

# OFFICERS ASSESSMENT

Case Reference: 20/00739/FUL

**Proposal: Change of use of land to use as residential caravan site for two gypsy/traveller families, each with two caravans including no more than one static caravan/mobile home, together with laying of hardstanding, construction of new access and erection of two ancillary amenity buildings.**

**Site Address: Lower Paddock Bent Lane Hambledon Hampshire**

Decision Type: Delegated Decision

**Recommendation: Application Refused**

Officer: Rose Lister

**Date: 6 May 2020**

Consultee:

Parish Consultation Letter

LLAND Landscape

Ecology

Highway Engineers

Strategic Planning Policy

Drainage Engineer

Environmental Health

Officers Report:

Proposal

The proposal is for 2no gypsy pitches with amenity blocks, access onto Bent Lane and associated works.

Site location

The site is located in a relatively isolated part of Bent Lane. There is sporadic development along Bent Lane though the villages of Denmead and Hambledon are 2.3 and 1.8 miles from the site. There are no foot paths near the site therefore requiring the use of a car. These settlements offer local amenities, shops, schools and GP surgeries.

Planning History

None

## Principle

Paragraph 47 of the NPPF requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The development is not situated within a settlement boundary and therefore countryside policies apply.

MRTA 3 allows for development within named settlements that have no defined settlement boundary provided it is a small site within a continuously built up road frontage. The application site is not within a named settlement under MTRA3 and therefore is not considered to meet the criteria of this policy.

MTRA4 allows for development in the countryside provided it meets one of the following criteria:

- Development which has an operational need for a countryside location, such as for agriculture, horticulture or forestry; or
- Expansion or redevelopment of existing buildings to facilitate the expansion on-site of established businesses or to meet an operational need; or
- Small scale sites for low key tourism.

The application is not for any of these and therefore the proposal does not meet the criteria of MTRA4

Policy DM4 of the Winchester District Local Plan Part 2 indicates that plots for gypsies, travellers and travelling show people will be granted as necessary to meet an identified need in line with policy CP5 and the Gypsy, Traveller and Travelling Show People DPD (GTTS DPD). The Gypsy, Traveller and Travelling Show People DPD (GTTS DPD) demonstrates sufficient 5 year land supply for this demographic until 2031. Policy TR6 of the GTTS DPD allows for new sites to be granted in line with policies DM1 and MTRA3. Policy TR6 goes on to say that sites outside the provisions of these policies will be considered for persons that meet the following criteria:

o people who are defined as gypsies and travellers or travelling show people, (Planning Policy for Traveller Sites 2015 Annex 1 or a subsequent revision); and

o can demonstrate a personal or cultural need to be located in the area; and  
o there is a lack of other suitable accommodation.

A statement has been submitted identifying the applicants as gypsies, a protected cultural demographic. However, no personal or cultural need to be located in the area has been identified.

In regard to the last criteria, there are a number of sites available in the district that can accommodate the applicants as has been demonstrated within policies TR4 and TR5 of the GTTS DPD. It has been noted that the current circumstance regarding Covid 19 has been stated for the applicants not being able to access other sites in the area. It is considered that this is a temporary issue and other sites in the district will be able to accommodate the applicants. The Council consider that a permanent permission to address a

temporary issue is not sufficient reason to over-ride the development plan policies.

The proposal is therefore contrary to policies TR5 and TR6 of the GTTS DPD. It is therefore considered that there is a fundamental objection in principle to the application and cannot be supported based upon the evidence submitted.

Policy CP5 sets out criteria for new plots for gypsies, travellers, and travelling show people. These criteria are:

- site should be well related to existing communities and should avoid sites being over-concentrated in any one location or disproportionate in size to nearby communities;
- be accessible to local amenities and services
- avoid harmful impacts on nearby residential properties by noise, light, vehicle movements and other activities;

There is an issue of accessibility to local facilities from the site proposed for residential occupation; it is considered that the site is unsustainable taking into account the distances to local amenities and the remote location of the site.

The additional 2 plots will increase the presence of development in this area, however it is not considered to lead to an overconcentration of sites in this location relative to the size and scale of the existing settled community.

The issue of harm to residential properties has been assessed below.

The policy expands upon the requirements for plots that meet the previous criteria. Proposals must make provision for water (supply and removal of foul and surface water), children's play areas, safe access to and from the highway, and the restriction of permanent structures to essential amenity blocks.

The plans show that the two plots have sufficient space to accommodate a play area however this has not been demonstrated on the plans. The other aspects of the policy have been explored below.

It is considered that the proposal would result in a fundamental objection in principle as the proposal would be contrary to policies MTRA4, CP5, DM4, TR5 and TR6.

#### Impact on Property and Character area

The application site is located to the north western side of Bent Lane in Hambledon. At the site visit it became evident that works has started with the removal of part of the existing hedge for access, the removal of approximately 0.5m of soil that has infilled an adjacent natural pond and the installation of hard-core. It also became apparent that the site that has been excavated is larger than the red line boundary on the plans by approximately 20m to the north.

The application would see 2 pitches on the site with one static caravan, one touring caravan and a day room for each plot. The application is also for the formation of a new access from Bent Lane.

The access has removed approximately 12m of the mature hedge row adjacent to the highway. DM23 of the Winchester District Local Plan part 2 sets out how development within the rural areas should proceed in regard to visual and physical intrusion and the loss of tranquillity within the countryside. Policy TR7 of the GTTS DPD also lays out the general, highways, access and environmental requirements for gypsy sites. Concerns have been raised regarding the loss of the hedge and the resulting visual and physical intrusion into the countryside. This is further exasperated by the loss of natural features in the adjoining field as a result of the development that has taken place within the application site.

Bent Lane is a narrow single track lane with mature trees and hedges adjacent. There are sporadic openings along the lane for access points. It is considered that these openings are limited with multiple properties accessed from one opening to limit the impact on the area. The proposal would create a large opening that changes the nature of this area from wooded to open pasture with sight lines into domestic features that are incongruous with the surrounding area contrary to policy DM23, DM15 and TR7.

DM15 requires that proposals either conserve or enhance key characteristics of the area. CP13 requires the proposals make a positive contribution to the local environment. The proposed amenity blocks would be approximately 4m wide, 8m deep and 4.5m high, comprising a w/c, shower room and a utility space. The proposed materials would be brick, with wooden cladding and a tile or corrugated roof. It is considered that the design of the proposal would be utilitarian in nature and would introduce built development that is alien to the rural character of the area contrary to DM23, DM15, CP13 and TR7.

#### Impact on residential amenity

The proposed development is relatively isolated. The site is surrounded by farms and woodland with no residential properties within 100m of the site. It is noted that there is a temporary site on the adjacent field; however, it is not considered that the proposal would have a detrimental impact on the residential amenities of the area.

#### Landscape and Ecology

The application site is located adjacent to multiple Sites of Importance for Nature Conservation (SINC). The Ecologist has highlighted a number of protected species that are likely to be within this area and watercourses, springs and natural ponds that are part of the protected area. No ecological information has been submitted and therefore it is not possible to fully assess the impacts of the proposal on these sites. In this regard the proposal is contrary to policy CP16 and CP17 as it cannot be concluded from the information submitted whether the development would cause harm to these features.

The site is well enclosed with limited site lines into the site from public areas, aside from the new access. Despite this the proposal would result in harm to the rural character of the area contrary to DM15 and DM23 by the removal of the ancient hedgerow and the impact on the SINC. It is not considered that the replacement of the lost key landscape features can be mitigated by future landscaping and therefore in this instance the impact of the proposal on the character of the rural area is not considered to be acceptable.

The proposal is therefore contrary to policies CP16, CP17, DM15, DM23 and TR7.

#### Environmental Health

Concerns have been raised regarding the hard-core that has been deposited on the site and whether it consists of appropriate material. It is considered that this is unauthorised works to the site prior to the decision of the Local Planning Authority. Should the application have been found acceptable, a condition requiring appropriate certification identifying that the hard-core used on the site is from an approved source in line with environmental standards would be required by condition.

#### Highways

The proposal would result in a new access onto Bent Lane. Concerns have been raised in regard to the access, parking, pedestrian safety and the additional traffic the proposal would generate.

Bent Lane is a single track road with a 60mph limit and it is considered that the proposal would generate a limited number of additional journeys. It is noted that there are no footpaths along the road and therefore pedestrians, cyclists and other non-car based users are forced to use the road. However due to the modest increase in traffic generated by the development it is not considered that the proposal would be detrimental to these users.

The proposal includes a new access onto Bent Lane, visibility splays of 2.4m x 43m have been submitted as part of the amended site plan. It is considered that the proposed sight lines are suitable for a road with a 30mph speed limit. Bent Lane is subject to a 60mph limit. No information has been submitted to support the requirement for reduced visibility splays by way of a Measured Speed Survey. It is also considered that in order to achieve both the suggested and the required splays significant reduction of the adjacent hedges and trees (some of which form part of the adjacent SINCs) would be required. This would result in a significant change to the character of the area, the loss of protected landscape features, and harm to the local ecology.

The Residential Parking SPD requires that parking is required for new dwellings. No details of the proposed static mobile homes have been submitted to indicate the level of parking that is required. The amended site plan shows that 2 parking spaces can be achieved on each plot. Provided the proposed static caravans would not have more than 3 beds this would be considered acceptable.

The Highways Officer has raised an objection to the proposal in regard to the proposed visibility splays.

Therefore the proposal fails to meet the criteria of CP5, DM18 and TR7 for the reasons set out above.

#### Drainage

The site is located within flood zone 1 despite the nearby watercourses. No information has been submitted in regard to the drainage for the site though a package treatment plant and soakaway trench have been proposed. It is considered that these details can be addressed through conditions. Should there not be other objections to the proposal this condition would have been recommended.

#### Other Matters

##### Personal circumstances

Policy TR6 of the GTTS DPD requires that sites outside of those identified within the DPD under TR1-4 must comply with a number of criteria. Criterion 1 requires that it should be demonstrated that the future occupiers of the site are defined as gypsies and travellers or travelling Showpeople as demonstrated within Planning Policy for Traveller Sites 2015 Annex 1 or a subsequent revision.

A statement has been submitted indicating that the applicants meet the definition of Annex 1 of the PPTS. The applicant has submitted a statement detailing a desire for a base close to Portsmouth and Southampton where the majority of their work is sourced. In the event of planning permission for a generic gypsy and traveller site not being justified then the personal circumstances of the applicants and their families are a material consideration to be taken into account if considering a personal planning permission.

The applicant has indicated that their children are of varied ages but are not enrolled in any local institutions, nor have the family enrolled in the local medical centres.

As regards Article 1 of the First Protocol and Article 8 of the European Convention on Human Rights the applicants and their families are not currently living on the application site. Refusal of this application would not result in unnecessary upheaval. It is therefore considered that the applicant's rights would not be violated by the refusal of the application.

#### Equality

Due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the process of decision-making. The weight given to the Equality Duty, compared to the other factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed. The applicants share a protected characteristic and the Local Planning Authority has taken into account the need to avoid discrimination.

## Nitrates

The proposed development is within Winchester District where foul water is distributed into the European designated areas Solent SPAs/Ramsar sites via water treatment plants. In accordance with advice from Natural England and as detailed in Policy CP16 of the Winchester City Council Local Plan Part 1 Joint Core Strategy a net increase in housing development within Winchester District is likely to result in impacts to the integrity of those sites through a consequent increase in Nitrates. A nitrate calculation has been conducted in relation to this. It has been demonstrated that the proposal would generate a surplus of nitrates and therefore mitigation is required. As such a Grampian condition in line with the Winchester City Council Position Statement on Nitrate Neutral Development has been agreed to secure appropriate mitigation prior to occupation.

## Conclusion

The site is in an isolated rural location where new residential development is not encouraged due to the distances from local settlements, services and facilities. Whilst far enough away from existing settlements to avoid disturbance the site will not allow acceptable integration with the local community to meet the criteria as set out in policy CP5. Therefore the site represents an unsuitable location for new residential development including gypsy and traveller accommodation.

The proposal is considered to harm the rural character of the area through the works that are required to accommodate the development including the engineering operations and removal of existing landscape features.

Furthermore it is considered that the proposal lacks significant technical information in regard to access and ecology that raise concerns regarding the safety of highways users and the impact on the nearby SINCS.

Therefore the proposal fails to accord with the Development Plan and the following policies MTRA4, CP13, CP16, CP17, DS1, DM1, DM15, DM18 and DM23.

## Representation

Soberton PC objected to the proposal in regard to:

- increased traffic
- insufficient parking on site
- insufficient access in regard to visibility splays
- lack of provision of refuse storage and collection

Hambledon PC objected to the proposal in regard to:

- impact on the character of the area
- no evidence submitted to verify status within a protected culture
- impact on ecology and wildlife
- distance from local amenities/unsustainable location

- drainage/flooding
- increase of traffic
- no visibility splays
- loss of tranquillity

Denmead PC objected to the application in regard to:

- the impact on the rural character of the area
- the proposal would be contrary to policy MTRA4 in that the proposal would result in new dwelling in the countryside for which there is no justification.

One letter of objection has been received with no name or address and therefore has not been taken into consideration.

34 third party comments have been received from 29 addresses objecting to the application in regard to:

- Access
- increased traffic generation
- pedestrian/cyclist/horse rider safety
- parking
- lack of visibility splays
- removal of the hedge
- impact on ecology
- drainage/flooding
- loss of natural features
- noise
- bin storage and removal
- light pollution
- against rural character of the area
- works have started
- against policy
- unsustainable location
- over saturation of the local area with gypsies and travellers
- loss of tranquillity
- distance to amenities
- impact on watercourses
- origin of hard-core

other reasons that have not been taken into consideration

- unfair treatment in favour of gypsy/travellers in regard to planning
- the applicants would be undesirable neighbours
- loss of property value
- Breach of Covid 19 government guidance

Application Refused subject to the following condition(s):

### **Recommended Conditions**



01 The proposal fails to accord with policies MTRA4 and CP5 of the Winchester District Local Plan Part 1 and DM4 of the Winchester District Local Plan Part 2 in that it would result in additional dwellings in the countryside for which there is no justification.

02 The proposal is contrary to policies CP13 of the Winchester District Local Plan Part 1 and policies DM15 and DM23 of the Winchester District Local Plan Part 2 in that they fail to respond positively to or enhance the rural character of the area.

03 The proposal fails to provide sufficient information in regard to policies CP16 of the Winchester District Local Plan Part 1 in regard to the impact of the proposal on the nearby protected landscape features and ecology.

04 The proposal fails to provide sufficient information in regard to policy DM18 of the Winchester District Local Plan Part 2 in that the proposal has not demonstrated acceptable visibility splays at the proposed site access that could detrimentally impact the safety of highways users.

End of Report