



TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

Grant of Planning Permission

Planning Application Reference: **17/02213/FUL**

Decision Date:- 24.06.2019

Winchester City Council **GRANTS** planning permission

for **Variation of Conditions 01 and 02 of 16/00456/FUL to make the temporary permission permanent and to amend the site layout**

at **Land Adjacent To Gravel Hill, Shirrell Heath, Hampshire** subject to the following conditions:

1 The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites.

Reason: The site is in an area where residential development is not normally permitted.

2 The development shall be carried out in accordance with plan nos. TDA.2069.03 which includes details of plot layouts, the siting of 3 mobile homes, landscaping details and boundary treatment.

Reason: For the avoidance of doubt and in the interests of proper planning.

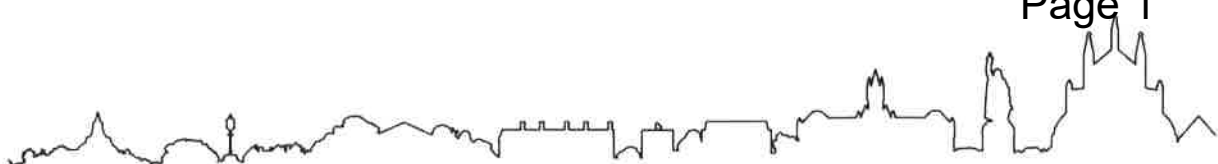
3 The front part of the site, outlined in blue on plan no. TDA.2069.02, shall be retained as pasture for the grazing of horses.

Reason: To prevent the spread of residential development into this part of the site as the site is in an area where residential development is not normally permitted.

4 All mobile homes positioned on the site shall meet the definition of 'caravan' in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (as amended) and shall not exceed the dimensions shown on plan no. TDA.2069.03 dated June 2018.

Reason: The site is in an area where residential development is not normally permitted.

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5 There shall be no external outdoor lighting on the site, whether fixed or free standing.

Reason: The site is located within an area of countryside where excessive light pollution would harmfully impact on the character of the area.

6 Within 2 months of the date of this permission, details of the proposed water supply, proposals for the disposal of foul and surface water and proposals for recycling/waste management (including any associated structures) shall be submitted to the local planning authority. The submitted details shall include a timetable for implementation of the proposals when they have been approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and timetable.

Reason: To ensure satisfactory water supply, provision of foul and surface water drainage and recycling/waste management.

7 Within 2 months of the date of this permission, details of proposals for the disposal of surface water shall be submitted to the local planning authority. The submitted details shall include a timetable for implementation of the proposals when they have been approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and timetable.

Reason: To ensure satisfactory disposal of surface water.

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no means of enclosure (including fences, gates or walls) shall be erected on the site.

Reason: To ensure the development does not impact unduly on the character of the countryside, within a designated gap.

9 No commercial activities shall take place on the land, including the storage of materials.

Reason: To protect the amenity of the nearest residential dwellings.

10 No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason: To protect the amenity of the nearest residential dwellings.

11 The existing hedges, other established planting and boundary treatment must be retained and maintained at the heights shown by drawing TDA.2069.03 [dated June 2018 and received February 2019].

If any tree or plant is removed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged, defective or diseased, another tree or plant of the same species and size as the existing shall be planted in the same place, within the next planting season, unless the Local Planning Authority gives its written consent to any variation.



N.B - For the avoidance of doubt, and in accordance with drawing TDA.2069.03, the maintained height of the hedge parallel to the Gravel Hill roadway must be 2.6m and the Conifer line height must be approximately 7m.

Reason: To retain and protect the trees which form an important part of the amenity of the area and support the visual integration of the site.

Julie Pinnock BA (Hons) MTP MRTPI
Head of Development Management



Notes To Accompany Planning Decision Notice

General Notes for Your Information:

1.

In accordance with paragraph 38 of the NPPF (July 2018) , Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:

- offer a pre-application advice service and,
- update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.

In this instance a site meeting was carried out with the applicant.

2.

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

Winchester Local Plan Part 1 – Joint Core Strategy

DS1 – Development Strategy and Principles

MTRA1 – Development Strategy for Market Towns and Rural Area

MTRA4 – Development in the Countryside

CP5 – Gypsies and Travellers

CP7 – Open Space, Sport & Recreation

CP10 – Transport

CP13 – High Quality Design

CP18 – Settlement Gaps

CP20 – Heritage and Landscape Character

CP21 – Infrastructure and Community Benefit

Winchester Local Plan Part 2 – Development Management and Site Allocations

DM1 – Location of New Development

DM4 – Gypsies, Travellers and Travelling Showpeople

DM16 – Site Design Criteria

DM17 – Site Development Principles

DM18 – Access and Parking

DM19 – Development and Pollution

DM20 – Development and Noise

DM23 – Rural Character

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

TR2 – Sites with Temporary Consent

3.

This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out above, and other material considerations do not have sufficient weight to

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Winchester City Council - Planning Department

Planning Application Consultation - Response by Strategic Planning

17/02213/FUL- Amendments to make consent permanent: Land at Gravel Hill, Shirrell Heath

The Development Plan

Winchester District Local Plan Part 1 Joint Core Strategy (LPP1) – Adopted March 2013

Winchester District Local Plan Part 2 – Development Management and Site Allocations (LPP2) - Adopted April 2017

Hampshire Minerals and Waste Plan (Adopted October 2013).

LPP1 The following policies are particularly relevant to this application although other policies may also apply:

DS1 – Development Strategy and Principles

MTRA1 – Development Strategy for Market Towns and Rural Area

MTRA4 – Development in the Countryside

CP5 – Gypsies and Travellers

CP7 – Open Space, Sport & Recreation

CP10 – Transport

CP13 – High Quality Design

CP18 – Settlement Gaps

CP20 – Heritage and Landscape Character

CP21 – Infrastructure and Community Benefit

The LPP1 development strategy focuses substantial growth in three strategic allocations whilst setting targets for more limited growth in the market towns and larger villages. A criteria-based policy CP5 for gypsy and traveller and travelling showpersons' sites is included, with criteria for the allocation of sites or dealing with planning applications. Proposals should also be acceptable in terms of open space provision, transport, design, impact on the settlement gap and landscape, and infrastructure provision (Policies CP7, CP10, CP13, CP18, CP20 and CP21).

LPP1 Policy MTRA4 – Development in the Countryside - indicates that the Council will only support particular types of development - those which generally preserve the openness and character of the countryside, or to allow appropriate expansion of existing appropriate uses. The proposed use for gypsy and traveller accommodation is not specifically supported by Policy MTRA4 but is subject to policy CP5.

Policy CP5 indicates that sites will be allocated and planning permission granted for sites to meet the objectively assessed accommodation needs of gypsies and travellers, provided the criteria set out in the policy are met – that sites should be well related to existing communities to encourage social inclusion and sustainable patterns of living, should not be over-concentrated in one location or be disproportionate in size to local communities, they should be accessible to local services and avoid harmful impacts on

nearby residential properties. The site is within the settlement gap between Shirrell Heath, Swanmore, etc and should avoid harmful impact to the gap and landscape (CP18, CP20).

LPP2 The following policies are particularly relevant to this application;

- DM1 – Location of New Development
- DM4 – Gypsies, Travellers and Travelling Showpeople
- DM16 – Site Design Criteria
- DM17 – Site Development Principles
- DM18 – Access and Parking
- DM19 – Development and Pollution
- DM20 – Development and Noise
- DM23 – Rural Character

Policy DM1 reinforces the development strategy set out in LPP1 – in countryside areas, such as the application site, only development appropriate to a countryside location will be permitted.

Policy DM4 includes numerical targets for additional pitches/plots for both Gypsies and Travellers, and Travelling Showpeople to meet the assessed need for traveller accommodation (about 15 gypsy and traveller pitches and about 24 travelling showpeoples' plots between 2016 and 2031). The supporting text to Policy DM4 indicates that Local Plan Part 1 policy CP5 will be used in conjunction with LPP2 Policy DM4 to determine planning applications. Proposals should be acceptable in terms of layout and design, and impact on nearby properties.

Other Material Considerations

Other material considerations include the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), and the Planning Policy for Traveller Sites (PPTS, DCLG 2015). National planning policy for traveller sites is set out in the PPTS which should be read in conjunction with the NPPF. 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.

PPTS paragraph 24 states that local planning authorities should consider the existing level of local provision and need for sites, the availability (or lack) of alternative accommodation for applicants and the personal circumstances of the applicant. Paragraph 26 refers to the need for the site layout to be well planned with respect to soft landscaping to enhance the appearance of the site, avoiding hard landscaping and ensuring adequate play areas for children.

The PPTS expects local planning authorities to set pitch targets for gypsies and travellers - including travelling showpeople – to address both permanent and transit site accommodation needs: this has now been done in Local Plan Part 2 (policy DM4).. A 5

year supply of deliverable sites is also required. Site allocations should therefore be made within a Local Plan, based on the needs assessment.

The Draft Traveller Development Plan Document was published for public consultation in July 2017 and set out a series of policies aimed at making adequate provision for pitches. Consultation responses have been analysed and the Pre-Submission version of the DPD is due to be published in January 2018. As this is likely to be before the application is determined, the emerging DPD is an important material consideration.

The emerging Traveller DPD sets out the Council's proposed strategy to provide traveller accommodation to meet identified needs – 15 gypsy and traveller pitches between 2016 and 2031 (LPP2 policy DM4). The DPD indicates that some of that need will be met by granting permanent planning permission on sites currently with temporary permission (policy TR2). The application site, which currently has temporary permission, is identified in the emerging DPD as one which will be granted permanent permission for traveller use, subject to the specific requirements set out in policy TR2. Proposals should also comply with the general site requirements of the DPD and policy CP5.

With regard to the weight that should be attached to the emerging Traveller DPD, NPPF paragraph 216 sets out three factors that should be taken into account:

- *The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given).*

The Traveller DPD is likely to be at an advanced stage of production by the time this application is determined and it is supported by up to date evidence. It contains policies that relate directly to this site.

- *The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given).*

There was one objection to the inclusion of this site in the Draft DPD's policy TR2 (from the Parish Council) and one comment of support (from the applicant). Further comments in relation to the 'soundness' of the policy may be made at the Pre-Submission stage.

- *The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

The PPTS will be relevant in addition to the NPPF given the subject matter of the DPD. The emerging DPD is consistent with the guidance, given the needs for traveller accommodation identified.

It is concluded that the Traveller DPD is at an advanced stage of production, and consistent with Government policy, albeit that there may be objections to policy TR2.

Therefore, on balance, the emerging DPD policies are an important material consideration.

Assessment

The site is outside the defined built-up area of any settlement and would not constitute infilling within the terms of policy MTRA3, so the principle of development/redevelopment for residential purposes would not normally be acceptable. The site is also within the defined Settlement Gap between Shirrell Heath, Swanmore and Waltham Chase. However, LPP1 contains several policies which are relevant to applications for traveller accommodation, particularly CP5 which provides for sites to be permitted for gypsies and travellers to meet identified needs, subject to a series of criteria. Other relevant policies include those on Gaps (CP18), landscape (CP20) and transport (CP10).

The NPPF indicates that applications should be determined in accordance with the development plan, unless material considerations indicate otherwise, taking into account matters such as the level of provision of sites, alternative accommodation and personal circumstances. Residential accommodation would not normally be acceptable in this countryside location, but PPTS and relevant LPP1 and LPP2 policies accept that there may be justification to use rural sites for the special needs of gypsies and travellers subject to these being sustainable economically, socially and environmentally.

Now that the LPP2 has established the level of traveller pitches required over the Plan period, and the emerging Traveller DPD sets out a strategy for achieving this, the Council can demonstrate a 5-year supply of traveller sites (but not for travelling showpeople). The emerging Traveller DPD shows how the overall need for traveller pitches (but not travelling showpersons' plots) is expected to be met, including a small surplus to give flexibility and provide for currently unknown needs. The emerging DPD proposes that the application site should receive permanent consent as part of this strategy. Although the DPD is not yet adopted, it should be accorded some weight (including the criteria for this site and for traveller provision in general) in view of the stage reached and the identified need for traveller sites.

The application appears capable of meeting the criteria set out in policies CP5 and TR2. It is reasonably well related to Shirrell Heath and facilities at Waltham Chase, taking account of other sites which have been found to be acceptable, without causing an over-concentration of traveller accommodation in this location. It is a small site that is not disproportionate in size to local communities. Adequate screening and landscaping should be provided to meet the requirements of policy TR2 and to minimise the impact of development on the settlement gap (CP18). As development in this location would not be permitted unless justified by the particular need for traveller accommodation, any consent should be subject to the applicants meeting the PPTS definition of travellers, and a condition to limit occupancy to those meeting the definition. Other consultees will no doubt comment on matters such as landscape impact, traffic and highways, design and amenity and pollution considerations.

Conclusion

Applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise, and should be assessed and determined in accordance with the presumption in favour of sustainable development. The emerging Traveller DPD is a material consideration and proposes that this site should receive a permanent consent, subject to various requirements and the provisions of other policies. The PPTS also indicates that, amongst other considerations, the existing level of local provision and need for sites, and the availability (or lack) of alternative accommodation for the applicants should be key factors in assessing applications for traveller accommodation.

While the Council is currently able to demonstrate a 5 year supply of traveller accommodation, the granting of permanent planning permission would contribute to meeting the ongoing identified need over the Plan period. Allowing the proposal would also be in line with the Council's strategy set out in the emerging DPD, as the application site is identified in that document as one which should be given permanent permission. If permanent consent were not granted the applicants would remain part of the identified unmet need in the area and it is likely that a new site would need to be found on which to address this need.

The above conclusion is based on the assumption that the applicants meet the definition of gypsies and travellers set out in PPTS and, if so, appropriate conditions should be attached to any permission to ensure that the accommodation can only be occupied by travellers meeting the definition.

Steve Opacic
Strategic Planning Projects Officer
18.12.2017

Consultee Comments for Planning Application 17/02213/FUL

Application Summary

Application Number: 17/02213/FUL

Address: Land Adjacent To Gravel Hill Shirrell Heath Hampshire

Proposal: Variation of Conditions 01 and 02 of 16/00456/FUL to make the temporary permission permanent and to amend the site layout

Case Officer: Robert Green

Consultee Details

Name: Mr Ian Elvin

Address: Winchester City Council, City Offices, Colebrook Street Winchester, Hampshire SO23 9LJ

Email: ielvin@winchester.gov.uk

On Behalf Of: Highway Engineers

Comments

No highway objections to this application for a variation of Conditions 01 and 02 of 16/00456/FUL to make the temporary permission permanent and to amend the site layout.

Ian Elvin

30/08/19

