



## Appeal Decisions

Site visit made on 22 November 2020

**by Brian Cook BA (Hons) DipTP MRTPI**

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

**Decision date: 08 December 2020**

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### **Appeal A: Appeal Ref: APP/L1765/C/19/3230601 Southwick Ranch, to the north of Southwick Road, North Boarhunt, Fareham, Hampshire PO17 6JS**

- 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 D Saunders against an enforcement notice issued by Winchester City Council.
  - The enforcement notice was issued on 3 June 2019.
  - The breach of planning control as alleged in the notice is the material change of use of the Land from agriculture to use for the siting of 4 residential caravans and ancillary equestrian purposes and the laying of hardstanding associated with the residential use of the Land.
  - The requirements of the notice are:
    - i) Cease the residential use of the Land.
    - ii) Remove from the Land the caravans, the mobile stable and mobile lavatory and all other items associated with the non-agricultural use of the Land including the generator, vehicles, table and chairs.
    - iii) Remove from the Land the hardstanding shown on the Plan attached to the notice.
    - iv) Remove from the Land all materials and debris resulting from compliance with steps (i) to (iii) above.
    - v) Restore the Land to levels prior to the breach occurring and reseed with grass after compliance with steps (i) to (iv).
  - The period for compliance with the requirements is 28 days.
  - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended
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### **Appeal B: Appeal Ref: APP/L1765/W/19/3221730 Land at Southwick Road, North Boarhunt, Fareham, Hampshire PO17 6JF**

- 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 Derek Saunders against the decision of Winchester City Council.
  - The application Ref 18/01441/FUL, dated 7 June 2018, was refused by notice dated 27 November 2018.
  - The development proposed is use of land for the stationing of caravans for residential purposes.
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## **Decisions**

### **Appeal A: Appeal Ref: APP/L1765/C/19/3230601**

1. It is directed that the enforcement notice be corrected: by the deletion without substitution of the letter "4" in the breach of planning control alleged. Subject to this correction 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 from agriculture to use for the siting of residential caravans and ancillary equestrian purposes and the laying of hardstanding associated with the residential use of the Land on the land shown edged and hatched black on the plan annexed to this decision subject to the conditions set out in Schedule A.

### **Appeal B: Appeal Ref: APP/L1765/W/19/3221730**

2. The appeal is allowed and planning permission is granted for the material change of use of land for the stationing of caravans for residential development as a Gypsy site with stable block and other facilitating development (hard standing, utility block and septic tank) at Land at Southwick Road, North Boarhunt, Fareham, Hampshire in accordance with the terms of the application, Ref 18/01441/FUL, dated 7 June 2018, and the plans submitted with it, subject to the conditions set out in Schedule B.

## **Preliminary Matters**

### ***Appeals A and B: the land***

3. The summary details above are taken from the appeal documents submitted. Although the site addresses differ slightly, Appeals A and B relate to the same plot of land.

### ***Appeal A: the notice***

4. Although no appeal has been made on ground (b), the appellant raised two issues with the notice which, since the terms of the deemed planning application are set by the breach of planning control alleged, need to be addressed before the s174 appeal on ground (a) can be considered.
5. Responding to queries that I raised, the appellant has now confirmed that the whole of the site that is the subject of the notice is a single planning unit. It is also accepted that the description of the equestrian use of the land as ancillary to the residential use is correct. The point taken in that regard is that the stable referred to in the notice is not that proposed in the Appeal B development and that it was placed on the land prior to any other development taking place; confirmed by the Council's photographs. The contention that it is therefore excessive to require the removal of the mobile stable in the event of planning permission not being granted on either appeal is for the s174 appeal on ground (f).
6. The second issue concerns the number of caravans on site when the notice was issued. The appellant states that there were only two touring caravans and a one motorhome at issue date. A fourth caravan which was only on the land while others were swapped over was removed some weeks earlier and the Council had been informed that it would not be retained on the land.

7. The Council's photographs taken in March 2019 show two touring caravans and a camper van. There are no photographs around the time when the notice was issued. At the date of my site visit there was one touring caravan, one large mobile home and a camper van. These are sited more or less as shown on the Appeal B layout drawing. There were also two sheds/outbuildings and a portable toilet together with a children's play structure and slide. These are not shown on the Appeal B layout drawing and all but the children's play equipment are within the area shown proposed as paddock.
8. In my view, the specification in the notice of the number of caravans present is not necessary and I shall correct the notice accordingly using the powers available under s176(1) of the principal Act since there would be no injustice to either party in so doing.

***Appeal B: description of the development***

9. It is for the appellant to describe the development for which planning permission is sought. On reflection, the appellant has asked that the Appeal B proposal be described as "material change of use of land for the stationing of caravans for residential development as a Gypsy site with stable block and other facilitating development (hard standing, utility block and septic tank)". In my view that more accurately describes the development proposed and I shall deal with Appeal B on that basis.

**Appeal A: the s174 appeal on ground (a) and the deemed planning application and Appeal B**

***Background and Main Issues***

10. The Council advises that planning permission for the Appeal B development was refused and that shortly after the appeal against that decision was made the site was occupied. This prompted an investigation and the issue of the Appeal A notice.
11. The reasons for issuing the notice and for the refusal of planning permission are the same although it appears that by the time the notice was issued the appellant had already paid the contribution necessary to overcome the Council's third reason in both cases. In any event, this reason, which concerns the Solent Disturbance and Mitigation Charge Zone no longer needs to be considered.
12. The development on the ground has evolved since the notice was issued although it is not yet as shown on the proposed Appeal B layout. It is arguable in my view whether development not referred to specifically in the breach of planning control alleged can be caught by step (ii) of the requirements of the notice. However, if it cannot, it seems to me equally clear that it cannot benefit from any planning permission following success on the ground (a) appeal.
13. In the circumstances, there is therefore no material difference between the Appeal A and the Appeal B developments and I shall therefore consider them together in this section.
14. After the Appeal B planning application was determined but before the notice was issued, the Council adopted (in February 2019) the Winchester District: Gypsy, Traveller and Travelling Showpeople Development Plan Document

(DPD). Policy TR6 specifically addresses developments such as those that are the subject of these appeals and, despite not being referred to in the notice, therefore seems to me to be the most important development plan policy.

15. The Council accepts that the appellant is a gypsy and traveller as defined in Annex 1 of Planning Policy for Traveller Sites 2015 (PPTS). However, it continues to dispute that the appellant can demonstrate a personal or cultural need to be located in the area or that there is a lack of suitable accommodation.
16. The main issues for the determination of these appeals therefore are:
  - (a) Whether the appellant can demonstrate a personal or cultural need to be located in the area;
  - (b) The availability of suitable sites;
  - (c) The effect of the development on the character and appearance of the area;
  - (d) Whether the site represents a sustainable location well related to existing settlements; and
  - (e) Whether the development would comply with the requirements of DPD policy TR7.

*Whether the appellant can demonstrate a personal or cultural need to be located in the area*

17. The appellant was born in Southampton and, it is claimed, has lived in the Hampshire area for most of his life. His partner was born in London. Her links with the area derive from being with the appellant. Their links with the very local area seem to have only been established some three years ago. It seems to me that the appellant tacitly accepts that he cannot demonstrate an historical personal or cultural need to be located in the 'area' as may be required by DPD policy TR6.
18. It is however argued by the appellant that DPD policy TR6 bullet 2 is not consistent with the PPTS. That argument is difficult to sustain. In requiring the submitted policy to be modified, the DPD examining Inspector confirmed that the form of words in the now adopted policy and the supporting text accords with national policy. The issue is therefore one of policy application.
19. There is nothing that I can see in the DPD to support the Council's contention that 'area' is intended to apply to a very local area. It is however very clear from paragraphs 24 and 25 of the examining Inspector's report that she considered policy TR6 as adopted to be consistent with PPTS paragraph 24(e). This states that local planning authorities should determine applications for sites from any travellers and not just those with local connections.
20. The appellant's evidence contains considerable detail of the difficulty the family has had in recent years establishing a base from which to follow their nomadic habit of life. In particular, the difficulties that they have encountered providing formal education for the children are highlighted. The children are now enrolled in school at Wickham which is quite close to North Boarhunt. Having regard to the best interests of the child this amounts, in my view, to a personal need now to be located in the area. DPD policy TR6 bullet 2 requires the demonstration of either a personal need or a cultural need; it does not require

demonstration of both. There is therefore no conflict with DPD policy TR6 on this issue.

*The availability of suitable sites*

21. In some respects, this is related to the previous issue.
22. Read literally, DPD policy TR6 bullet 3 says ‘...will only be permitted where they are for occupation by persons who there is a lack of other suitable accommodation.’ The interpretation the Council puts upon it, namely that the DPD requires applicants to demonstrate that they have sought alternative sites, as required by DPD paragraph 4.21, can only hold if the words ‘can demonstrate’ from bullet 2 are implicitly read as also starting bullet 3.
23. In my view, that cannot be correct. Paragraph 25 of the examining Inspector’s report is very clear. Referring to the submitted policy she says ‘I have amended the policy to remove the requirement for the appellant to provide evidence as the Court of Appeal judgment in *S Cambs v SSCLG & Brown* [2008] stated: “*In seeking to determine the availability of alternative sites for residential gypsy use, there is no requirement in planning policy, or case law, for an applicant to prove that no other sites are available or that particular needs could not be met from another site. Indeed such a level of proof would be practically impossible.....*”. DPD policy TR6 bullet 3 cannot therefore be interpreted as requiring the applicant/appellant to show a lack of other suitable accommodation.
24. There are two aspects to this issue as set out in PPTS paragraph 24 (a) and (b). First there is the existing level of local provision and the need for sites and, second, the availability (or lack) of alternative accommodation for the appellant. I deal with these in turn.
25. Policy DM4 of the Winchester District Local Plan Part 2-Development Management and Site Allocations (LPP2) establishes a need for ‘about’ 15 pitches for those falling within the PPTS Annex 1 definition of a gypsy/traveller. This figure derives from the 2016 Gypsy and Traveller Accommodation Assessment (GTAA) and is accepted by the Council to allow either more or fewer pitches to be permitted. It does not therefore represent a ceiling on provision.
26. The appellant is critical both of the methodology used in the GTAA and of the DPD examining Inspector’s decision not to consider whether or not the pitch targets in LPP2 policy DM4 were correct. However, at paragraph 17 of her report where she confirms that the DPD identifies a five year supply of gypsy and traveller sites against policy DM4, she expresses confidence that the target set in policy DM4 will be met and most likely exceeded. The latter would most likely only arise if additional planning permissions were granted on other sites not allocated in the DPD. In paragraph 19 she recognises that the Council may well receive further planning applications, hence the need for an additional criteria-based policy to permit sites outside settlement limits in certain circumstances (emphasis added). That policy is TR6.
27. It seems to me therefore that a fair reading of both the development plan and the PPTS indicates that the consideration of further applications for gypsy/traveller sites is not constrained at a general level either by the

existence of a five year supply of available sites or by the number of pitches in LPP2 policy DM4 having already been provided.

28. Turning to the availability of alternative accommodation, the Council accepts that no vacant pitches can be assumed at Tynefield given the particular circumstances of this site. No other pitches have been vacated since the GTAA. The Council has not disputed the appellant's evidence that most, if not all, of the pitches coming forward through planning permissions at both DPD allocated and other sites are for small family run/owned sites which are therefore unavailable to the appellant.
29. It seems to me therefore that whatever the level of general need in the Council area as a whole and the extent to which it may or may not be exceeded by the provision at this time, there is a lack of other suitable accommodation for the appellant. That is the circumstance in which DPD policy TR6 indicates that sites will be permitted. There is therefore no conflict with DPD policy TR6 in this regard.

*The effect of the development on the character and appearance of the area*

30. North Boarhunt is a small settlement a short distance to the east of Wickham. There is a mix of development in the area, most of it being housing in linear form along the several roads off the main B2177. There are a number of commercial enterprises in the area and a travellers' site of some size off Firgrove Lane. In the main however the area is characterised by open fields with views across them available over a distance.
31. The appeal site is accessed via an unmade track running north from the B2177. There is a large care home on the left-hand side of the track beyond which is what appeared to be some sort of separate business enterprise. There were a number of mobile homes stationed on this land which could also be seen from the main road. I have no evidence as to their use or their planning status. Further along the track on the right-hand side is a residential property and then, a little further along on the left-hand side, the Strawberry Barn eco home. This was developed pursuant to Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended. The mobile home that has further been provided follows the issue of a certificate of lawful use or development. The appeal site lies immediately to the north of Strawberry Barn. The track continues to a further substantial residential property at the end. To either side of the track in the vicinity of the appeal site the fields were laid out to what appeared to me to be pony paddocks of similar size to the appeal site. None appeared to have any field shelters and the Council has provided no evidence as to their planning status.
32. The character and appearance of the immediate area is therefore one of residential development set within a landscape of open fields largely given over to horse grazing.
33. The development described in the breach of planning control alleged as corrected is separated from the track by a post and rail fence behind which there is some tree planting over part of its length. The residential use and the associated use of the larger part of the site for grazing a horse is in keeping with the character of the local area. Similarly, the caravan and mobile home and the parked vehicles are not uncharacteristic of the developments

elsewhere along the track and their appearance is no different to that of the area of land nearer to the B2177 where there are a greater number of such structures apparent in view. .

34. While the Appeal B development would add a utility building and a stable these would replace rather than add to the development already on site. It would not materially change the character or appearance of the development or alter its effect on the character and appearance of the area.
35. Neither development would therefore conflict with LPP2 policy DM15. Any external lighting could be controlled by an appropriate condition such that the tranquillity of the area would not be compromised. Subject to such an appropriate condition there would be no conflict with LPP2 policy DM23.

*Whether the site represents a sustainable location well related to existing settlements.*

36. Policy MTRA 3 of the Winchester District Local Plan Part 1-Joint Core Strategy (LPP1) seeks to limit development within settlements that have no clearly defined settlement boundary to infilling of a small site within a continuously developed road frontage. North Boarhunt is included in the list of settlements to which the policy applies. LPP1 policy MTRA 4 lists the types of development that may be permitted in the countryside as defined. Gypsy and traveller sites are not included in the list. LPP2 policy DM1 does not really add to these two policies.
37. Self evidently the appeal developments cannot comply with policies MTRA3 and MTRA 4. That does not necessarily mean however that the location of the site is inherently unsustainable.
38. The Council has confirmed that LPP1 policy CP5, which is the strategic policy addressing sites for gypsies, travellers and travelling show people, is largely superseded by DPD policy TR7. However, with respect to the location of sites it confirms that these should be well related to existing communities to encourage social inclusion and sustainable patterns of living while being located so as to minimise tension with the settled community. It then sets out three criteria to be met the second of which is that the site should be accessible to local services such as schools, health and community services but avoid placing an unreasonable burden on local facilities and services.
39. This is consistent with PPTS in several respects. One of the aims of government policy is to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure (paragraphs 4 (j) and 13 ((b) and (c)). Paragraphs 14 and 25 anticipate sites coming forward in areas of countryside away from existing settlements. Consistent with this policy approach, DPD policy TR6 is also designed to allow consideration of planning applications for sites in such locations (see paragraph 26 above).
40. No evidence has been given about the range of services available in North Boarhunt. It seems to me therefore that it would be to Wickham that the appellant, in common with most other residents of North Boarhunt, would look for necessary day-to-day services including schooling and healthcare. There is little evidence of public transport links to Wickham and I accept that the

majority of journeys to those services would be by private vehicle. However, that seems unlikely to me to be unique to the appellant.

41. I have already referred to the travellers' site off Firgrove Lane. DPD policy TR2 proposes that planning permission should be granted for an existing site of four pitches with temporary planning permission (land at the Piggeries) immediately to the north of this development. This development is two field width's distance from the appeal site. It seems to me inconsistent for the Council to argue that the appeal site is in an unsustainable location when through its DPD it promotes a larger site in such close proximity.
42. That does however raise whether the appeal site would result in an over-concentration of sites in the one location. Although this has been raised as a concern in representations received my view is that it would not. The two developments are along different roads and during my site visit I was not aware of the Firgrove Lane site at all.
43. My conclusion on this issue therefore is that the appeal site is in a location that enables access to the nearest available services and facilities and is as well located in relation to the settlement as other existing and allocated gypsy/traveller sites in North Boarhunt. While there would be a *de facto* conflict with LPP1 policies MTRA 3 and MTRA 4, there would be no conflict with LPP1 policy CP5 or DPD policy TR6 in this regard. Both are directly relevant to the developments that are the subject of these appeals and I therefore conclude that there would be no conflict with the development plan as a whole on this issue.

*Whether the development would comply with the requirements of DPD policy TR7*

44. Finally, DPD policy TR6 requires all proposals to comply with the requirements of DPD policy TR7. This sets out a number of criteria under three headings; access and parking, environmental and general.

Access and parking

45. Sub bullets 2 and 3 would be matters for the Site Development Scheme (SDS) that could be required by condition. No commercial activity is proposed and this could be prevented by condition to address sub bullet 4.
46. Sub bullet 1 requires safe vehicle and pedestrian access from the site to the highway. The highway authority raises no concern regarding access to the highway at the junction of the track and the B2177. The track leading from the highway is unlit and has no footways. Over much of its length it is only a vehicle-width wide. There are no passing places. However, traffic along the track is likely to be limited. In all the circumstances I do not believe there would be a conflict with sub bullet 1.

Environmental

47. There is sufficient space within the site boundaries to provide for safe children's play (sub bullet 3). The contribution to the Solent Recreation Mitigation Strategy has been paid (sub bullet 4) and sub bullet 5 is not relevant to these appeals.
48. Sub bullets 1 and 2 concern boundary treatments. As already mentioned, some planting has taken place on the boundary with the track and the Appeal B



site layout plan proposes landscaping of all boundaries. I can appreciate that the appellant may wish to enclose the whole or part of the site for various reasons including privacy. However, to my mind, enclosure by planting would be somewhat incongruous in this open landscape. I do not regard it as necessary in planning terms but any that is proposed should be approved as part of the SDS. To that extent, sub bullet 2 would be met.

49. It would however be wholly out of keeping with the local landscape and contrary to the aims of community cohesion for the site to be enclosed with hard materials such as a wall. The suggested condition removing permitted development rights in this regard is therefore necessary to ensure compliance with sub bullet 1.

#### General

50. Each of the matters detailed in the four sub bullets are subject of the conditions suggested by the Council in the event of planning permissions being granted.
51. In conclusion therefore I consider that the developments either would, or could be capable of being made to, comply with DPD policy TR7 by the imposition of appropriate conditions.

#### **Other Matters**

52. Between the Council's decisions and the appeals being made an issue has arisen in relation to risks to European protected sites, collectively known as the Solent SPAs, from the development of housing and overnight accommodation. The issue is eutrophication resulting in the loss of feeding grounds and therefore disturbance to bird species. The cause is the increase in levels of nutrients, particularly nitrates, discharged at the coast. The source is development within the Council and other areas.
53. The solution agreed with Natural England is an avoidance and mitigation package secured prior to the implementation of any planning permission. A suitably worded pre-commencement condition has been developed and put forward by the Council.
54. The appellant has drawn an analogy between this issue and that which arose in relation to the Dorset Heaths. The appellant has suggested that the development would make no net addition to the discharges at the coast because the appellant was previously residing in the area at either other sites or on unauthorised roadside camps and would be forced to do so again if the notice was upheld.
55. Natural England did not accept this proposition and maintained its advice that the development amounted to a net new permanent caravan site which needed to show the achievement of nutrient neutrality.
56. The suitably worded condition is therefore required in order to avoid a conflict with LPP1 policy CP16 which, among other things, seeks to maintain the integrity of European sites and protect them from inappropriate development.
57. Representations have been received in respect of a number of issues including concerns about drainage and noise from certain activities on the site such as the use of a generator. Foul and surface water drainage would be the subject

of a condition. I note that although complaints have been made to the Council the Environmental Protection Officer did not object to the Appeal B proposal and I have not been made aware of any formal action having been taken.

### **Conclusion**

58. For the reasons set out above I consider that there would be no conflict with the policies of the development plan as a whole arising from either the Appeal A or the Appeal B developments.
59. In coming to these conclusions, I have had regard to both the public sector equality duty contained in the Equality Act 2010 and the best interests of the child. With respect to the first, evidence has been given that the appellant's partner is an Irish Traveller who therefore has the protected character of race under s149(7) of the 2010 Act. PPTS includes specific policy approaches to gypsy and traveller development outside settlement boundaries and in the countryside that I have taken into account and applied. Regarding the second, I have had regard to the children's need for formal education and the fact that they are now enrolled at nearby schools having established a permanent base.

### **Conditions**

60. The Council has suggested nine conditions that might be imposed on each development and the appellant has commented upon them. I have considered these matters in the light of the advice in the Planning Practice Guidance and have altered the wording proposed where necessary to reflect that Guidance.
61. The effect of my conclusion is that two planning permissions will be granted, one for the development alleged in the notice as corrected and one for the development proposed under Appeal B. While it is a matter for the appellant as to which is implemented, the Appeal A permission allows only the stationing of the caravans present when the notice was issued, the laying of hardstanding and the associated equestrian use of the land. It does not permit any other development such as the utility block or the stable block that would be provided by the Appeal B development. It is nevertheless necessary for the full suite of conditions to be imposed on each permission although the scope of the development to be considered through the SDS for Appeal A would be limited.
62. Although not required for Appeal A, the standard commencement condition is required for Appeal B as is a condition listing the approved plans.
63. Suggested condition 1 would require the development to cease after a limited period of 5 years. The reason is so that the position can be reassessed in a forthcoming local plan. However, it follows from my conclusion against the policies of the development plan that this is a suitable site for the development that has taken place and is proposed. I therefore see no reason not to grant a permanent permission in each case.
64. Suggested conditions 2 and 3 are required to ensure that the development is occupied by persons meeting the PPTS Annex 1 definition of a gypsy/traveller and that the development is restricted to one pitch accommodating one touring caravan and one mobile home.
65. The need for the remaining conditions which would secure no commercial activity, control over lighting and any means of enclosure, a SDS and the nutrient avoidance and mitigation package has already been discussed. As the

Appeal A development has already taken place, the latter two conditions for that permission are worded in a form which requires the development carried out to cease if certain milestones in the condition approval process are missed by the appellant. I agree with the appellant that suggested conditions 7 and 8 (SDS) can be combined. For appeal B, each condition follows the standard pre-commencement format. I am satisfied that the appellant agreed in writing to the wording of the conditions imposed.

## **Overall Conclusions**

### ***Appeal A***

66. It is clear from the representations that the description of the development in the enforcement notice is incorrect in that the reference to 4 caravans is both inaccurate at the date of issue and unnecessary. I am satisfied that no injustice will be caused and I will therefore correct the enforcement notice, in order to clarify the terms of the deemed application under section 177(5) of the 1990 Act as amended.
67. For the reasons given above I conclude that the appeal should succeed on ground (a) and I will grant planning permission in accordance with the application deemed to have been made under section 177(5) of the 1990 Act as amended, which will now relate to the corrected allegation. The appeal on grounds (f) and (g) does not therefore need to be considered.

### ***Appeal B***

68. For the reasons given above I conclude that the appeal should be allowed.

*Brian Cook*

Inspector

## **Schedules of conditions**

### ***Schedule A***

- 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) There shall be no more than 1 pitch on the site and on each pitch hereby approved no more than 2 caravans, shall be stationed at any time, of which only 1 caravan shall be a static caravan.
- 3) No commercial activities shall take place on the land, including the storage of materials.
- 4) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.
- 5) Details of any floodlighting shall be submitted to and approved in writing by the local planning authority before installation. Development shall be carried out in accordance with the approved details.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no walls, fences or other means of enclosure other than those shown on the approved plans shall be erected on the site unless details of their size, materials and location shall have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) 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 6 months 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 for the means of foul and surface water drainage of the site and the distance from structures of any package treatment plant; the internal layout of the site, including the siting of caravans, plots, hardstanding, access roads, parking, storage provision and amenity areas; fencing and other means of enclosure; hard and soft landscaping; (hereafter referred to as the site development scheme) shall have been submitted for the written approval of the local planning authority and the site development scheme shall include a timetable for its implementation.
  - ii) If within 11 months of the date of this decision 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 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.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 8) 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 6 months of the date of failure to meet any one of the requirements set out in i) to iv) below:
- i) Within 2 months of the date of this decision a water efficiency calculation which demonstrates that no more than 110 litres of water per person per day is consumed within the development and a mitigation package addressing the additional nutrient input arising from the development shall have been submitted to and approved in writing by the local planning authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European sites by the development and shall allow the local planning authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites. The mitigation package shall include a timetable for its implementation.
  - ii) If within 11 months of the date of this decision 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 scheme shall have been approved by the Secretary of State.
  - iv) The approved mitigation package shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved mitigation package specified in this condition, the measures specified shall thereafter be maintained/retained/remain in use as set out in the approved mitigation package.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

End of schedule A conditions

### **Schedule B**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 18\_915\_001; 18\_915\_002; 18\_915\_003; 18\_915\_004; 18\_915\_005.

- 3) 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).
- 4) There shall be no more than 1 pitch on the site and on each pitch hereby approved no more than 2 caravans, shall be stationed at any time, of which only 1 caravan shall be a static caravan.
- 5) No commercial activities shall take place on the land, including the storage of materials.
- 6) No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.
- 7) Details of any floodlighting shall be submitted to and approved in writing by the local planning authority before installation. Development shall be carried out in accordance with the approved details.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications), no walls, fences or other means of enclosure other than those shown on the approved plans shall be erected on the site unless details of their size, materials and location shall have previously been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 9) No development shall take place until details of a scheme for the means of foul and surface water drainage of the site and the distance from structures of any package treatment plant; the internal layout of the site, including the siting of caravans, plots, hardstanding, access roads, parking, storage provision and amenity areas; fencing and other means of enclosure; hard and soft landscaping; (hereafter referred to as the site development scheme) 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 site development scheme.
- 10) No development shall take place until details of a water efficiency calculation which demonstrates that no more than 110 litres of water per person per day is consumed within the development and a mitigation package addressing the additional nutrient input arising from the development shall have been submitted to, and approved in writing by the local planning authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European sites by the development and shall allow the local planning authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites. These details shall include an implementation programme. The development shall be carried out in accordance with the approved details.

End of schedule B conditions



## Plan

This is the plan referred to in my decision dated: 08 December 2020

by **Brian Cook BA (Hons) DipTP MRTPI**

**Land at: Southwick Ranch, to the north of Southwick Road, North Boarhunt, Fareham, Hampshire PO17 6JS**

**Reference: APP/L1765/C/19/3230601**

Scale: not to scale

