



APPEALS BY

**MR. J. LEE, MR. B. KNIGHT, MR. S. BALL
& MR. T. BUCKLEY**

**Regarding the service of enforcement notices by
Winchester City Council in respect of an alleged change of
use**

On plots 3, 7 & 8 Pony Paddock, 6 Hipley, Hambledon,
Waterlooville, Hampshire

STATEMENT OF CASE

10 January 2019

Our Ref: J002695/BW/K
PINS Ref: APP/L1765/C/18/3201565, 3201566,
3201567 & 3201570
LPA Ref: 17/001191/FUL

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1.0 **PERSONAL**

- 1.1 This statement has been prepared by Brian Woods. I hold a Bachelor of Arts Degree in Town Planning that he obtained at South Bank University in London. He is also a Member of the Royal Town Planning Institute and have an ONC in Surveying, Cartography and Planning.
- 1.2 He has over 40 years' experience in planning, employed by various local authorities in Surrey, West Sussex and Hampshire, culminating as Head of Development Control at Runnymede Borough Council until 1989. He was subsequently employed as the Planning Manager at Commercial Property Developers, Crest Nicholson Properties, then as an Associate of Planning Consultants, Bryan Jezeph and Partners. He established WS Planning (now trading as WS Planning & Architecture) in 1992, of which he is now the Managing Director.
- 1.3 The Practice acts on all sides of planning disputes: for developers, landowners, local planning authorities and local residents.
- 1.4 Brian Woods has appeared as an expert planning witness at Inquiries and hearings on behalf of local authorities, companies, residents' associations and land owners covering proposals as diverse as B1(a) office developments, industrial developments, housing proposals, A1, A3 and A5 uses, proposals relating to Conservation Areas, developments relating to farms and the use of land and buildings in the countryside and Green Belt. In addition, as an expert witness in the High Court.
- 1.5 Brian Woods has presented papers at seminars relating to Gypsy site provision and handled many appeals relating to Gypsy/ Traveller sites. The Practice has carried out studies and need assessments for Local Planning Authorities relating to both Gypsy site provision and showman

sites and attended Examinations in Public, on behalf of LPA's and private individuals.

2.0 **INTRODUCTION**

- 2.1 Planning applications were submitted on behalf of the occupants however the LPA for various reasons invalidated the appeals.
- 2.2 Representations were submitted to the public consultation on Traveller Development Plan document on 26 February 2018. A copy of the representation is attached at **Appendix 1**. I attended the EIP in September 2018. Proposed modifications were posted on the LPA's website and any representations need to be lodged by 23 November. A copy of the Proposed modifications is attached at **Appendix 2**.
- 2.3 The appellants are part of the overall need that the LPA need to plan for. The appellants have not been offered any alternative sites by the LPA and so it is safe to assume that none are available.

3.0 **APPEAL SITE AND SURROUNDING AREA**

- 3.1 The appeal site lies near to the settlement of Denmead which has a wide range of facilities. The appeal site is accessed by an unmade track which also serves adjoining land. The access onto Forest Road and the track was pre-existing. There is a Public House as The Chairmakers Arms beyond the field which adjoins the track. The Public House holds music events. Forest Road is a well trafficked highway.
- 3.2 Attached at **Appendix 3** is an aerial photograph.

4.0 **THE ENFORCEMENT NOTICES**

4.1 The reasons stated for issuing the notices dated 13 April 2018 were,

- “1. Planning permission was refused by Winchester City Council and subsequently on appeal by a decision dated 30 July 2015, under ref APP/L1765/A/14/2224363 for a change of use of land (which included the Land) for the development of pitches for gypsy/traveller families.**

- “2. The Planning Inspector concluded that the provision of 8 pitches in this countryside location would fundamentally alter the character of the surrounding paddocks and land, and would significantly detract from the tranquillity of the locality by reason of noise, general activity, including numerous vehicle movements and lighting. In addition, because the appeal site is remote, is not accessible by public transport and the pedestrian conditions in the vicinity of site are extremely poor the Planning Inspector concluded that occupiers of the appeal site would be heavily reliant on the use of cars to access day services and facilities and this would limit the opportunity for social integration with the settled population nearby. There was insufficient land to provide a communal space for children to play on and because there are no play facilities nearby the Inspector found the proposals would result in an unacceptable standard of amenity. The Inspector did take into account the lack of a five year supply of land for gypsy and traveller pitches within boundary of district but decided**

neither a permanent nor a temporary permission could be justified.

“3. Since the appeal decision Winchester City Council has identified a five year supply of land for gypsy and traveller pitches within the boundary of the district. The production of a Gypsy, Traveller & Travelling Showpersons Development Plan Document (Traveller DPD) is now at an advanced stage and is to be submitted for examination in May 2018. The DPD does not propose to allocate the Land and adjacent land for the development of gypsy and traveller pitches.

“4. It is considered necessary to issue this enforcement notice because the material change of the Land does not comply with policies CP5 and CP20 of the Winchester District Local Plan Part 1 – Joint Core Strategy, policy DM23 of the Winchester District Local Plan Part 2 – Development Management and Site Allocations and emerging Gypsy, Traveller & Travelling Showpersons Development Plan Document (Traveller DPD).”

4.2 In the summer of last year the Councils Gypsy Traveller Liaison Officer contacted us to obtain agreement to interview our clients and we agreed to this. I attach a copy of his findings at **Appendix 4** which confirms Gypsy/Traveller status.

5.0 **CENTRAL GOVERNMENT POLICY**

Planning Policy for Traveller Sites 2015

- 5.1 The guidance directs sites away from the Green Belt and as such will inevitably be located in the Countyside. Paragraph 25 states,

“Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.”

The appeal site adjoins an existing Gypsy/Traveller site where the LPA are actively promoting its intensification and find its proposed allocation acceptable on all grounds but are wholeheartedly opposed to provision for two additional pitches at the appeal site.

- 5.2 The LPA have accepted that the occupants are accepted as being Gypsy/Travellers and thus they still continue to have a nomadic habit and thus meet the planning definition in the PPTS. This being the case the LPA are clearly not meeting their need as no alternative “proposed allocated” sites have been offered to them by the LPA or for that matter any alternative sites.

DRAFT GUIDANCE TO LOCAL HOUSING AUTHORITIES ON THE PERIODICAL REVIEW OF HOUSING NEEDS, CARAVANS AND HOUSEBOATS 2016

- 5.3 This draft guidance makes it clear under the heading, how will assessing the needs of particular groups differ from the needs of the rest of the

community that preference for caravan and houseboat – dwelling as well as a nomadic pattern of life needs to be taken into consideration. I attach the document at **Appendix 5**.

6.0 **DEVELOPMENT PLAN POLICES**

6.1 The LPA reply upon Policy MTRA4 of the Local plan part 1 – Joint core Strategy, Policies DM15 and DM23 of the Winchester District Local Plan Part 2 – Development management and Allocation. The LPA also rely upon the consultation draft Traveller DPD. Policy MTRA4 of the Joint Core Strategy States,

“In the countryside, defined as land outside the built-up areas of Winchester, Whiteley and Waterlooville and the settlements covered by MTRA 2 and 3 above, the Local Planning Authority will only permit the following types of development: Winchester City Council and South Downs National Park Authority Spatial Strategy Market Towns and Rural Area 6 Winchester District Local Plan Part 1 - Joint Core Strategy 65 Introduction & Background

- **development which has an operational need for a countryside location, such as for agriculture, horticulture or forestry; or**
- **proposals for the reuse of existing rural buildings for employment, tourist accommodation, community use or affordable housing (to meet demonstrable local housing needs). Buildings should be of permanent construction and capable of use without major reconstruction; or**
- **expansion or redevelopment of existing buildings to facilitate the expansion on-site of established businesses or to meet an operational need, provided development is proportionate to the nature and scale of the site, its setting and countryside location; or**

- **small scale sites for low key tourist accommodation appropriate to the site, location and the setting. Development proposed in accordance with this policy should not cause harm to the character and landscape of the area or neighbouring uses or create inappropriate noise/light and traffic generation.”**

The above policy is not relevant to the consideration of the appeal application.

6.2 Policy DM15 of the Part 2 Local Plan Strategy States,

“Developments should respect the qualities, features and characteristics that contribute to the distinctiveness of the local area. Proposals which accord with the Development Plan will be permitted where they conserve or enhance:

- i. the landscape and townscape framework, including the ‘key characteristics’ identified in local Character Assessments and adopted Design Statements;**
- ii. open areas and green spaces that contribute to the special qualities of the townscape or the setting of buildings, including heritage assets;**
- iii. recognised public views, features or skylines;**
- iv. the special qualities of Conservation Areas and historic landscapes;**
- v. trees, hedgerows, water features and corridors which contribute to local distinctiveness.**

Regard will be had to the cumulative effects of development on the character of an area.”

The above policy is not specific to Gypsy/Traveller applications specifically but is an overarching policy. The appeal proposal will not have any serious impact on the character of the area. I note that the appeal site is not located in a nationally protected landscape.

6.3 Policy DM23 of the Part 2 Local Plan States,

“Outside defined settlement boundaries, development proposals which accord with the Development Plan will be permitted where they do not have an unacceptable effect on the rural character of the area, by means of visual intrusion, the introduction of incongruous features, the destruction of locally characteristic rural assets, or by impacts on the tranquillity of the environment. The following factors will be taken into account when considering the effect on the rural character and sense of place: Visual - intrusion should be minimised, including the effect on the setting of settlements, key features in the landscape, or heritage assets. The cumulative impact of developments will be considered, including any ancillary or minor development that may occur as a result of the main proposal. Physical – developments will be encouraged to protect and enhance the key characteristics of the landscape and should avoid the loss of key features or the introduction of elements that detract from the special qualities of the place. Any re-modelling of the landscape will also be taken into account. Tranquillity – developments should

not have an unacceptable effect on the rural tranquillity of the area, including the introduction of lighting or noise occurring as a result of the development, taking account of the relative remoteness and tranquillity of the location. New lighting will generally not be permitted in unlit areas and the type, size, design and operation of any lighting may be controlled where necessary by the use of conditions. Developments should not detract from the enjoyment of the countryside from the public realm or public rights of way. The volume and type of traffic generated by the development will be assessed along with the ability of rural roads to accept increased levels of traffic without alterations that would harm their rural character. Domestic extensions should be proportionate in size to the existing dwelling and generally be subordinate to it, as should annexes and other ancillary development. Extensions should generally reflect the character of the existing dwelling unless the existing character is not considered worthy of retention. Replacement dwellings should not be disproportionately larger than the one being replaced”

Again, the above policy is not specific to Gypsy/ Traveller applications.

- 6.4 With regard to the consultation draft Traveller DPD the LPA do not say what part of the DPD rely upon. However, it is noted that the DPD acknowledges that sites will come forward to meet the needs of Gypsies and Travellers. The LPA’s notices refer to a number of policies but do not attach them. The LPA strangely seem to accept in this case that Policy CP5 which sets out a series of criteria for Traveller sites applies even where the need is met, but say that the appeal proposals are in conflict. Firstly, we do not accept that the need is met and secondly even if the

proposed allocations are found to be sound this should not mean that other perfectly acceptable sites should be refused. In this regard I refer to a recently determined appeal (PINS REF: APP/U2235/C/17/3175400 & W/17/3173195) relating to a site in the AONB in Maidstone Borough that was not allocated as a site in a recently adopted Local Plan. I attach a copy of the Inspectors decision letter at **Appendix 6**.

7.0 CASE FOR THE APPELLANT

- 7.1 The LPA are seeking to rely on a previous Inspectors decision PINS Ref: APP/L1765/A/14/2224363 (copy attached at **Appendix 7**). The reasons that the Inspector dismissed the appeal, for more pitches than now proposed, was because she considered the area to be tranquil and not in a sustainable location. It is not considered that the location is tranquil by virtue of the traffic on Forest Road and a Public House that holds music events. With regard to sustainability the appeal sites are no less sustainable than other sites that the LPA favour.
- 7.2 The occupants of the site are in need of a settled base and without living at the appeal sites they will be forced to have a roadside existence to the detriment of the families.
- 7.3 The LPA allege a 5-year supply of pitches but there has been an examination of the proposed DPD policies. As stated earlier we have submitted that the appeal site should be allocated. The occupants are in need and the LPA have not offered to them an alternative site. There are no alternative sites for the appellant group. One of the sites (Tynefield Caravan Park, Whitley Lane) that the LPA rely upon to meet their need has been cleared with just one mobile home for the owner and no clear evidence that any more pitches will be provided. Such clear evidence of deliverability is a requirement of the NPPF 2018.
- 7.4 Gypsy/ Traveller sites are almost inevitably going to be located in the countryside as indeed are all the sites favoured by the LPA. Any planning permission can be the subject of a landscaping condition which will help assimilate the appeal site in the area. Caravans are typical features that are found in rural areas such as the appeal site.

Ground (g)

- 7.5 We await to hear whether or not the LPA accept our request for an extended period of compliance in the event that the notices are upheld.

8.0 **PLANNING BALANCE AND CONCLUSION**

8.1 Against the appeal proposal is that the site is located in the countryside whilst listed below are the positive aspects of the appeal proposal,

- The appellants need for a settled base
- The personal circumstances of the occupants
- The appeal site is not in the Green Belt
- The appeal site is not in an Area of outstanding Natural Beauty
- The appeal site is not in or adjoining a Conservation Area or any Listed Buildings.
- There are no flooding objections as confirmed by the previous Inspector.
- There are no highways objections as confirmed by the previous Inspector.
- There are no drainage objections as confirmed by the previous Inspector.
- The site layout can be the subject of a condition

8.2 It is therefore requested that the enforcement notices be quashed and the appeals be allowed.

9.0 **APPENDICES**

- | | |
|------------|--|
| Appendix 1 | Copy of the representation |
| Appendix 2 | Copy of Winchester District – ‘Traveller DPD’ –
Proposed Modifications – October 2018 |
| Appendix 3 | Aerial Photo of Appeal site |
| Appendix 4 | Appeal Consultation with Clients by Gypsy Liaison
Officer – 24 th July 2018 |
| Appendix 5 | Copy of the Draft guidance to local housing
authorities on the periodical review of housing needs
– Caravans and Houseboats – March 2016 |
| Appendix 6 | Copy of Appeal Decision Letter relating to land at
Stockbury Valley, Stockbury, Kent PINS Ref:
APP/U2235/C/17/3175400 and
APP/U2235/W/17/3173195 |
| Appendix 7 | Copy of Appeal Decision Letter relating to the Land
adjacent to Chairmakers Arms, Forest Road,
Hambledon, Waterlooville, PO7 4QX PINS Ref:
APP/L1765/A/14/2224363 |

APPENDIX 1

Response ID ANON-DXU4-WWF4-D

Submitted to **Winchester District Gypsy and Traveller DPD (Pre Submission)**

Submitted on **2018-02-26 16:14:43**

Privacy and Publication

Data Protection Act 1998 and Freedom of Information Act 2000 Representations cannot be treated in confidence. The Town and Country Planning (Local Planning) (England) Regulations 2012, requires copies of all representations to be made publically available. The Council will also publish names and associated representations on its website but will not publish personal information such as telephone numbers, or emails. By submitting a representation on the Winchester District Gypsy and Traveller Development Plan Document pre submission consultation you confirm that you agree to this and accept responsibility for your comments. Please confirm that you have read and understood the above, and you consent to your submission being published.

Yes, I confirm I understand that my response will be published with my name and associated representation.

Your details

What is your full name or client's name if acting as an agent?

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Mr B Woods

What is your name if acting as an agent?

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01737225711

Policy TR1 - Safeguarding Permitted Sites

Do you consider that Policy TR1 - Safeguarding Permitted Sites is sound?

Yes

If you selected 'No', please indicate which 'test(s) of soundness' it does not meet:

Please give details of why you consider that Policy TR1 - Safeguarding Permitted Sites has not met the tests of 'soundness'. If you wish to support the 'soundness' of Policy TR1, please also use this box to set out your comments.

TR1 Soundness:

WS Planning & Architecture support the aims of Policy TR1 and welcomes that Policy TR1 will safeguard permitted sites from alternative development, unless the

site is no longer required to meet any identified traveller need across the District. We also welcome that other sites subsequently granted a permanent permission will be safeguarded in accordance with this policy.

In particular we refer to site W006 Barn Farm, The Lakes, Swanmore, where there is clearly an identified need and moreover an identified need for a further permitted extension to this site.

What change(s) do you consider necessary to make Policy TR1 - Safeguarding Permitted Sites 'sound' (positively prepared, justified, effective and consistent with national policy)? You need to say why this change will make Policy TR1 'sound'. It would be helpful if you are able to put forward your suggested revised wording of any policy or text.

TR1 Soundness:

File uploads in relation to TR1:

No file was uploaded

Policy TR5 - Additional Pitches/Plots

Additional pitches/plots

Do you consider that Policy TR5 is sound?

No

If you selected 'No', please indicate which 'test(s) of soundness' it does not meet:

Effective

Please give details of why you consider that Policy TR5 has not met the tests of 'soundness'. If you wish to support the 'soundness' of Policy TR5, please also use this box to set out your comments.

TR1 Soundness:

Whilst WS Planning & Architecture support elements of Policy TR5, in particular it supports that this policy aims to allow the Council to consider proposals for the additional provision of pitches/plots. The policy then states that this will be on sites covered by Policies TR1 – TR 4 above, on a case by case basis and in accordance with the provisions of Policy TR6.

This policy therefore does not allow for the Council to consider further pitches, in other areas even where it can be demonstrated that the site is suitable and that there is an identified need.

The policy text notes in paragraph 4.19 that, "The Council has explored a range of options to identify and allocate sufficient sites to meet the identified needs of travelling show-people in the District, however, there remains a shortfall in provision." Therefore it is considered that this policy is too restrictive and therefore not effective.

What change(s) do you consider necessary to make Policy TR5 'sound' (positively prepared, justified, effective and consistent with national policy)? You need to say why this change will make Policy TR5 'sound'. It would be helpful if you are able to put forward your suggested revised wording of any policy or text.

TR1 Soundness:

It is suggested that the wording "on sites covered by Policies TR1 - TR4 above" is removed.

TR5 uploads:

No file was uploaded

APPENDIX 2

Winchester District

Gypsy, Traveller and Travelling Showpeople

Development Plan Document

‘Traveller DPD’

Proposed Modifications

October 2018



Schedule of Proposed Modifications

The following schedule sets out a number of proposed modifications to the Traveller DPD, some update the stage reached in plan preparation, whereas others are required to ensure that the DPD is sound and legally compliant. Consequently those modifications that relate to the ‘soundness’ of the DPD are referred to as ‘Main Modifications’, others are grouped under ‘Additional Modifications’ and include general updating and clarification.

Deleted text is shown as ~~struck through~~ and amended/additional text is shown underscored. All paragraph numbers in the Schedule refer to the Submission version of the DPD.

It may also be necessary for further consequential changes such as paragraph renumbering and updates to the contents page. All weblinks will also need to be updated as required.

Proposed Main Modifications												
No.	Para/policy ref	Change	Reason									
MM01	Policy TR1	<p>The existing gypsy and traveller and travelling showpersons sites listed below, and as shown on the Policies Map, will be safeguarded from alternative development, unless the site is no longer required to meet any identified traveller needs across the District.</p> <p>Any other site that is subsequently granted a permanent planning permission for gypsy and traveller and travelling showpersons shall be safeguarded in accordance with this policy.</p> <table border="1"> <thead> <tr> <th colspan="3">Gypsy and Traveller Sites</th> </tr> <tr> <th>Site Ref</th> <th>Location</th> <th>No of Pitches</th> </tr> </thead> <tbody> <tr> <td>W001</td> <td>The Ranch, Old Mill Lane, Denmead</td> <td>1</td> </tr> </tbody> </table>	Gypsy and Traveller Sites			Site Ref	Location	No of Pitches	W001	The Ranch, Old Mill Lane, Denmead	1	<p>Amendments in response to comments raised by neighbouring LPA at Reg 19 stage. (see also comments to supporting text at para 4.5 under other proposed modifications)</p> <p>Table updated to reflect</p>
Gypsy and Traveller Sites												
Site Ref	Location	No of Pitches										
W001	The Ranch, Old Mill Lane, Denmead	1										

W002	Ash Farm, Titchfield Lane, Wickham	2	planning permissions granted and sites allowed on appeal
W003	Westfork, Bunns Lane, Hambledon	1	
W004	Joymont Farm, Curdridge Lane	1	
W005	Ashbrook Stables, Main Road, Colden Common	1	
W006	Barn Farm, The Lakes, Swanmore	5	
W007	Windy Ridge, Old Mill Lane, Denmead	1	
W008	Travellers Rest, Bishops Sutton	1	
W009	Rambling Renegade, Shedfield	1	
W010	Opposite Woodfield Farm, Alma Lane Upham	1	
W011	Adj Chapel House, Highbridge Road, Highbridge	4 <u>2</u>	
W012	Big Muddy Farm, Alma Lane, Upham	1	
W013	Land west of Lasek, Bishops Wood Road, Mislingford	1	
W016	Tynefield, Whiteley, Fareham	18	
W017	Ourlands, East of Mayles Lane, Knowle	<u>3</u>	
W018	Stablewood Farm, The Lakes, Swanmore	1	
W082	Beacon Haven, Swanmore	6	
W083	Bowen Farm, Curdridge	3 <u>4</u>	
W084	Little Ranch, Fishers Pond	1	
W086	Woodley Farm, Alma Lane, Lower Upham	1	
<u>New</u>	<u>Berkeley Farm, Durley Street</u>	<u>4</u>	
Travelling Showpersons Sites			
Site Ref	Location	No of Plots	
W020*	Carousel Park, Micheldever	9	
W021	The Haven, Denmead	1	
W022	The Orchard, Forest Road, Swanmore	4	
W023**	Plot 1, The Nurseries, Shedfield	1	
W024**	Plot 2, The Nurseries, Shedfield	1	
W025**	Plot 5, The Nurseries, Shedfield	1	
W026	Grig Ranch, Wickham	1	
W027	The Bungalow, North Boarhunt	2	
W028	Stokes Yard, Waltham Chase	1	
W029	The Vardo, Swanmore	1	

		W030	Firgrove Lane, North Boarhunt	8	
MM02	Policy TR2	<p>Site W014 – Land at the Piggeries, Firgrove Lane, North Boarhunt</p> <p>Insert new bullet to read</p> <ul style="list-style-type: none"> • <u>Improve Firgrove Lane and its junction with the B2177 as necessary to provide an adequate access to the site to accommodate the proposed uses.</u> <p>Site W017 – Ourlands, East of Mayles Lane, Knowle</p> <p>Delete reference to site W017 in Policy TR2 and move to be safeguarded under Policy TR1 as the site now has a permanent planning permission.</p> <p>Site W085 – Land adjacent to Gravel Hill, Shirrell Heath</p> <ul style="list-style-type: none"> • Due to the restrictive access arrangement on the site, any proposals for intensification/expansion will not be allowed • <u>Improve the access of the site and its junction with Gravel Hill as required.</u> 			<p>To reflect matters discussed at the examination hearings :-</p> <p>To ensure satisfactory access to the site and that the proposal can be delivered.</p> <p>Updating</p> <p>Reference to intensification/expansion is not necessary as this is covered by other policies, however it is necessary to ensure that there is a satisfactory access to the site.</p>
MM03	Policy TR5	<p>The Local Planning Authority will consider proposals for the additional provision of pitches/plots <u>through intensification within</u> on sites covered by Policies TR1 – TR 4 above, on a case by case basis and in accordance with the provisions of Policy TR6.</p>			<p>To clarify application and effectiveness of the policy</p>

<p>MM04</p>	<p>New policy and supporting text to be inserted after para 4.19</p>	<p><u>Planning Applications</u></p> <p>This DPD provides for current and expected traveller accommodation needs, although for travelling showpeople it has not been possible to identify adequate sites currently. Therefore, proposals for traveller accommodation should be on the sites identified in this Plan (policies TR1 – TR4) or in locations where residential development is otherwise permitted (policies DM1 and MTRA3). Proposals for traveller accommodation should also accord with the policies of this DPD and other relevant policies in Local Plan Parts 1 and 2, particularly policies CP5 and TR6.</p> <p>It is acknowledged that there may be cases where an exception to countryside policies (MTRA4) may be justified, for example to meet the remaining needs of showpeople or for travelling households with an overriding need to be located in the area. Where these meet the definition of travellers (PPTS Annex 1) but have not been able to find a suitable site within a settlement boundary or through infilling, permission may exceptionally be granted on suitable sites within the countryside. There should be evidence to show that sites complying with policies DM1 or MTRA3 have been sought, and why these are not suitable or available, and the proposed site should be in a sustainable location which is accessible to local services such as schools, health and community facilities.</p> <p>Policy TR6</p> <p>Proposals for traveller accommodation outside the sites identified in policies TR1 – TR4, including expansion of these sites, will be permitted within the settlement boundaries defined by policy DM1 or through infilling in accordance with policy MTRA3.</p> <p>Sites outside the provisions of these policies (other than appropriate intensification under policy TR5) will only be permitted where they are for occupation by persons who:-</p>	<p>To ensure the DPD is sound, to reflect the requirements of National Planning Guidance in PPTS, as discussed at the examination. .</p>
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		<ul style="list-style-type: none"> • are defined as gypsies and travellers or travelling showpeople (Planning Policy for Traveller Sites 2015 Annex 1 or a subsequent revision); and • can demonstrate an exceptional personal or cultural need to be located in the area; and • can provide evidence of a lack of other suitable accommodation. <p>Sites must be in sustainable locations well related to existing communities as defined by Policy CP5 and comply with the requirements of Policy TR6.</p> <p><i>Consequential renumbering of policy and text that follows</i></p>	
MM05	Policy TR6	<ul style="list-style-type: none"> • General <p>provide details of wastewater infrastructure, <u>including a foul drainage assessment</u> and surface water drainage, incorporating SUDS where possible</p>	Amendment to reflect the comments received from Environment Agency at Reg 19 stage
MM06	Para 4.26	<p>Implementation and Monitoring</p> <p>4.25 The monitoring framework at Appendix F, sets out how each policy will be monitored reflecting the objectives expressed in both the Council strategy and the environmental objectives in the SA/SEA.</p> <p>4.26 The introduction of the revised definition of travellers in the PPTS is in the process of being challenged through the high court, the outcome of this may impact on the GTAA results and require the need for a review of this DPD to be initiated. <u>The Council will monitor implementation of the DPD and will continue to explore opportunities to meet the identified needs of Travelling Showpeople, including as part of the review of Local Plans part 1 and 2 which has recently commenced.</u></p>	To respond to the Inspectors request to review the position in relation to travelling showpeople pitch provision in the event that there is still a shortfall despite the new criteria based policy introduced.
MM07	Appendix F	Insert new monitoring framework for new policy TR6	To ensure appropriate mechanisms are in place for monitoring the

Policy TR6 Planning Applications			effectiveness of the policy
SPATIAL OBJECTIVE / COMMUNITY STRATEGY OUTCOME		SA/SEA OBJECTIVES	
Housing, Environment, Health and Happiness		Building Communities, Infrastructure, Housing, Transport, Health, Economy and Employment	
TARGET/DIRECTION	INDICATOR	SOURCE	
Consideration of applications	Planning permission granted and conditions complied with – particularly compliance with the definition of traveller as set out in PPTS Annex 1 (or any subsequent revision).	WCC	

Proposed Additional Modifications			
No.	Para/policy ref	Change	Reason
AM01	Title and contents pages	Update as required	Updating
AM02	1.4	The Community Strategy has recently been replaced by the Council's Strategy adopted in February 2018 2017,	Updating
AM03	1.4 (after table of local plan policies)	This DPD also includes a glossary (Appendix A) and a monitoring framework at Appendix F. <u>The policies maps have also been updated to reflect the location of sites referred to in this DPD.</u>	Updating and clarification.
AM04	1.5	The results of the sustainability appraisal on the consultation draft DPD, were taken into account at that time. The SA/SEA is an iterative process and the revised text and policies have again been assessed and policies amended <u>throughout preparation of the DPD in light of the results.</u>	Updating
AM05	1.6	The Conservation of Habitats and Species Regulations 2017 2010 also require assessment..... The HRA <u>of the Traveller DPD</u> therefore concluded.....	Updating and clarification.
AM06	1.7	Councils on or near to the Solent coastline have agreed to support a mitigation strategy produced by the Solent Recreation Mitigation Partnership (SRMP), which is expected to be now in place. by early 2018. This will replace the current Interim Strategy.	Updating
AM07	1.10 – 1.12	Parish Councils have been <u>were</u> kept informed of the process of the preparation of this DPD (via Parish Connect) and were have been encouraged to promote the DPD so that their communities can <u>could</u> participate. in its preparation. Similarly the Council published an its ' LDF e-newsletter ' regularly to a wide audience <u>which</u> and this has included references to the Traveller DPD. The Council has utilised social media to highlight preparation and, to encourage	Updating

		<p>participation from the traveller community and its representatives. The Council has received positive feedback from national traveller organisations which demonstrates that this communication method is reached <u>ing</u> groups directly.</p> <p>Consultation on the Regulation 18 version, generated 99 responses which have informed the expression of the policies and proposals in this version. It will be necessary to update the Consultation Statement which accompanies this DPD to demonstrate the various methods and audiences the Council has informed and engaged with to date.</p>	
AM08	Para 1.15	<p>Throughout preparation of this DPD, As part of the consultation on the draft DPD a formal requests <u>have been</u> was made to neighbouring local authorities to determine if they had sites that could be brought forward to meet the shortfall in travelling showpersons sites in Winchester. as expressed below. No additional sites have been identified through this process, the Council will continue to work with its neighbours to explore opportunities for the identification of additional plots for travelling showpeople.</p>	Updating
AM09	para 1.16	<p><u>Next steps</u> 1.17 This publication (pre-submission) version of the draft DPD has been agreed for consultation under Regulation 19 of the Town and Country (England)(Local Plan) Regulations 2012, prior to submission for examination in 2018 This DPD and all background documents are available to view on the Council's website at http://www.winchester.gov.uk/planning-policy/traveller-dpd/gypsy-and-traveller-development-plan-document</p> <p>All comments should be submitted via the online consultation form, accessible at http://www.winchester.gov.uk/planning-policy/traveller-dpd/gypsy-and-traveller-development-plan-document Or sent to the City Council via email ldf@winchester.gov.uk Or post to:</p> <p>Head of Strategic Planning Winchester City Council,</p>	Updating

		<p>Colebrook Street Winchester, Hants SO23 9LJ</p> <p>All comments must be received by <u>midnight on Monday 26 February 2018</u></p>																						
AM10	Paragraph 2.9	Those categorised as ‘non travelling’, will be included in the Strategic Housing Market Assessment (SHMA) as part of the Local Plan Review to commence in 2018, <u>but this DPD includes a ‘criteria-based policy’ to deal with planning applications by travellers who have demonstrated that they meet the definition of travellers.</u>	Updating and clarification.																					
AM11	Table after para 2.11	<p>Insert updated summary table of supply</p> <table border="1"> <thead> <tr> <th></th> <th>G&T pitches</th> <th>TSP plots</th> </tr> </thead> <tbody> <tr> <td>a. Requirement Policy DM4 (2016 – 2031)</td> <td>15</td> <td>24</td> </tr> <tr> <td><u>Other proven need post GTAA*</u></td> <td><u>4</u></td> <td></td> </tr> <tr> <td>b. Sites with planning permission/allowed on appeal/<u>occupied</u> (since 1/9/16)</td> <td>8-18</td> <td>3</td> </tr> <tr> <td>c. Vacant site</td> <td>4-7</td> <td>0</td> </tr> <tr> <td>d. To be delivered through this DPD</td> <td>About 13-10</td> <td>About 13</td> </tr> <tr> <td>Total supply (b+c+d)</td> <td>22-35</td> <td>16</td> </tr> </tbody> </table>		G&T pitches	TSP plots	a. Requirement Policy DM4 (2016 – 2031)	15	24	<u>Other proven need post GTAA*</u>	<u>4</u>		b. Sites with planning permission/allowed on appeal/ <u>occupied</u> (since 1/9/16)	8 -18	3	c. Vacant site	4 -7	0	d. To be delivered through this DPD	About 13 -10	About 13	Total supply (b+c+d)	22 -35	16	Updating
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		<p>Surplus/shortfall</p>	<p>+7 +16</p>	<p>-8</p>	
<p>AM12</p>	<p>3.8 – 3.9 + new paras to reflect stage reached</p>	<p>During July – September 2017, the draft Traveller DPD was available for comment, some 99 representations were received raising both general and site specific matters. These representations were considered by the Council in December 2017 (CAB2965(LP)) refers. Details of the consultation methods utilised and who was consulted are set out in the <u>updated Consultation Statement, which can be viewed on the Traveller DPD webpages.</u></p> <p><u>Publication and Consultation on the Pre-Submission Traveller DPD (Regulation 19)</u></p> <p>Therefore, this <u>The pre-submission version (Regulation 19) of the DPD reflects matters raised and specifically updates the status of the sites which had may have subsequently been granted planning permission, or where the planning position hasd changed from the draft DPD. In particular the proposed</u> A key issue relates to the draft policy which sought to resolve the situation on a large site occupied in the District at North Boarhunt, was deleted in response to evidence presented through the consultation which questioned the delivery of the site for a mix of travellers and travelling showpeople. The Council has therefore reconsidered the draft policy proposed. As a consequence there remains a existing shortfall in the provision of travelling showpersons plots in the District. is increased. This matter is covered in the following sections.</p> <p><u>During January – February 2018 the pre-submission Traveller DPD was available for comment, some 16 representations were received raising both general and site specific matters.</u></p> <p><u>Examination and Adoption</u></p>	<p>Updating</p>		

		<p><u>A public examination was held on 3 and 4 September 2018 to examine matters in relation to the soundness of the DPD. Proposed modifications were published for comment for six weeks during October – November 2018.</u></p> <p><i>Add text to reflect receipt of Inspectors Report and adoption process and date in due course.</i></p>	
AM13	4.5	<p>The following policy therefore proposes that existing sites which have planning permission or lawful use for gypsy or traveller or travelling showperson use, will be safeguarded to ensure that the permitted use as a traveller site is not lost through the grant of any subsequent planning permission, or relaxation of planning conditions, to allow for other types of development. <u>This is to ensure that these sites and others that may be authorised are retained to meet identified traveller needs within the District and any wider unmet needs under the Duty to Co-operate.</u></p>	New sentence added to reflect comments raised by neighbouring LPA at Reg 19 stage.
AM14	4.15	<p>It is recognised that during the plan period there may be a demonstrable need for an additional pitch/plot on those sites safeguarded or allocated through this DPD, to meet the changing needs of the households on the sites. <u>This includes sites which are granted permanent planning consent after the adoption of this DPD, as these are also safeguarded by Policy TR1.</u></p>	Updating
AM15	4.16	<p>Where there is a demonstrable need for an additional pitch/plot on those sites identified in this DPD, the Local Planning Authority will require the applicant to demonstrate the need and that the lack of alternative accommodation requires an additional pitch/plot. In these circumstances the granting of any subsequent planning permission will be <u>specified to the named occupant conditioned to limit its occupation by travellers (in accordance with the definition in the PPTS and any subsequent revision) to specifically meet the need demonstrated.</u></p>	Amendment to reflect comments received to pre-submission consultation
AM16	4.17	Two existing travelling showpersons sites	Typographical correction
AM17	Appendix B	Insert updated schedule : set out at the end of this schedule for clarity	Updating

AM18	Appendix D	Move site W017 Ourlands, East of Mayles Lane, Wickham from Policy TR2 to be listed under Policy TR1 as the site now has planning permission	Updating
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AM17 : Updated Appendix B

	G&T pitches	TSP plots
a. Requirement Policy DM4 (2016 – 2031) and proven additional need	<p>19 =</p> <p>15 <u>need identified in GTAA</u></p> <p><u>4 additional need (occupants of Berkeley Farm, Durley Street)</u></p>	24
b. Sites with planning permission/allowed on appeal/ <u>occupied</u> (since 1/9/16)	<p><u>18</u> =</p> <p>5 pitches at Barn Farm, The Lakes, Swanmore allowed on appeal (APP/L1765/W15/3141334)</p> <p>1 pitch allowed on appeal at Woodley Farm, Alma Lane, Lower Upham (APP/L1765/W/15/3131614)</p> <p>1 at Joymont Farm Curdrige Lane, permission granted 16/8/17 (17/00789/FUL)</p> <p>1 at Stablewood Farm, The Lakes, Swanmore, permission granted 17/7/17 (17/00764/FUL)</p> <p><u>3 at Ourlands Land East of Mayles Lane, Knowle permission granted 19/4/2018 (17/02212/FUL)</u></p>	<p>3 =</p> <p>The Nurseries Shedfield, Plot 1 granted 1 permanent permission for Travelling Showpersons sites in September 2016, and plots 2 and 5 granted 1 plot each for permanent permission in December 2016 (total 3 plots)</p>

	<p><u>1 at Bowen Farm, Wangfield Lane, Curdridge granted 02/02/2018 (17/02504/FUL)</u></p> <p><u>1 at Riverside, Highbridge Road , Highbridge granted 17/11/2016 (16/01993/FUL)</u></p> <p><u>4 at Field Adjacent Berkeley Farm, Durley Street, Durley allowed on appeal 16/07/2018</u></p> <p><u>1 pitch at Travellers Rest, Bishops Sutton – previously vacant site now occupied.</u></p>	
c. Vacant site	<p><u>7 =</u></p> <p>1 pitch at Travellers Rest, Bishops Sutton granted permanent permission for non-personal use for gypsy and travellers under 07/02898/FUL, 10/02429/FUL</p> <p><u>7 pitches at Tynefield vacated since the GTAA, occupiers have moved away.</u></p>	0
d. To be delivered through this DPD	<p>About <u>10 =</u></p> <p>Policy TR2, 10 7 temporary pitch consents to be granted permanent permission (3 at Ourlands East of Mayles Lane, Knowle, 3 at Gravel Hill, Shirrell Heath and 4 at Firgrove Lane, North Boarhunt).</p> <p>Policy TR5 about 3 from the expansion and intensification within existing sites</p>	<p>About 13 =</p> <p>Policy TR3 Carousel Park – existing planning consent for Travelling Showperson’s plots. Enforcement action in progress against the change of use of plots which it is estimated will result in a gain of 3 showperson’s plots</p> <p>Policy TR4 The Nurseries, Shedfield Plots 3, 4, 6 and 7 (one plot on each site, total 4 plots) currently unauthorised.</p> <p>Policy TR5 about 6 from potential intensification within existing sites</p>

Winchester District Traveller DPD Proposed Modifications

Total supply (b+c+d)	<u>35</u>	16
Surplus/shortfall	<u>+16</u>	-8

APPENDIX 3

AERIAL PHOTOGRAPH



APPENDIX 4

1. Plots 3,4,7 and 8 Pony Paddock, The Chairmakers Arms, Forest Road Worlds End, Hambledon, Waterlooville, Hampshire. PO7 4QX

Planning Inspectorate Ref: APP/L1765/C/18/3201567

Case Reference: 17/00049/WKS

Name of Appellant(s): Mr William Hughes

2. I am the Gypsy Liaison Officer for Hampshire County Council. I have been asked by Winchester City Council planning (enforcement) department to establish the Gypsy and Traveller ethnicity of specific site family's resident on Plots 4, 7&8 relating to the above appeal.
3. At 10.30 hours on Wednesday 18th July 2018 I visited the above site which I now know as the Pony Paddock, with an entrance to the site located off Hipley Road where I met with the following families;

Plot 4 – Tommy Buckley /Hildon (22yrs), Star Hildon(21yrs)

Plot 7 – No one on site

Plot 8 – Bobby Knight (27yrs), Sarah Knight

4. On my arrival on site I went to Plot 8 and met with Sarah Knight who advised me that her husband Bobby was away from site and would be returning shortly and that she was off to the Doctors with her baby daughter who was not well.
5. Shortly after Sarah had left the site I met with her husband Bobby Knight. He informed me that he was born in the Camberley area and that the Knight families originated from northern England but were now all over the country. Bobby stated that he was married to Sarah nee Smith/Lamb who originated from the Slough area. The Smith and Lamb families are well know to me as Traveller families and I have had personal dealing with both families on permanent residential sites and also on encampments at the side of the road.
6. They have four children, a boy 6 years of age and three girls 4&2 and a one month old baby. The school age children attend school in the New Town school and all the children and their mother are registered with the local doctor's surgery in Denmead.
7. He advised that he was a ground worker and worked all over the country travelling and staying away from home especially in the summer months and visits doctors as and when required dependent on where he is working.
8. I spoke at length to Bobby about his family connections and any residence on local sites. I was advised that he has never lived on a council site but always on private sites or land. He told me that he is related to the Ayres and Madgewick families. From my own personal experience I have had the Ayes families' resident on Hampshire

County Council sites. I have also dealt with the Madgewick family for Gypsy and Traveller planning applications on private land in the local area.

9. It was apparent during the conversation that Bobby has visited a number of the former council owned permanent residential sites in the county and was able to discuss with me his relationships with specific on site residents although none of them were relatives.
10. He informed me that he travels widely for employment and stays away from home in touring caravans but will return home to visit his family regularly. The family wishes to settle down for the education and health of their children and for the stability of their children during their younger years.
11. I spoke to Bobby about his neighbours on Plot 7. He informed me that the residents on the pitch were a Charles Smailes(not sure about the spelling) and his partner Lennie Buckland who is a second cousin to his wife Sarah. He advised that they were away travelling and working for the summer and would not be returning until later in the year. I am aware of the Buckland families and have one such family resident on a council site in the north of the county.
12. I then made enquiries at Plot 4 where I met the resident Tommy Buckley/Hildon. I was advised that his wife Star Hildon was in the caravan. Tommy advised me that he was born in Westbourne near Havant. Tommy and his wife are trying to establish a settled family life for the future as there is no other suitable accommodation locally and life at the side of the road means constant moves and legal action being taken.
13. I was advised that Tommy is employed carrying out tree work and travels all over the country staying away for weeks at a time.
14. I specifically addressed the matter of family connections with Tommy and staying on sites in the local area. He informed me that he is related to Billy Hughes who has a private site in the Swanmore area and also had cousins on the former County Council site at Tynefield – the Hughes and Hildon families.
15. I am aware personally of the Hughes and Hildon families as they have lived on County sites in the past and I have dealt with encampments at the side of the road where these families have been resident.
16. I have had previous dealings with the Smith, Lamb and Hildon families together with the associated families of Madgewick , Ayres and Hughes families for planning and in general terms in Hampshire and when employed in a similar post in Wiltshire.

17. In light of my experience with the Gypsy and Traveller community in general including their lifestyle, history and traditions together with my own personal knowledge and as a result of my interview with the families on site I am of a view that they have a cultural lifestyle of living in traditional touring caravans and mobile homes and travel for economic purpose but would like to settle down for stability, health and the future education of the children and the families in general.
18. I conclude that after consideration of all the facts, my balanced view is that the family's residents on this site are of Gypsy and Traveller ethnicity.
19. I am personally aware that there are no vacancies currently on the Hampshire sites which were previously owned by the County Council and inevitably there are waiting lists on those sites. The one remaining Council site in the north of the County at Star Hill has six applicants on the waiting list and is in the wrong area to satisfy the accommodation needs of these families.
20. I am not by any means and do not profess to be an expert in planning and case law but I do have a limited knowledge of these matters and also practical expertise attained having dealt with matters and issues relating to the Gypsy and Traveller community over the last sixteen years.

Barry P. Jordan-Davis

Dated: 24th July 2018

APPENDIX 5



Department for
Communities and
Local Government

Draft guidance to local housing authorities on the periodical review of housing needs

Caravans and Houseboats



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Introduction

The Government is keen to see fairness and transparency in housing with all sections of the community treated equally.

The periodical review of housing needs under section 8 of the Housing Act 1985 is a statutory requirement on local housing authorities. This requires local housing authorities to assess and understand the accommodation needs of people residing or resorting to their district. It includes the duty to consider the needs of people residing in or resorting to a district with respect to sites for caravans and the mooring of houseboats is part of that requirement.

This guidance aims to provide advice on how to consider the needs of such people where they differ from those of the settled community. While we recommend that the basic principles outlined here should be followed, the exact approach will need to be adapted to local circumstances.

An understanding of the need for caravan sites and moorings for houseboats is essential to make properly planned provision and avoid the problems associated with ad-hoc or unauthorised provision. A comprehensive consideration of needs and strategy to meet the need identified will greatly strengthen the ability of local authorities to respond swiftly and firmly to inappropriate unauthorised developments and encampments.

Who should use the guidance?

The guidance is provided for those within local housing authorities who have responsibility for undertaking, arranging or commissioning the accommodation needs assessments.

Assessing the need for caravans and houseboats

When considering the need for caravans and houseboats local authorities will need to include the needs of a variety of residents in differing circumstances, for example:

Caravan and houseboat dwelling households:

- who have no authorised site anywhere on which to reside;
- whose existing site accommodation is overcrowded or unsuitable, but who are unable to obtain larger or more suitable accommodation;
- who contain suppressed households who are unable to set up separate family units and
- who are unable to access a place on an authorised site, or obtain or afford land to develop on.

Bricks and mortar dwelling households:

- Whose existing accommodation is overcrowded or unsuitable ('unsuitable' in this context can include unsuitability by virtue of a person's cultural preference not to live in bricks-and-mortar accommodation).

Are there particular groups who have a need for caravans and houseboats?

This guidance is concerned with all those who have a need to live in a caravan or houseboat whatever their race or origin. It includes, but is not restricted to, bargees, Romany Gypsies, Irish and Scottish Travellers, new-age travellers and travelling show people.

Romany Gypsies and Scottish and Irish Travellers are recognised ethnic groups who have needs relevant to their ethnicity and culture, and all the duties on public bodies under the Equalities Act 2010, Human Rights Act 1998 and relevant case law apply.

How will assessing the needs of particular groups differ from the needs of the rest of the community?

The needs of those residing in caravans and houseboats may differ from the rest of the population because of:

- their nomadic or semi-nomadic pattern of life;
- their preference for caravan and houseboat-dwelling;
- movement between bricks-and-mortar housing and caravans or houseboats;
- their presence on unauthorised encampments or developments.

Mobility between areas may have implications for carrying out an assessment. Local authorities will need to consider:

- co-operating across boundaries both in carrying out assessments and delivering solutions;
- the timing of the accommodation needs assessment;
- different data sources .

Travelling show people also have different accommodation needs. Account should be taken of the need for storage and maintenance of equipment as well as accommodation. The transient nature of many travelling show people should be considered.

Carrying out the Accommodation Needs Assessment

Engagement

We strongly recommend close engagement with the community throughout the whole process. Many members of these communities are hard to reach and have poor levels of literacy.

It is important therefore that the purpose of the work is fully explained to travelling communities before the assessment begins. A community liaison group could be formed for this purpose, with the help of representatives or a steering group, which could also provide advice on other matters, including the conduct of the assessment itself. They could also help interpret and comment on the results emerging from the assessment, the conduct of a specialist survey where undertaken, and generally help encourage greater trust and community buy-in for the overall process.

Existing data sources

The data available for those residing in caravans and houseboats may not be readily available in other data sources for the rest of the community. The following may assist local housing authorities in identifying caravans and houseboats:

- Caravan count data maintained by the Department for Communities and Local Government – eg number of caravans and the types of site on which they are located
- Site management information – e.g. site waiting lists; pitch turnover; length of licenses; transfer applications; mooring licenses.
- Information on private authorised sites and moorings – numbers permitted on each site; type of planning permission; restrictions on occupancy
- Information from recent applications, whether successful or unsuccessful, or enforcement action
- Data from other service providers – e.g. health and education
- Information gathered by traveller groups or representative bodies e.g. the Showmen's Guild, the Traveller Movement, or National Bargee Travellers Association.
- Data from surveys of accommodation needs.

Conducting a specialist survey

A crucial objective of the survey process is to identify and interpret those aspects of caravan and houseboat accommodation need that are less well understood. This can often manifest itself in the case of unauthorised and private authorised sites and bricks-and-mortar housing. Special effort may be needed to ensure that a similar amount of evidence is available as for local authority owned sites for which more information may already be available. This may imply higher percentage sample size coverage.

We therefore recommend that the local housing authority or partnership conduct a specialist survey and / or qualitative research to obtain further more detailed information.

Making use of the Accommodation Needs Assessment

Current need

The data collected through the accommodation needs assessment process should enable the local housing authority or partnership to derive overall figures by which to identify accurately the current levels of households and the accommodation needs for caravans and houseboats existing in their area.

It should be possible to identify:

- the number of households that have or are likely to have a specific need to be addressed, either immediately, or in the foreseeable future;
- a broad indication of where there is a demand for additional pitches or moorings;
- the level and types of accommodation required for this need to be suitably addressed (e.g. socially rented / private site provision, transit sites or stopping places, bricks-and-mortar housing);
- the level of unauthorised development, which, if planning permission is not approved, is likely to swell the scale of need.

Future Need

It should be possible to identify:

- the intentions of those households planning to move, which may free up spare pitch, mooring or bricks-and-mortar capacity;
- the likely rate of household formation and annual population increase;
- travelling patterns of particular groups within the survey area and in and out of surrounding areas.

How to use the outcome of the assessment

Once the accommodation needs assessment has been completed, the local housing authority will need to begin considering how to meet the accommodation needs identified in the assessment. Needs can be met in a variety of ways, through the socially rented or commercially rented sectors (be it for sites or bricks-and-mortar accommodation), or through private ownership of sites or bricks-and-mortar housing, moorings and houseboats. The assessment will provide the data on which decisions about the appropriate mix of provision can be made.

The local housing authority will need to disseminate the results of the accommodation needs assessment to all relevant people and departments within the local authority (including planning colleagues) and partner organisations (such as other social landlords), and begin the process of facilitating or providing the necessary provision. This could for example require the identification of land for sites, or the allocation of tenancies in existing properties. As with the assessment itself, it will be important to involve the right people at a sufficiently high level to drive the agenda forward.

APPENDIX 6



Appeal Decisions

Inquiry Held on 1 May 2018

Site visit made on 1 May 2018

by Paul Dignan MSc PhD

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

Decision date: 13 July 2018

Appeal A: APP/U2235/C/17/3175400

Land at Stockbury Valley, Stockbury, Kent, ME9 7QN.

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Zac Kiddle against an enforcement notice issued by Maidstone Borough Council.
 - The enforcement notice, numbered 16/506144, was issued on 13 April 2017.
 - The breach of planning control as alleged in the notice is: Following the refusal of planning application MA/16/506144/FULL, has continued in the unauthorised change of use of the land to residential use for the stationing of 4 touring caravans and the installation of a cesspit for extended Gypsy/Traveller family which is contrary to national legislation and the local development policies.
 - The requirements of the notice are: (a) Permanently cease all residential use of the site; (b) Permanently remove all mobile homes, touring caravans and containers/buildings in connection with the residential use and any other use, from the land edged red on the attached plan marked A; (c) Permanently remove from the Land all hardstanding/hard surfacing situated beneath, surrounding and accessing the mobile homes and caravans associated with the residential use; (d) Remove the fencing enclosing the plot and that which aligns the access through the site. (f) Permanently remove from the land all resulting materials in association with the steps (b), (c), (d) and (e).
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended. The application for planning permission deemed to have been made under section 177(5) of the Act as amended also falls to be considered.
-

Appeal B: APP/U2235/W/17/3173195

Land at Stockbury Valley, Stockbury, Kent, ME9 7QN.

- 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 Zac Kiddle against the decision of Maidstone Borough Council.
 - The application Ref 16/506144/FULL, dated 1 August 2016, was refused by notice dated 3 March 2017.
 - The development proposed is Continued use of the site for 4 touring caravans and erection of utility room with installation of cesspit for extended Gypsy/ Traveller family.
-

Decisions

Appeal A: APP/U2235/C/17/3175400

1. It is directed that the enforcement notice be corrected: by the deletion of the description of development in section 3 and the insertion in its place of the

following: The material change of use of the Land to a use for the stationing of caravans for residential purposes for an extended gypsy/traveller family, and associated operational development including the installation of a cesspit; and by the substitution of the plan annexed to this decision for the plan attached to the enforcement notice. Subject to these corrections the appeal is allowed and the enforcement notice is quashed. Planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out, namely The material change of use of the Land to a use for the stationing of caravans for residential purposes for an extended gypsy/traveller family, and associated operational development including the installation of a cesspit on the land shown edged black on the plan annexed to this decision, and subject to the conditions in Schedule 1 attached to this decision.

Appeal B: APP/U2235/W/17/3173195

2. The appeal is allowed and planning permission is granted for use of the site for 4 touring caravans and erection of utility room with installation of cesspit for extended Gypsy/ Traveller family at Land at Stockbury Valley, Stockbury, Kent, ME9 7QN in accordance with the terms of the application, Ref 16/506144/FULL, dated 1 August 2016, and subject to the conditions in Schedule 2 attached to this decision..

Background and preliminary matters

3. The appeals concern a parcel of land on the southern side of the A249. It is in the open countryside and within the North Kent Downs Area of Outstanding Natural Beauty (AONB) and the North Downs Special Landscape Area. The land the subject of the enforcement notice extends from the roadside to encompass a former chalk quarry that was used for a number of years for tipping non-toxic and inert waste materials before being restored as a completed landfill. Although there has evidently been some works on the restored quarry part of the site, the residential development is confined to the land between the restored quarry and the A249, and that is also the extent of the planning application site. The land used for residential purposes appears to have been used over the years for various purposes directly or indirectly related to the landfill, but not for waste disposal itself. Although all of the land the subject of the notice is in the appellant's ownership, the residential land is readily distinguishable from the completed landfill site, and aside from the access to the completed landfill passing through the residential part, there is physical and functional separation. In short they are separate planning units. In view of this it is appropriate to amend the enforcement notice so that the land affected is confined to the residential land alongside the A249, as identified in the planning application. Since the enforcement notice must stand on its own it is also necessary to amend the allegation to remove reference to extraneous material and for clarity, as follows: "The material change of use of the Land to a use for the stationing of caravans for residential purposes for an extended gypsy/traveller family, and associated operational development including the installation of a cesspit." I am satisfied that these amendments can be made without prejudice to the parties. I was also asked by the Council to amend the reasons and requirements, but that is not necessary.
4. Kent County Council objected to the development due to concern about the integrity of the completed landfill. However, it confirmed at the Inquiry that it no longer objected on the basis that the enforcement notice plan as amended excluded the completed landfill. There is also dispute between the appellant and a

neighbouring landowner about access rights over part of the land, but that is a private matter.

Appeal A: APP/U2235/C/17/3175400

Ground (b)

5. An appeal on this ground is that the matters alleged in the notice have not occurred. The basis of the appeal in this case is that the wording of the notice is incorrect. As set out above, I shall make amendments to the notice, including reducing the extent of the land affected. As amended, there is no argument that the matters alleged have not occurred, hence the appeal on this ground must fail.

Ground (c)

6. This ground is that the matters comprised in the description of the alleged breach of planning control, if they occurred, do not constitute a breach of planning control. This argument is made in respect of the hardstanding and the gates at the highway access.
7. Almost the entirety of the appeal site as amended is now laid to tarmac, and I understand that at the time the notice was issued the surface was mainly road planings. The appellant claims that the site was entirely hardsurfaced when he purchased it, and that all he has done is carry out repair or maintenance of the existing surface, which would not be a breach of planning control.
8. The history of the use of the site as a reception area for the tip, as a skip depot and a waste transfer station, not all of which was authorised, suggests that there would have been a trafficable surface over at least parts of the site in the past, and a neighbour, Mr Breeds, recalls the entirety of the site being covered in hardcore before the appellant purchased it. However, there is also photographic evidence provided by the Council that indicates that hardcore was brought onto the site and spread, and that levelling took place. Further, an aerial photograph taken in the early stages of development, submitted during consideration of the planning application, shows much of the site covered by trees and/or scrub. It seems to me more likely than not that whatever hard-surfacing was on the site prior to the commencement of the appeal development had been subsumed into the landscape, such that the works subsequently carried out and resulting in what is now an expanse of tarmac, went well beyond works of repair and maintenance. On the balance of probability I consider that the establishment of the existing hard surface is operational development that requires planning permission, in the absence of which it is a breach of planning control.
9. Turning to the gates, there is evidence that there were corrugated steel gates present at the access prior to what is there now, but there is no dispute that the corrugated steel gates were replaced. That is operational development that required planning permission.
10. For these reasons the appeal on ground (c) must fail.

Ground (d)

11. This ground is that it is too late to take enforcement action, and again it relates to the hardsurfacing and gates. I have concluded under ground (c) that the establishment of the existing hardstanding and the erection of the existing gates were operational development requiring planning permission. Since neither took

place more than 4 years before the notice was issued they do not benefit from immunity from enforcement by reference to sections 171B(1) and 191(2)(a) of the 1990 Act. The appeal on this ground fails accordingly.

12. It was suggested at the Inquiry that the site may have acquired some industrial or waste related lawful use because of its past history, and that this is a matter that I should consider under this ground. That does not fall within the ambit of ground (d) in an appeal such as this, which is solely concerned with whether the development enforced against has acquired immunity from enforcement through the passage of time. If the appellant wanted to establish the last lawful use to support the appeals under grounds (a) and (f) then he could have sought a certificate of lawful use or development.

Ground (a) and the deemed planning application

13. An appeal on ground (a) is essentially that planning permission should be granted for the matters stated in the notice. The appeal is accompanied by a deemed planning application. In essence, the deemed planning application is for the change of use of the land to use as a 4 pitch gypsy/traveller site, with associated operational development, and not for the 4 touring caravan site with utility building the subject of the planning application and Appeal B. The site is currently laid out as 4 defined pitches, delineated by internal fencing. There are some grassed areas being prepared or set aside, a wooden utility room on the southernmost pitch and an open-fronted shed with utilities on the pitch in the north-west corner. Having regard to the reasons given for issuing the notice, which mirror those given for refusing planning permission for the 4 touring caravan site, I consider that the main issues are:

- the effect of the development on the character and appearance of the area;
- whether the site can be considered as acceptable in policy terms, having regard to access to services and facilities, and the location of the site in the countryside;
- the weight that should be attached to the unauthorised nature of the development; and
- whether there are any material considerations to outweigh any conflict with the development plan or other harm identified.

Planning Policy

14. The development plan includes the recently adopted Maidstone Borough Local Plan 2017 (LP). LP Policies SP17 and DM30 apply to development in the countryside. Policy SP17 provides that development proposals in the countryside will not be permitted unless they accord with other policies in the plan and do not result in harm to the character and appearance of the area. It emphasises that great weight should be given to the conservation and enhancement of the Kent Downs AONB. Policy DM30 is a permissive policy that supports high quality design. It expects development to maintain or enhance local distinctiveness and to appropriately mitigate impacts on the appearance and character of the landscape. LP Policy DM15 is a criteria based policy for assessing applications for new gypsy and traveller and travelling showpeople sites. The relevant criteria require that local services be accessible and that the development would not result in significant harm to the landscape and rural character of the area. There is no dispute that the appellant and prospective occupiers meet the definition of

traveller for planning purposes, and that was clear from the evidence put before me.

15. Planning Policy for Traveller Sites (PPTS) and the National Planning Policy Framework (NPPF) are material considerations. PPTS aims to ensure fair and equal treatment for travellers in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. Amongst other things, it expects local planning authorities to increase the number of traveller sites in appropriate locations to address under provision and maintain an appropriate level of supply. The NPPF advises that great weight should be given to conserving landscape and scenic beauty in AONBs.

Character and appearance

16. The appeal site is alongside a dual-carriageway section of the A249. The road at this point is in a cutting with woodland slopes opposite and to the west and south of the site itself. The site is elevated above a paddock to the east and slopes gently upward from the highway. There is a residential property about 180m further east, then another block of woodland before a strip of residential and commercial development on the southern side of the highway. There is no footway along the A249 on this stretch, and it is unlikely to be used by pedestrians. There is apparently a public bridleway passing along the southern side of the adjoining paddock and into the woodland south of the completed landfill, but the line is obstructed in a number of places and does not appear to be in use. In reality the predominant public views of the site are from a short section of the A249 approaching from the east. Vehicles will just have passed the clusters of residential and commercial development on the same side of the A249, so that the presence of the appeal development would not be discordant or harmful to the rural character of the area. The gate piers have a somewhat urban character, but these would only be glimpsed in passing and their impact on rural character would be minimal.
17. A certain amount of landscaping has already taken place, green painted hit and miss fencing on the boundaries and some native tree planting, and there is a good screen of trees on the wide highway verge along the site frontage. There is considerable scope for further planting along the eastern boundary which would significantly filter views of the site, but the visual impact of the site as it stands is quite moderate, well contained and not harmful to the character and appearance of the area.
18. In landscape terms the Council's Landscape Character Assessment identifies the site as lying within the Hucking Dry Valleys character type, a gently undulating dry valley landscape with large woodland tracts, grassland pasture and paddocks, forming part of the Kent Downs AONB. In the vicinity of the site however, due mainly to the dominant presence of the A249, but also to the significant landform disruption of the former quarry/landfill and to the reasonable contained nature of the site, I consider that the development has little landscape impact. It is not displacing any other use, and there is evidence that the site was unattractive, with abandoned plant, rudimentary sheet metal fencing and significant fly-tipping, for some years prior to its acquisition by the appellant. There is ample space on the site for 4 pitches, and it does not appear over-developed or particularly urban in character. It does not in my view harm the landscape or scenic beauty of the AONB.

Is the location acceptable in policy terms

19. The wording of LP Policy DM15 makes it clear that new traveller sites in the Borough can be located in the countryside, and indeed the impression I got is that new traveller sites in the Borough are more likely than not to be in the countryside. There is no policy requirement to demonstrate an unmet need for sites. It is not disputed that the site is reasonably well located in terms of access to local services, and the development does not cause significant harm to the landscape and rural character of the area. The ecological impact of the development has not been assessed, but in view of the historical use of the site and the evidence of degradation of the land by fly-tipping and abandoned plant and equipment, and the potential for further native tree planting around the site, I consider that this is a matter that should not be treated as creating conflict with Policy DM15. The development meets all other Policy DM15 criteria, and does not result in harm to the character and appearance of the area, or to local distinctiveness, and there is scope to enhance the area by appropriate landscaping on and around the site. Policies SP17 and DM30 are therefore met in my view.

Intentional unauthorised development

20. It is now government planning policy that intentional unauthorised development is a material consideration that should be weighed in the determination of planning applications and appeals. The written ministerial statement announcing this policy stated that it applied to all new planning applications and appeals received since 31 August 2015. The change of use of the land was clearly done in the knowledge that planning permission was required. It was intentional unauthorised development to which I attach some weight against the grant of planning permission.

Overall balance

21. I have found no conflict with the development plan, read as a whole. The unauthorised nature of the development is a material consideration that weighs against it, but it is not sufficient in my view to displace the presumption in favour of sustainable development, which for decision taking means approving development proposals that accord with the development plan.
22. A good deal of evidence at the Inquiry was directed at other material considerations, including the current position in respect of the need for and supply of gypsy and traveller pitches, personal circumstances, Human Rights and equality considerations. In view of my conclusion that the development accords with the development plan, these are not matters that I need to address.
23. In view of the relevant planning policy considerations, and the nature of the development, I shall impose a condition restricting occupation of the site to travellers. In the interests of the character and appearance of the site and surrounding area, and to safeguard residential and visual amenity, I shall impose a condition requiring the submission of a Site Development Scheme which will enable outstanding details to be confirmed and ensure that the site layout and associated works respect the environment and local character. The Site Development Scheme will cover the internal layout of the site, including the position of the caravans and the extent of hardstanding, parking and amenity areas, ensure the appropriate positioning of entrance gates to enable vehicles entering the site to leave the highway safely, external lighting, surface water and foul sewage disposal, landscaping and boundary treatment. For the same reasons

I shall limit the number of caravans using the site, preclude commercial activities and limit vehicle size.

24. Since the grant of planning permission requires the quashing of the notice, there is no need to consider the appeals on grounds (f) and (g).

Appeal B: APP/U2235/W/17/3173195

25. This appeal is against the decision of the Council to refuse planning permission for development of the same site as that considered above, but with fewer caravans, all touring. The illustrative layout submitted with the application showed a 2m high bund on the eastern and highway frontages, but this was an element of site landscaping that is no longer sought. In view of my conclusions above it is clear that this would also accord with the development plan and it follows that that planning permission should be granted. However, it can be problematic in planning terms to have two planning permissions for similar development on the same site. The application is for prospective development that is materially different from what is now on site, and is unlikely to be implemented in the circumstances, but for consistency and clarity I shall grant planning permission subject to conditions covering the same matters as in Appeal A but worded differently where appropriate, and an implementation period of 1 year so that it will be clear relatively promptly which permission governs the development on the site. In my formal decision I shall grant planning permission for the specific use applied for and not for the "Continued" use, which is an imprecise term for the purposes of any future interpretation of the planning permission.

Paul Dignan

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Alan Masters	Of Counsel
He called	
John Breeds	Neighbour
Joseph Jones	Appellant, site occupier
Zac Kiddle Jnr	Site occupier
Zac Kiddle Snr	appellant
Robert Petrow	Landscape Architect, Petrow Harley Ltd
Brian Woods	Planning consultant, WS Planning
Paul Lewis	Neighbour

FOR MAIDSTONE BOROUGH COUNCIL:

Nicholas Ostrowski	Of Counsel
He called	
Robert McQuillan	Planning consultant, Robinson Escott Planning LLP
Rebecca Prideaux	Site visit

INTERESTED PERSONS:

Jane Scott	Hobbs Parker LLP, representing neighbouring land owner
Robin Gregory	Kent County Council

DOCUMENTS

- 1 Letter of notification
- 2 Aerial photograph dated 17 April 2018, submitted by Jane Scott
- 3 Appeal decision letters – APP/H1840/A/12/2170076, APP/H2265/C/12/2179640, APP/H2265/A/12/2182789, and APP/U2235/W/17/3168396
- 4 Gypsy and Traveller and Travelling Showpeople Accommodation Assessment: Maidstone, dated January 2012
- 6 Maidstone Borough Local Plan Policy GT1 and detailed site allocation policies
- 7 Appeal decision letters – APP/U2235/A/10/2129095 and APP/U2235/A/10/2198352
- 8 Caravan Count July 2017: Last 6 Counts
- 9 Appeal decision letter APP/U2235/W/17/3183893
- 10 Council's suggested amendment to Enforcement Notice
- 11 Aerial photograph dated 1 September 2016 submitted by Jane Scott and with objection at application stage.
- 12 Council's 5-year pitch supply calculation
- 13 Council's suggested conditions
- 14 Council's closing submissions
- 15 Appellant's closing submissions

SCHEDULE 1

Conditions - Appeal A: APP/U2235/C/17/3175400

1. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (or its equivalent in replacement national policy).
2. No more than 8 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 4 shall be a static caravan) shall be stationed on the site at any time.
3. The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
 - i) within 3 months of the date of this decision a scheme, hereafter referred to as the Site Development Scheme, including details of: proposed and existing external lighting on the boundary of and within the site; the internal layout of the site, including the siting of caravans; areas for vehicular access and turning and manoeuvring; the means of foul and surface water drainage of the site; areas of hardstanding; fencing and other means of enclosure; hard and soft landscaping including details of species, plant sizes and proposed numbers and densities and measures for their protection and retention; and the provision of a site access that enables all vehicles using the site to enter the site without stopping on the public highway, shall have been submitted for the written approval of the local planning authority and the said scheme shall include a timetable for its implementation.
 - ii) within 6 months of the date of this decision the Site Development Scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Site Development Scheme shall have been approved by the Secretary of State.
 - iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable, and works comprised in the scheme shall be thereafter retained for the duration of the development.
4. No commercial activities shall take place on the land, including the storage of materials.
5. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

SCHEDULE 2

Conditions – Appeal B: APP/U2235/W/17/3173195

- 1) The development hereby permitted shall begin not later than 1 year 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: Glossary of Planning Policy for Traveller Sites (or its equivalent in replacement national policy).
- 3) No more than 4 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, none of which shall be a static caravan, shall be stationed on the site at any time.
- 4) No development shall take place until details of the siting and materials of the proposed utility block shown in application drawing No. J002506/PL-01 shall have been submitted to and approved in writing by the local planning authority. These details shall include an implementation programme. The development shall be carried out in accordance with the submitted application plan and the approved details.
- 5) No development shall take place until details of the proposed access shall have been submitted to and approved in writing by the local planning authority. These details shall include an implementation programme. The development shall be carried out in accordance with the approved details.
- 6) No development shall take place until details of site layout and landscaping shall have been submitted to and approved in writing by the local planning authority. The details shall include indications of boundary treatments, all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development, and details of new planting .These details shall include an implementation programme. The development shall be carried out in accordance with the approved details.
- 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 8) No development shall take place until details of the means of foul and surface water drainage shall have been submitted to and approved in writing by the local planning authority. These details shall include an implementation programme. The development shall be carried out in accordance with the approved details.
- 9) Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the use hereby permitted takes place. Development shall be carried out in accordance with the approved details.
- 10) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.
- 11) No commercial activities shall take place on the land, including the storage of materials.



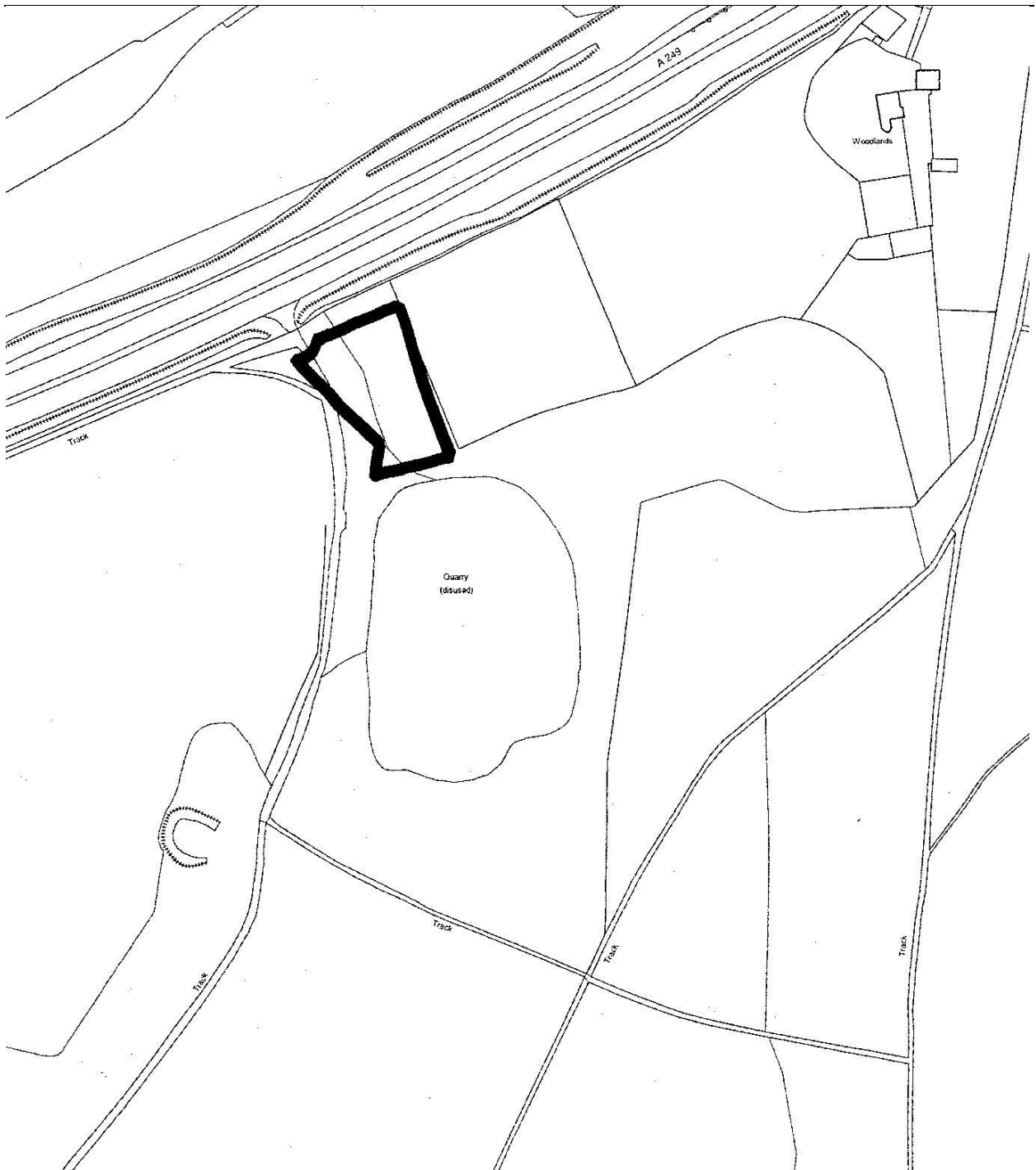
Plan

This is the plan referred to in my decision dated: 13 July 2018

by **Paul Dignan MSc PhD**

Land at Stockbury Valley, Stockbury, Kent, ME9 7QN

Reference: APP/U2235/C/17/3175400



APPENDIX 7

Appeal Decision

Inquiry held on 9, 10 & 11 June 2015

Site visit made on 11 June 2015

by Lesley Coffey BA(Hons) BTP MRTPI

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

Decision date: 30 July 2015

Appeal Ref: APP/L1765/A/14/2224363

Land adjacent to Chairmakers Arms, Forest Road, Hambledon, Waterlooville PO7 4QX

- 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 Messrs Clark, Doran, Davis, Hitchens, Doran, Connors, Hilden & James against the decision of Winchester City Council.
 - The application Ref 14/00180/FUL, dated 6 August 2013, was refused by notice dated 17 June 2014.
 - The development proposed is the use of land to provide 8 plots for gypsy/traveller families for a total of 8 mobile homes, 8 touring caravans and 8 day rooms.
-

Decision

1. The appeal is dismissed.

Application for costs

2. At the Inquiry an application for costs was made by the appellants against Winchester City Council. This application is the subject of a separate Decision.

Procedural Matters

3. The second reason for refusal concerned the adequacy of the visibility splays at the junction of the access to the site with Forest Road. Following the refusal of the application, the appellants submitted evidence in relation to traffic speeds and the volume of traffic using this part of Forest Road. On the basis of the submitted evidence the Highway Authority agreed that, subject to the provision of the visibility splays shown on plan no: TSP/CMA/P2675/01, the proposal would not have an adverse effect on highway safety. Consequently the Council considers that the second reason for refusal has been overcome, and on the basis of the available evidence I have no reason to take a different view.
4. The application as originally submitted proposed the use of cess pits and soakaways. Shortly before the inquiry the appellants submitted a Drainage Strategy Report to the Council. This provided a more detailed assessment of the drainage issues affecting the site and proposed a sustainable drainage system based on ditches, swales, rainwater harvesting and the provision of a balancing pond. It also proposed the use of gravel in place of the concrete

hardstandings previously proposed. In terms of foul water it is proposed that each plot would be provided with a sewage treatment plant and that treated water would be discharged into a ditch where it would be filtered and discharged into the attenuation pond. On the basis of this information, the Council is satisfied that subject to the submission of a detailed scheme the reason for refusal in relation to foul and surface water drainage could be overcome.

5. The ecology report was submitted after the application was determined and was based on a walkover survey of the site and an external inspection of the structures on the site. It found no evidence of protected species. However the County Ecologist considered that there was insufficient evidence to establish whether there were any reptiles present on the site. A reptile survey was submitted by the appellants a few days prior to the inquiry. This had not been completed, in that only four visits had been undertaken at the time of the inquiry. The Council nevertheless considers on the basis of the available survey information that the proposal would be unlikely to have a significant adverse effect on ecology subject to a condition requiring on-going site management and sensitive site clearance. I have no reason to reach a different conclusion.
6. The appellants' proof of evidence includes plans showing alternative layouts for the site based on either six or four mobile homes. At the inquiry it was confirmed that these did not constitute an amendment to the proposal, but were intended to accommodate any necessary ecological requirements. In addition, the appellants request that should eight pitches be considered unacceptable for any reason consideration should be given to a lesser number of pitches, based on the alternative layouts submitted.

Main Issues

7. I consider the main issues to be:
 - The effect of the proposal on the character of the surrounding countryside;
 - Whether the proposal would be well related to services, provide adequate play space for children and facilitate the integration of future occupiers into the local community ; and
 - Whether any harm would be outweighed by other material considerations including the general need for and supply of gypsy sites, the accommodation needs and personal circumstances of the appellants, to justify the grant of a permanent planning permission.

Reasons

8. The appellants confirmed that they were Irish Travellers and all travelled for work. Very limited evidence as to the background of the appellants was submitted to the inquiry, but the Council accepts that each of the appellants benefits from traveller status and meets the definition of a traveller within Annex 1 Planning Policy for Traveller Sites (PPTS). I have no reason to reach a different view on the basis of the available information.
9. The appeal relies upon on the general need for pitches within the local planning authority area rather than the personal needs of the appellants.

10. The development plan for the area includes the Winchester District Local Plan Review 2006, the Winchester District Joint Core Strategy 2013 (adopted March 2013) and the Denmead Neighbourhood Plan (adopted April 2015).

Character

11. The appeal site lies close to Worlds End, a small settlement with a population of about 100, characterised by a scattered pattern of development. The site is one of eleven parcels of land that were previously in agricultural use prior to being divided into paddocks. There is a shared access onto Forest Road and a narrow track provides access to the individual paddocks.
12. The Water Meadows on the opposite side of Forest Road are listed in the Hampshire Treasures Record, a list of features of public interest by reason of their aesthetic, historical or scenic beauty and are valued by local residents.
13. The site lies within the open countryside as defined by policy MTRA4 of the Winchester District Part 1 Joint Core Strategy (JCS). Policy MTRA4 forms part of the Council's hierarchical approach to the location of development. It provides that very small communities which are no more than a collection of houses or isolated dwellings are considered to be in the open countryside. In such areas development is restricted to that which has an operational need to be in the countryside, the re-use of existing rural buildings, the expansion or redevelopment of existing buildings for specified purposes and small scale sites for tourist accommodation. Although the proposal would be contrary to it Policy MTRA4 is to some extent inconsistent with JCS policy CP5 and Planning Policy for Traveller Sites (PPTS) in that neither of these precludes the provision of gypsy and traveller within the countryside, although PPTS paragraph 23 states that new traveller sites within the open countryside should be strictly limited. Accordingly the weight to be attributed to Policy MTRA4 is reduced in the context of this appeal in so far as it seeks to limit development within the open countryside.
14. Policy CP20 of the JCS aims to protect the distinctive landscape character of the area including its tranquillity, sense of place and setting. Policy CP5 requires proposals for gypsy and traveller sites to respect local character. The *District Wide Landscape Character Assessment* was adopted by the Council as supplementary planning guidance. This identifies the site as coming within a mixed farmland and woodland landscape type which is valued for its tranquillity.
15. The weight to be afforded to emerging policy DM23 is limited in that the Local Plan Part 2 has not yet been subject to examination. Nevertheless, the general aim of policy DM23, namely to safeguard the rural character of the area including its tranquillity, is consistent with paragraph 123 of the National Planning Policy Framework (NPPF) and I accord it moderate weight. The aims of policy DM23 are also consistent with the views expressed in a recent letter from the Minister for State and Housing¹. This confirms that plans and decisions should take into account the different roles and character of different areas and recognise the intrinsic character and beauty of the countryside to ensure that development is suitable for the local context.

¹ 27 March 2015

16. The appellants submit that since the site is well screened by trees and that the proposed caravans and mobile homes would not be unduly intrusive in public views it does not come within the open countryside. Whilst I accept that the site lies within an enclosed landscape and the visual harm would be limited, it nevertheless does fall within the open countryside as defined by policy MTRA4.
17. The Chairmakers Arms situated about 70 metres to the north of the site is a sizeable public house. It attracts customers from the wider area and the activity associated with it could to some extent diminish the tranquillity of the area. Notwithstanding this, the surrounding area retains a peaceful and rural character. I acknowledge that due to the separation between the appeal site and the surrounding properties the proposal would not give rise to any significant harm to the living conditions of surrounding residents, however, it would fundamentally alter the character of the surrounding paddocks and land. I consider that the appeal proposal would significantly detract from the tranquillity of the locality by reason of noise, general activity, including numerous vehicle movements and lighting associated with a site of the size proposed. I therefore conclude that the proposal would harm the rural character of the area and would fail to comply with policies CP5 and CP20 of the JCS as well as policy DM23 of the emerging Local Plan Part 2.

Services, play space and social integration

18. JCS Policy CP5 states that planning permission will be granted for gypsy and traveller sites subject to compliance with the specified criteria. These include that sites should be well related to existing communities to encourage social inclusion and sustainable patterns of living. In addition, sites should not be disproportionate in size to nearby communities; be accessible to local services such as schools, health and community services; be capable of accommodating the proposed use to an acceptable standard and provide facilities appropriate to the type and size of site, including the provision of play space for children.
19. The Denmead Neighbourhood Plan does not include any specific policies in relation to gypsy and traveller sites. It addresses the provision of sites as a non-statutory proposal. It is supportive of additional sites within the Parish but considers that they should be located close to the existing settled traveller community.
20. The appeal site is situated within the hamlet of Worlds End. It is remote from the surrounding dwellings. There is no public open space or community hall within Worlds End and the only facility is the Chairmakers Arms Public House which is separated from the site by the intervening fields and paddocks.
21. The nearest infants school is at Newtown, about 2.25km from the site and would provide facilities for children up to the age of about 7. The closest junior school, shops and other facilities are within Denmead about 4.14km away. The nearest recreation ground is about 3.5km away.
22. The appellants suggest that the children would be able to walk to the infants school at Newtown school using the footpath across the fields. However, the public footpath is situated at a junction and close to a bend in the road. There are no footways in the vicinity of the appeal site. The grass verge on the southern side of Forest Road where the appeal site is located is dissected by several gullies and it is necessary to step onto the roadway at numerous points along the short route between the Chairmakers Arms and Meadowsweet

Cottage to the south of the appeal site. Even during the daytime when weather conditions are good, the road is hazardous for pedestrians due to the frequency and speed of vehicles using it as well as the limited visibility due to the bends. In my view it would be extremely unsafe to walk along Forest Road with young children even for a short distance. Moreover, older children would need to travel to Denmead and would be reliant on either the use of a car or school transport.

23. The site is not accessible by public transport. The nearest bus route is within Denmead and provides a service to Waterlooville and Portsmouth. It does not operate during the evenings or on Sundays. On behalf of the appellants it was suggested that it would be possible for residents of the site to drive into Denmead and perhaps use the bus for onward journeys. Whilst this may avoid the need to make lengthy journeys with older children and teenagers, for most journeys it is likely that residents of the site would be reliant upon the use of a car.
24. Policy CP5 requires the provision of play space within gypsy and traveller sites. The need for suitable play space is supported by '*Designing Gypsy and Traveller Sites Good Practice Guide*'. Where in the case of larger sites suitable play provision is not available within walking distance on a safe route, or using easily accessible public transport, it recommends that the inclusion of a communal recreation area for children of all ages is considered.
25. Although this guidance is primarily intended for public sites it was developed in consultation with members and representatives of the gypsy and traveller communities. Amongst other matters, it aims to ensure that sites are sustainable, safe and easy to manage and maintain, and provide a decent standard of accommodation, equitable to that which would be expected for social housing in the settled community. It also requires adequate access for emergency vehicles. Whilst there are similarities with small private sites, these are usually designed to meet the individual and personal preferences of the owner and therefore it is not appropriate to use the guidance in isolation to decide whether a private application for site development should be permitted. Nevertheless, the aims of the guidance are consistent with paragraphs 57 and 58 of the NPPF. These state that it is important to plan positively for the achievement of high quality and inclusive design for all development. In addition development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
26. The appellants suggest that there would be sufficient space within each pitch to accommodate a play area for children. The pitches would be broadly rectangular in shape and would measure about 19 metres wide by 26 metres deep. Each would accommodate a mobile home or static caravan, a day room, a touring caravan, and car parking. The remaining area could be used for clothes drying, refuse storage and amenity space. Whilst there may be sufficient space within the pitches to meet the needs of individual families there would be no communal space available for children to play. The proposal is for 8 pitches and the appellants' families include about 18 children. There are no play facilities within walking distance of the appeal site and therefore children would be reliant on trips by car to reach play facilities. Whilst I am conscious of the need to avoid inflexible standards, gypsy and traveller sites typically have a high density of children resident on site, and having regard to the lack of any play facilities nearby, I consider the provision of play space in

accordance with policy CP5 to be necessary in order to provide an acceptable standard of amenity and to deliver the high quality inclusive design sought by the NPPF.

27. Policy CP5 also seeks to encourage social inclusion. Whilst the Chairmakers Arms may provide some opportunity for adults to integrate with the local community, it would not be suitable for the children and there are no other facilities within the settlement. Due to the extremely poor pedestrian conditions in the vicinity of the appeal site I do not consider that walking or cycling to school or Denmead would be a viable alternative. I therefore consider that those living at the appeal site would be heavily reliant on the use of their cars to access day to day services and facilities either at Denmead or Waterlooville and this would limit the opportunity for social integration with the settled population of Worlds End, and therefore the proposal would not comply with policy CP5.

Other Material Considerations

Need for and supply of sites

28. Amongst other matters policy CP5 undertakes to quantify the accommodation requirements for gypsies, travellers and travelling show people within the District. The Travellers Accommodation Assessment for Hampshire 2013 (TAA) indicates that a further 12 pitches are required within Winchester by 2017 and a further 7 for the period up to 2022. It is intended that accommodation needs will be quantified and sites allocated within the emerging Local Plan Part 2. The Council advise that it has appointed a consultant to assess potential sites. At the inquiry the Council advised that it is unlikely that the Local Plan Part 2 will be adopted until late 2016/early 2017. On this basis there are unlikely to be any available sites for some considerable time and during this period proposals will fall to be assessed against the criteria within policy CP5.
29. The appellants consider that due to the low response rate the actual requirement could be significantly higher than suggested by the TAA. This was acknowledged by the inspector in the Fishers Pond appeal². The Council accepted that the response rate was somewhat low and explained that extrapolation and professional judgement were used to provide a realistic assessment of the overall pitch requirement. Whilst it may be that the pitch requirement is higher than suggested by the TAA, the Council concede that since there is no target for pitch provision within the development plan it is unable to demonstrate a five year supply of gypsy and traveller sites as required by PPTS. The Council also accepts that at the present time there are no alternative sites within the area.
30. The lack of available and suitable alternative sites, together with the extent of the need for sites is a factor weighing in favour of the proposal. Indeed, given the absence of any reliable timetable to deliver additional pitches it is a matter of significant weight.

Personal Circumstances

31. Although the appeal is predicated upon the general need for sites the appellants request that should the proposal be unacceptable for any reason their personal circumstances are taken into account. Only limited evidence in relation to the personal circumstances of the appellants was submitted to the

² APP/L1765/A/2226051

inquiry. The intended occupants are Irish travellers and comprise Charmaine Clark; Margaret Doran and her dependant son; Andrew and Minnie Davis and their three dependant children (their twin daughter are now married); Ian Hutchins, his partner Shelley Ayrrer and their four dependant children; Patrick Tom Doran, his partner Birdie Connors and their dependant daughter; Billy and Nancy Connors and their two dependant children; Joe Hilden, his partner Mary Hughes and their four dependant children; and Randolph and Lisa James and their three dependant children. According to Mr Woods none of the children have been in education for any significant length of time, and there are no particular health issues, other than for one of the children who suffers from ADHD. At the inquiry it was explained that the group rely upon each other for support and therefore seek a site where all 8 families are able to live together. A stable base would enable the residents of the site to access medical care and education. Mr Woods advised that he did not wish to explain where the group currently resided, and therefore it is unclear whether any, or all, of the appellants have a permanent base at present.

32. The appellants' need for a stable base from which to access education and health services is a matter of considerable weight. If the appeal is dismissed it may be that the families would need to camp by the roadside, but this is uncertain from the limited information available. Therefore on the basis of the limited evidence submitted to the inquiry I am unable to give the personal circumstances of the appellants' significant weight.

Flooding

33. Local residents are concerned that the proposal could exacerbate existing flooding issues in the immediate area. Whilst I am sensitive to these concerns the submitted drainage strategy indicates that a suitable drainage scheme for the site could be designed that would not increase flood risk elsewhere.

Sustainability

34. PPTS and the NPPF require applications for planning permission, including planning applications for traveller sites, to be assessed and determined in accordance with the presumption in favour of sustainable development. Sustainability is not just about distance from services, but includes an economic, social and environmental role. PPTS sets out at paragraph 11 the matters that local planning authorities should include to ensure that development plan policies in relation to traveller sites support sustainable development. The JCS was adopted following the publication of the NPPF and PPTS and although the appellants suggest that I should accord little, if any, weight to policy CP5 for reasons discussed below, no evidence was submitted to suggest that the criteria within policy CP5 are in any way inconsistent with PPTS or the NPPF.
35. The economic role includes the provision of sufficient land of the right type in the right place to support growth and innovation. It was explained that the men on the site travel for work. There would be some potential for the occupants of the site to contribute towards the economic role through their use of shops and services within Denmead.
36. The social role includes the provision of a high quality environment with accessible local services. The appeal site would provide a settled base from which the residents could access health and educational services. Whilst the proposed use may not give rise to conflict with the existing population, the site

is remote from Denmead and other properties within World's End, and for the reasons given above, the location of the site would not facilitate social integration. It was suggested that the site would fulfil the social role in that the appellants would provide support to each other. However, the weight to be attributed to this consideration is limited given that the purpose of the proposal is to meet the general need for sites. The proposal would fail to provide a high quality environment due to the failure to provide suitable communal play space within the site. There is also insufficient information to indicate that the proposal would provide adequate access for emergency vehicles. Whilst the benefits of access to health and education for the occupants of appeal site would contribute to social sustainability, when balanced against the lack of facilities and services and opportunities for social integration, including the absence of play space within the site, the proposal would not be socially sustainable.

37. The occupants of the site would be reliant on the use of a car for most of their trips. It was stated at the inquiry that the appellants are well known to each other and would be likely to make use of car sharing. However, this consideration is dependent upon the appellants' occupation of the site and not its role in meeting the general need for accommodation. Whilst the NPPF recognises that different policies and measures will be required in different communities and that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. It nevertheless advises that local planning authorities should support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport. In the light of the number of pitches proposed, the location of the site relative to services and facilities, the poor pedestrian environment and the relatively high levels of vehicle ownership amongst some groups of gypsies and travellers for towing caravans and employment purposes the proposal would not be in an accessible location in terms of sustainable modes of transport. There would also be harm to the character of the area as identified above.
38. There would be some environmental benefit in that the proposal would be likely to reduce the number of unauthorised sites and roadside encampments. The appellant submits that the proposal involves the redevelopment of brownfield land and would therefore be consistent with paragraph 24 of PPTS. Whilst there is some hardstanding, dilapidated stables and other structures at the western end these occupy only a small area of the overall site. Other than this small area where the structures have been colonised by vegetation, the land predominantly comprises grazing land and therefore the appeal site does not constitute previously developed land. Therefore the proposal would not fulfil the environmental role of sustainable development.
39. Overall, when looked at as a whole, I consider that the proposal would not be sustainable development. The fact that the proposal is for 8 pitches, which would represent about two-thirds of the identified need for gypsy and traveller sites for the period up to 2017 reinforces the need for the development to be sustainable.
40. The appellants draw attention to the recently adopted Denmead Neighbourhood Plan. This outlines the circumstances in which proposals for additional gypsy and traveller sites within the Parish will be supported. It states that during the preparation of the Neighbourhood Plan residents felt amongst that assimilation outweighed the benefits of limited sustainability. However, this is not a Neighbourhood Plan policy, but an indication that the local community is

supportive of additional gypsy and traveller sites and it would seem that the comment relates more to accessibility rather the broader view of sustainability within the JCS, NPPF and PPTS.

41. The appellants referred to other appeal decisions where it was found that sites a similar distance from services and facilities to that between the appeal site and Denmead were sustainable. In the Wedmore³ decision the inspector found that the proposal did not conflict with the relevant development plan policy. Moreover the settlement of Wedmore was accessible by a limited bus service. In the Porthtowan decision⁴ there was no extant development plan policy. The inspector considered that here would be some harm arising from the location of the site in relation to services and facilities but considered in the round the proposal was sufficiently sustainable form of development for it to be acceptable. It was also within walking distance of a shop/post office and public house as well as a limited bus service to Truro, Redruth and St Agnes.
42. Whilst these decisions confirm that gypsy and traveller sites within the open countryside were not unacceptable in principle, the proposals were assessed in not only in terms of distance from services and facilities, but also whether such service and facilities were accessible by means other than private cars. In addition, both proposals were for markedly smaller schemes by comparison with this appeal and as such would generate a much lower number of overall trips. However, as explained above, sustainability is not just about distance from services, but includes an economic, social and environmental role. Therefore these decisions do not alter my view that the proposal would not be sustainable development.

Overall Balance

43. The site is not well located in relation to services and would fail to provide an acceptable standard of amenity for future occupants. Due to the poor pedestrian environment it would be unsuited to walking or cycling and would limit the opportunity for social integration. The proposal would also harm the character of the countryside
44. The Council is unable to demonstrate a five year supply of gypsy and traveller sites and the current shortage of allocated sites is likely to continue for some time. This matter together with the lack of alternative sites adds significant weight in favour of the proposal. The provision of a settled base from which future occupants of site could access education and health services adds further weight in favour of the proposal.
45. The appellants rely upon the Wenman judgment (*Wenman v SSCLG & Waverley BC [2015]*) which found that where there was no five year supply of gypsy and traveller sites paragraph 49 of the NPPF is engaged. This states that where a local planning authority cannot demonstrate a five year supply of deliverable housing the relevant policies for the supply of housing should not be considered up-to-date. Paragraph 14 states that where the relevant planning policies are out-of-date, unless material considerations indicate otherwise, planning permission should be granted unless any adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies within the Framework as a whole.

³ APP/V3310/A/11/2162249

⁴ APP/D0840/A/12/2186070

46. The appellants suggest that JCS policies MTRA4, CP5, CP20 and emerging policy DM23 are all policies for the supply of housing. As explained above, the weight to be afforded to policy MTRA4 in so far as it seeks to restrict development, including housing, within the open countryside is limited. Policy CP5 restricts the provision of sites where they would fail to comply with the specified criteria. However, these criteria are not intended to limit the areas where sites can be provided but aim to encourage social inclusion and sustainable patterns of living. These principles are at the core of the NPPF and PPTS. Moreover, they accord with paragraph 10 of PPTS which supports the inclusion of criteria based policies against which proposals for unallocated sites should be assessed. Policy CP5 also requires sites to be capable of accommodating the proposed development to an acceptable standard. These requirements are consistent with paragraph 24 of PPTS and section 8 of the NPPF which both promote healthy lifestyles and communities.
47. Policy CP5 also requires proposals for sites to be consistent with policies in respect of design, flood risk, contamination, the protection of the natural and built environment and areas designated for their local, national or international importance, such as Gaps and the South Downs National Park. Whilst policies in relation to these matters may restrict the provision of housing in some locations, the aim of such policies is to ensure sustainable development and safeguard the natural environment. Having regard to the criteria within policy CP5 I consider that its aim is to ensure that gypsy and traveller sites are sustainable and it is not a policy for the supply of housing. For this reason I consider that they should be afforded full weight.
48. The aim of policy CP20 is to safeguard the heritage and landscape character of the local planning authority area, and is not a policy for the supply of housing. The general aim of policy DM23 is to safeguard the rural character of the area. Nonetheless, for the reasons given above, the weight to be afforded to emerging policy DM23 is limited.
49. Having regard to the relevant legal judgments cited in *Wenman* I consider that policy MTRA4 is a policy for the supply of housing. However, in the light of my findings above the proposal would not be sustainable development. Nevertheless, for the same reasons as those given above, even if the tests at paragraph 14 were applied the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies within the Framework as a whole. Therefore a permanent planning permission is not justified.
50. Paragraph 25 of PPTS advises that where a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration when considering applications for the grant of temporary planning permission. If the harm arising from the proposal was limited to its effect on the character of the countryside a temporary planning permission may be warranted, particularly given the lack of alternative sites in the area. However, the proposal would provide unsatisfactory living conditions for the future occupants of the site and would not foster social integration with the local community. I therefore conclude that a temporary permission is not justified.
51. I have also given consideration to the alternative layouts for a reduced number of pitches submitted by the appellant. These schemes would have a lesser impact on the character of the countryside and also provide an area of grazing

land. Nevertheless, these schemes would not overcome my concerns with pedestrian safety, social integration and access to services. At the inquiry Mr Woods was unable to advise which of the appellants would occupy the site if either of the schemes for either 4 or 6 caravans was found to be acceptable. Consequently little weight can be attributed to the personal circumstances of the appellants in relation to either of these schemes.

52. The appellants also referred to an appeal decision at Headcorn⁵. However, this decision does not address the issue of sustainability and there was no relevant development plan policy against which to assess the proposal. Policy CP5 was adopted following the publication of PPTS and is consistent with the policies therein. Unlike the Headcorn appeal policy, CP5 provides criteria against which proposals for gypsy and traveller sites can be assessed. Therefore the Headcorn decision is not comparable with the appeal proposal.
53. Paragraph 3 of PPTS confirms that the Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community. *Chapman v UK* [2001] confirmed the positive obligation on governments to facilitate the gypsy way of life
54. I recognise that dismissing the appeal would interfere with the rights of the appellants under Article 8 of the Human Rights Act. This sets out the right to respect for family and private life and the home. However, this is a qualified right and requires a balance between the rights of the individual and the wider community interest.
55. The proposal would not be sustainable development and would be harmful to the character of the countryside. Therefore after taking into account all material considerations, including the desire of the appellants to live together as a single group, and whether any harm could be mitigated by suitable conditions, I am satisfied that these legitimate aims can only be adequately safeguarded by the dismissal of the appeal. The protection of the public interest cannot be achieved by means that are less interfering with the appellants' rights. They are proportionate and necessary in the circumstances and would not, therefore, result in violation of the appellants' rights under Article 8.
56. I have also had regard to the best interests of the children which is a primary consideration as confirmed by *ZH(Tanzania) v SSHD*. In the present case, it seems to me that the most important requirement for the appellants' children is that they have a settled base that would allow them to access educational and health services. However, the appeal site is not well placed for access to schools and health facilities and none of the children attend local schools and therefore the dismissal of the appeal would not disrupt their education. I do not consider that it would be in their best interests to be socially isolated and live with no access to play facilities either on site or nearby. Therefore allowing the appeal would not be in the best interest of the children.
57. I have taken account of the fact that the appellants are Irish Travellers, a protected group for the purposes of the Equality Act 2010 and I have had due regard to the requirements of the Public Sector Equality Duty, in particular the need to eliminate discrimination, advance equality of opportunity and foster good relations between those with protected characteristics and others.

⁵ APP/U2235/A/13/2198352

Following careful consideration of these matters I conclude that any impact of the dismissal of this appeal is justified and proportionate.

Conclusion

58. For the reasons given above I conclude that the appeal should be dismissed.

Lesley Coffey

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Trevor Ward	Of Counsel
He called	
David Rothery	Principal Planning Officer
Stuart Dunbar-Dempsey	Open Space Project Officer

FOR THE APPELLANT:

Justine Compton	Of Counsel
She called	
Brian Woods	WS Planning and Architecture

INTERESTED PERSONS:

Michael Read	Ward Member Winchester City Council
Kirk Phillips	Ward Member Winchester City Council
Patricia Stallard	Ward Member Winchester City Council
Neil Lander-Brinkley	Denmead Parish Council
Paula Langford-Smith	Denmead Parish Council
Peter Ambrose	Denmead Village Association
Colin Dove	
Carolyn Hargreaves	
Lesley Crawford	
Denise Searle	
Sarah Settle	

DOCUMENTS

- 1 David Rothery Summary Proof of Evidence
- 2 Reptile survey – interim report submitted by the Appellant
- 3 Drainage Strategy Report submitted by the Appellant
- 4 Bundle of appeal decisions & Judgements submitted by the Appellant
- 5 Submission from Cllr Read
- 6 List of suggested conditions
- 7 Denmead Neighbourhood Plan
- 8 Letter to Planning Inspectorate from Brandon Lewis MP regarding landscape character
- 9 Comments from Hampshire County Council ecologist
- 10 Submission from Paula Langford-Smith
- 11 Submission from Kirk Hill
- 12 List of Hampshire Treasures
- 13 Submission from Carolyn Hargreaves
- 14 Submission from Peter Ambrose
- 15 Appeal decision ref APP/U2235/A/13/2198352
- 16 List of Planning applications for traveller sites within District

submitted by the Council

PLANS

- A Existing and proposed Urban grain submitted by the Council
- B Location of other traveller sites within Denmead submitted by the Council