC Response:

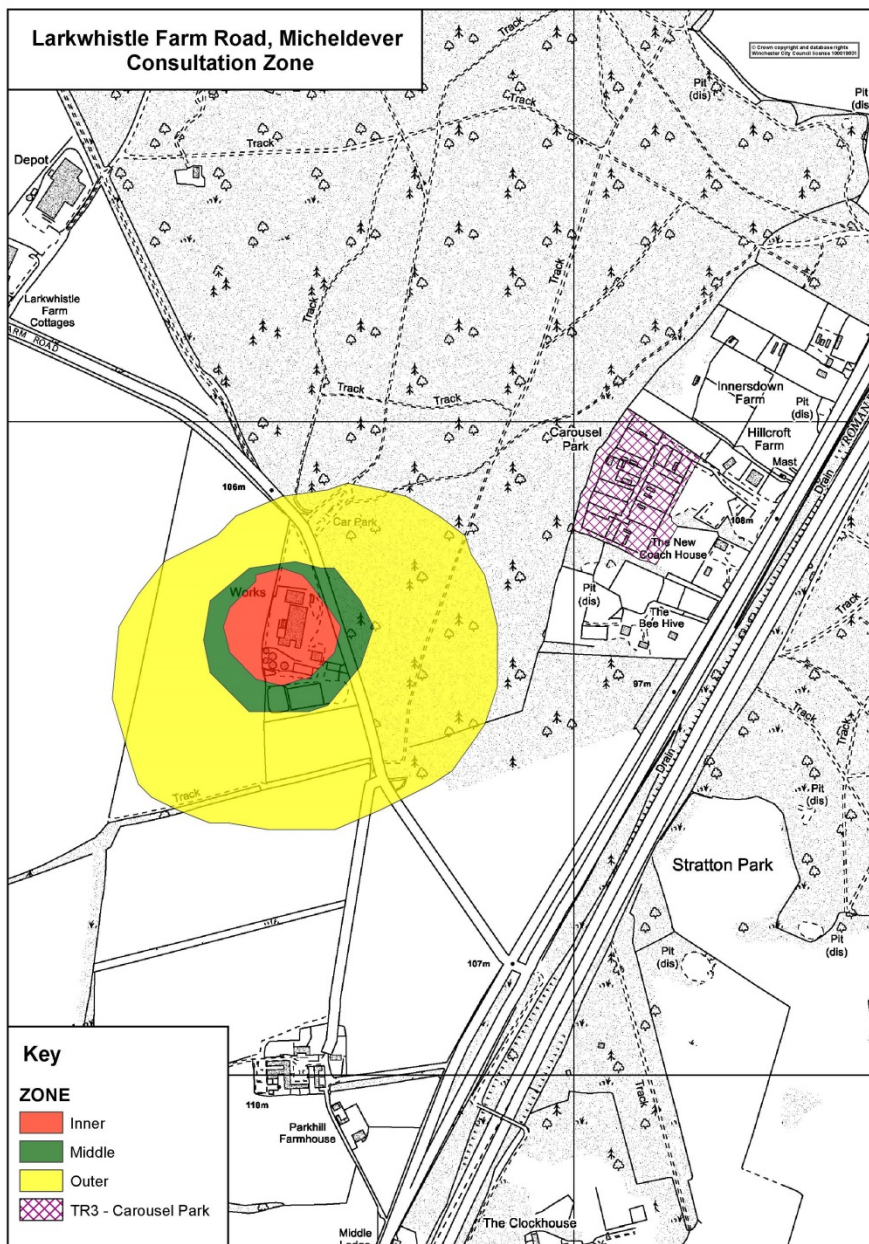
9. The Council has responded to representations on the access to site W014 in the Traveller Submission Background Paper (document CD14) at paragraphs 6.22 – 6.27 and puts forward a Proposed Modification to add a new bullet point to policy TR2 dealing with access to The Piggeries. This requires the access to be improved as necessary to ensure that it is adequate. The access and footpath exist and granting permanent consent for the 4 temporary pitches existing will not materially impact on the public footpath.

10. The Council has dealt with objections from Hampshire County Council relating to the public right of way in the Submission Background Paper (CD14) and its Situation Statement on The Piggeries (Matter 4, Appendix D). It has nothing to add to these in relation to this question and does not consider that the representation raises issues that affect the soundness of the DPD.

Question 4 – Do any of the proposed sites lie within the inner consultation zone set by the Health and Safety Executive? If so which ones and what are the implications of this?

WCC Response:

11. None of the sites lie within the inner consultation zone set by the HSE. The site at Carousel Park is the nearest traveller site to any HSE designation but lies beyond even the outer zone as illustrated on the following map:



Question 5 – Is policy TR2 justified and effective?**WCC Response:**

12. The 2012 NPPF paragraph 182 requires the plan to be *'the most appropriate strategy'* when considering whether a policy is justified. Although this was replaced by *'an appropriate strategy'* in the 2018 NPPF (paragraph 35), paragraph 214 of the 2018 NPPF requires that the previous Framework applies for plans submitted before January 2019. While it could be argued that there is no numerical need to provide the additional permanent pitches that would arise from policy TR2, because gypsy and traveller pitch requirements are already substantially exceeded, temporary pitches form part of the need identified by the GTAA. The policy is, therefore, *'the most appropriate strategy'* as it is necessary to meet the needs of those households that are currently accommodated on sites with temporary consents. An alternative would be to seek to provide for these needs on other sites, but this would not be a *'reasonable alternative'* or *'the most appropriate strategy'* given that the households involved already own and live on the sites listed in policy TR2.

13. In order to be effective the plan must be *'deliverable over its period'* (2012 NPPF paragraph 182) and there is a similar requirement in the 2018 NPPF. The Council's response to Matter 4, question 2 shows that, of 3 the sites allocated by policy TR2, The Piggeries and land at Gravel Hill are subject to current planning applications for permanent consent and Ourlands has already received permanent consent. Therefore, the sites allocated by policy TR2 have been, or are likely to be, delivered in the near future and the policy is effective.

14. It is noted that Shedfield Parish Council has objected to the inclusion of land at Gravel Hill within policy TR2 on several grounds:

- Contravenes policies of the Local Plan
- Not necessary to meet traveller needs as the DPD predicts a surplus of seven pitches

- The applicants do not meet the definition of gypsies/travellers and have failed to comply with planning conditions
- Nuisance and noise

15. It is agreed that the site is in an area defined as countryside and within the Settlement Gap between Shirrell Heath, Swanmore, etc. While residential development would not normally be permitted in such locations, the Council has had to make exceptions to these policies in order to meet development needs, whether for 'bricks and mortar' housing or traveller accommodation. All of the traveller sites that exist or are proposed by the DPD (policies TR1 – TR4) are within the defined countryside and several are within Settlement Gaps. The key issue for traveller sites is whether the criteria of policy CP5 are met, along with the emerging policy TR6.

16. It is accepted that, at the time the Traveller DPD was published there was a small 'surplus' of gypsy and traveller sites proposed and the updated information in relation to Matter 4 shows that this surplus is now substantial (see Appendix C of WCC Matter 4). It is, therefore, correct that in numerical terms there is no longer a need to provide permanent pitches on this site. Nevertheless, the needs of the current occupiers do form part of the evidence of need that is provided by the GTAA and which the DPD must deal with. At the time of the GTAA the site was unauthorised (see GTAA Figure 1) and it now has temporary planning consent, meaning that the occupiers remain without permanent accommodation and in need. If this site is not authorised to meet those needs another site would have to be found, which is likely to be an undeveloped site that is also in the countryside.

17. The GTAA shows that 1 of the 3 households was not travelling and that another refused an interview (GTAA Figure 1). It is, therefore, understood that at least 1 of the households does meet the definition of travellers and the current temporary consent limits occupation to those that meet the PPTS definition (16/00456/FUL condition 5). The fact that the households are seeking a permanent base does not mean that they have ceased to travel, as travelling is normally undertaken from a fixed base. The matter of compliance

with conditions is an enforcement issue that should not affect the allocation of the site.

18. While there may be claims of nuisance or noise, the DPD is concerned with the use and allocation of the site. Matters of nuisance and noise can be dealt with by other powers if necessary and should not affect the principle of allocating the site.

Question 6 – Is policy TR3 justified and effective?**WCC Response:**

19. The 2012 NPPF paragraph 182 requires the plan to be *'the most appropriate strategy'* when considering whether a policy is justified. Although this was replaced by *'an appropriate strategy'* in the 2018 NPPF (paragraph 35), paragraph 214 of the 2018 NPPF requires that the previous Framework applies for plans submitted before January 2019. The evidence shows the need for travelling showpersons' sites and this is now established in LPP2 policy DM4. It has not proved possible to identify sufficient showpersons' sites to meet the need in full and it is, therefore, imperative that the Council seeks to retain existing sites where they are suitable and available for ongoing showpersons' use. Carousel Park is such a site and policy TR3 is, therefore, *'the most appropriate strategy'*.

20. In order to be effective the plan must be *'deliverable over its period'* (2012 NPPF paragraph 182) and there is a similar requirement in the 2018 NPPF. The Council has set out the history and current situation in relation to Carousel Park in response to Matter 4, question 5 (see Matter 4, Appendix E). It is clear from this that the Council is doing all it can to retain Carousel Park in showpersons' use, although a decision on the enforcement notice that seeks to do this is out of the Council's hands. Unfortunately the process has been subject to substantial delays and there is uncertainty about the outcome of the enforcement appeals. Nevertheless, there is a reasonable prospect that policy TR3 will be able to be implemented, most likely in the near future, but otherwise *'over its period'*. The policy is, therefore, effective.

Question 7 – Is policy TR4 justified and effective?**WCC Response:**

21. The 2012 NPPF paragraph 182 requires the plan to be *'the most appropriate strategy'* when considering whether a policy is justified. Although this was replaced by *'an appropriate strategy'* in the 2018 NPPF (paragraph 35), paragraph 214 of the 2018 NPPF requires that the previous Framework applies for plans submitted before January 2019. The evidence shows the need for travelling showpersons' sites and this is now established in LPP2 policy DM4. It has not proved possible to identify sufficient showpersons' sites to meet the need in full and it is, therefore, imperative that the Council seeks to retain existing sites where they are suitable and available for ongoing showpersons' use. The Nurseries is such a site and policy TR4 is, therefore, *'the most appropriate strategy'*.
22. In order to be effective the plan must be *'deliverable over its period'* (2012 NPPF paragraph 182) and there is a similar requirement in the 2018 NPPF. Permanent consent has been granted on 3 of the 7 plots currently at The Nurseries. The majority of the plots are occupied by showpeople, so it should be possible for those plots that currently have temporary (or no) consent to achieve permanent permission when applications are made. The Council is in discussion with the owner of one plot about its subdivision, which would in principle accord with policies TR4 and TR5 and help to increase showpersons' provision.
23. The GTAA showed that there was one plot occupied by a gypsy and traveller and it may be necessary for the Council to take enforcement action to ensure this site is used for showpersons' purposes. It has shown at Carousel Park that it is willing to do this if necessary. The policy is, therefore, already being effective in retaining most pitches on the site for permanent showpersons' use, and potentially increasing the number, and action will be taken as necessary to ensure this applies to the one plot that is not already in showpersons' use.