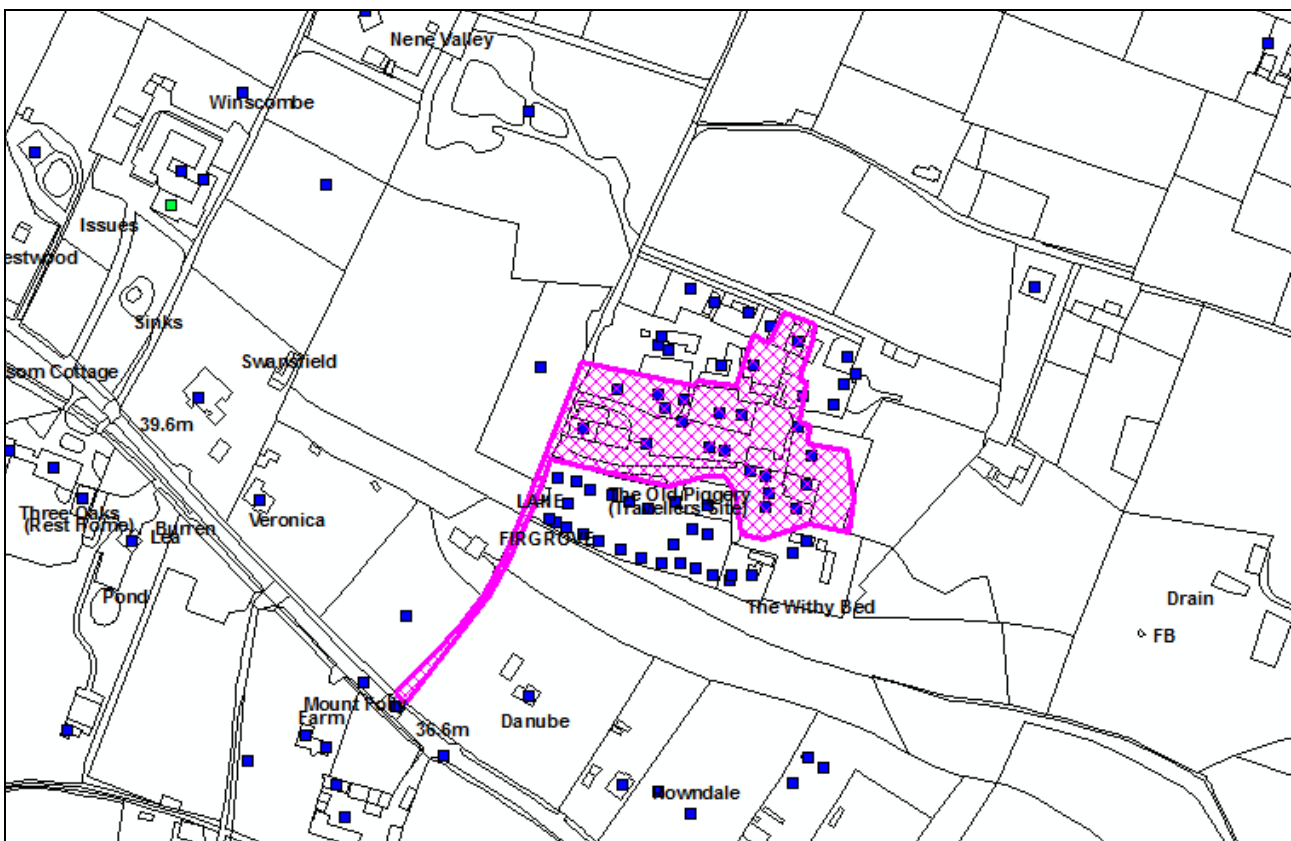


WINCHESTER CITY COUNCIL PLANNING COMMITTEE

Case No: 21/00399/FUL
Proposal Description: Continued use of land for the stationing of residential caravans.
Address: The Old Piggery Firgrove Lane North Boarhunt Hampshire
Parish, or Ward if within Winchester City: Boarhunt
Applicants Name: Mr J Keet
Case Officer: Liz Marsden
Date Valid: 19 March 2021
Recommendation: Refuse

Link to Planning Documents : <https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple&searchType=Application>

Pre Application Advice: No



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PLANNING COMMITTEE

General Comments

Application is reported to Committee due to the number of comments received contrary to the officer recommendation.

Site Description

The site covers an area of 0.76ha of land, located around 150m to the north of Southwick Road, from which it is accessed by a narrow road, Firgrove Lane. It forms a central part of a larger area of land on which there are a large number of caravans and mobile homes. The area to the south, formerly known as a Showpersons site, is in different ownership. The land is on a gentle gradient which slopes up from the south to the north. Land to the east and north of the site is characterised by open fields, used primarily for grazing horses. Notwithstanding the density of caravans on the site the surrounding area is predominantly rural in character and appearance.

Proposal

The application is for the continued use of land for the stationing of residential caravans, a number of which are already located on the site, with the submitted layout plan showing 19 pitches, though one of the pitches (23) appears to have 2 units on it. In addition there is proposed to be a new package treatment plant for effluent, located in the area to the east of the caravans, to which all units will be connected.

Relevant Planning History

The site as a whole, which comprises the Old Piggeries and the Withybeds has been the subject of a number of applications, summarised below:

11/01875/FUL - Siting of 4 residential gypsy caravans - temporary permission (until 30.11.16).

12/01878/FUL - Siting of 2 additional residential gypsy caravans - application withdrawn 01.04.2014.

16/01349/FUL - Continued stationing of 4 residential gypsy caravans - withdrawn 31.01.2017

16/01354/FUL - Use of land for six transit gypsy caravan pitches. - withdrawn 31.01.2017

16/01951/FUL - Siting of 8 residential Gypsy sites including parking - withdrawn 01.03.2017

17/00951/FUL - Permanent retention of twenty-six residential caravans for travellers and 6 transit pitches, together with associated access arrangements, foul water disposal, landscaping and earth bund. - withdrawn 15.06.2018

18/01691/FUL - Continued siting of 4 no. residential gypsy caravans without complying with Condition 3 of planning permission ref. 11/01875/FUL - permitted 01.11.2018

19/01564/LDC - Retention of building as a single dwellinghouse (7 The Old Piggery) - Permitted 13.09.2019

Case No: 21/00399/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

19/01684/LDC - Retention of building as a single dwellinghouse (6A The Old Piggery) - Permitted 26.09.2019

19/02250/FUL - Stationing of residential caravans (retrospective) - Refused 19.12.2019

20/01510/FUL - Erection of replacement three-bedroomed bungalow, with adjustment to its curtilage - Permitted 18.09.2020

Consultations

WCC Service Lead Built Environment - Strategic Planning: Objection

The site is located outside any defined settlement and the definition of infilling, so is within the countryside where planning policies would not normally allow for residential development (MTRA4). Provision has been made within the District, through permitted or allocated sites, to meet general housing and identified traveller needs and the Council can show that these needs have been exceeded and there is therefore no outstanding 5-year requirement.

If it is clarified that the application includes traveller accommodation, the Traveller DPD includes a criteria-based policy (TR6) which would need to be applied and may enable such accommodation to be approved if the criteria are met. There is however no information provided concerning the existing/proposed occupiers or to demonstrate that the requirements of policy TR6 could be satisfied.

WCC Service Lead Environment - Drainage: Objection

No surface water drainage system shown, but likely to discharge direct to adjacent open land, which in the absence of any objections can be accepted. However the adjacent watercourse does cause flooding downstream and if a surface water system is connected to it directly it will unacceptable exacerbate the peak flows of flooding downstream.

With regard to the foul system, the use of a package treatment plant is the most sustainable solution, but the proposed system appears to be undersized as it is for 10-30 people and given the number of units that it is to serve there are likely to be a greater number of users. Guidance states that units have to be sized using maximum occupancy as a precautionary measure. Additional concern is that the effluent is being discharged to attenuation cells, which are designed to hold surface water, not treat effluent and is therefore not a properly designed or acceptable system. It is also located on the boundary of the property which is not an acceptable location for a soakaway.

Infiltration in the area is very poor and will need to see test results to show that this has been factored into any drainage field design.

WCC Service Lead Environment - Environmental Protection: No comments

WCC Service Lead Environment - Landscape: No objection

Case No: 21/00399/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

HCC Highways: No objection

Environment Agency: - No objection to the proposal as submitted. The applicant should be aware that the development may require an environmental permit and must ensure that the operations at the site are in accordance with the Environmental Permitting (England and Wales) Regulations 2016.

Natural England
Awaiting comments

Representations:

Boarhunt Parish Council – Object for the following material planning reason:
Considers the proposal to have a detrimental impact on the local environment and the countryside.

Reasons aside not material to planning and therefore not addressed in this report

- Gypsies face a lot of prejudice which does not happen on the site

15 letters of support received from 14 households raising the following material planning considerations:

- Not enough sites in the area and concerned about rehousing of the community if the application is refused.
- Site needed for future generations
- Provides a much better living environment than other gypsy sites, clean air and lack of light pollution
- Good location for bringing up children
- Provides employment for maintenance man
- Children settled at local school and don't want to move

Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1)

DS1 – Development Strategy and Principles
MTRA3 – Other Settlements in the Market Towns and Rural Area
MTRA4 – Development in the Countryside
CP5 – Sites for Gypsies, Travellers and Travelling Showpeople
CP7 – Open Space, Sport & Recreation
CP10 – Transport
CP13 – High Quality Design
CP16 – Biodiversity
CP20 – Heritage and Landscape Character
CP21 – Infrastructure and Community Benefit

Winchester Local Plan Part 2 – Development Management and Site Allocations (LPP2)

DM1 – Location of New Development
DM4 – Gypsies, Travellers and Travelling Showpeople
DM6 – Open Space Provision
DM15 – Local Distinctiveness

Case No: 21/00399/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

DM16 – Site Design Criteria
DM17 – Site Development Principles
DM18 – Access and Parking
DM23 – Rural Character

National Planning Policy Guidance/Statements:

National Planning Policy Framework
Planning Practice Guidance
Planning Policy for Traveller Sites (PPTS, DCLG 2015)
Model Standards for 2008 Caravan Sites in England

Supplementary Planning Guidance

Winchester District Gypsy, Traveller and Travelling Showpeople DPD (Traveller DPD)
TR5 – Intensification of Existing Sites
TR6 – Planning Applications
TR7 – Traveller Site Design Guidance and Layout

Boarhunt Village Design Statement

Planning Considerations

Principle of development

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 site is situated outside of a defined settlement boundary within the countryside. In this area, the principle of allowing units of residential accommodation is generally not acceptable.

Policy MTRA4 - Development in the Countryside, of Local Plan Part 1 - Joint Core Strategy (LPP1) 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 use of the land for the stationing of residential caravans does not fall within any of the types of development allowed by this policy.

Policy MTRA3 of LPP1 provides for the development of sites within a settlement boundary or, as in North Boarhunt, a settlement with no clearly defined boundary, the infilling of a small site within a continuously developed road frontage, which may be supported, where it would be of a form compatible with the character of the village. The site of the caravans currently under consideration, is a substantial area, which includes part of the site previously refused in 2019, together with block of land to the south. It supports a total of 19 pitches, of a variety of size, accessed by unmade tracks leading from Firgrove Lane. The site could not therefore be said to form a small gap in a continuously developed road frontage and Policy MTRA3 is not applicable.

The Traveller DPD sets out the Council's strategy for the provision of gypsy and traveller accommodation to meet identified needs. The strategy does not require the allocation of

Case No: 21/00399/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

additional sites not currently used for gypsies and travellers and the Council is able to demonstrate a 5 year supply of traveller accommodation as required by national planning policy.

Policy TR5 of the Traveller DPD may allow for the intensification of safeguarded sites and there is a consent for permanent traveller's pitches on land adjacent to the site, allocated by policy TR2. However, the permitted site is not included in the current application site, which is clearly for additional land, not intensification of the authorised site and cannot therefore be considered under this policy.

Policy TR6 may allow permission to be granted for sites to meet traveller needs that had not been previously identified, where they meet the criteria of that policy. These criteria relate to the occupants being able to demonstrate that they are gypsies/travellers, as defined in PPTS, have a personal or cultural need to be located in the area and that there is a lack of other suitable accommodation.

Very limited information has been provided about the status of the occupants, other than a letter by the applicant, confirming that a number of units are occupied by gypsies and some notes from a few of the occupants referring to having stayed on other gypsy sites around the area. It is still unclear as to whether they comply with the PPTS definition of gypsies as '*Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily*'. In the case of 7 of the units, no information has been provided at all and, in the absence of sufficient information to demonstrate that the occupants meet the policy TR6 criteria, it is not considered that there is justification for a departure from policy MTRA4.

However, notwithstanding the departure from the overriding policies of the Local Plan, the development would also need to accord with other policies and criteria in terms of its impact on the surrounding area, neighbour amenity and environment together with the provision of appropriate facilities and this is assessed below.

Design/layout

The site has been developed over a number of years with no coherent plan as to the siting of the units. Both the layout and the construction of the site fall significantly short of the Model Standards for Caravan Sites, which require:

- A minimum distance of 6m between caravans. The distance between several of the units is significantly less than 6m, with only 3.6m between 20 and 24A.
- Units should be set back at least 2m from a road, which a number of the units fail to achieve.
- Car parking spaces should not be within 3m of adjacent units.
- Units to be located on a concrete base or hardstanding, which extend over the whole area occupied by the unit.
- Roads should be constructed and laid of suitable bitumen macadam or concrete, have adequate surface water drainage and maintained in good condition. The current roads on the site are largely unmade and there is no evidence of surface water drainage measures.

In addition policies CP5 and TR7 require the provision of:

- An area of open space within the site for safe children's play.

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

The layout and density of the units on the site is such that there is no room for a play area. It is noted that there is additional land in the applicant's ownership to the east of the site, where a play area could potentially be created. However, this would not be readily accessible by children without going along tracks used by vehicular traffic and has little natural surveillance from adjacent units.

It is not considered that the layout and facilities that are currently available on the site provide are acceptable and the proposed continued use of the site would therefore be contrary to policies CP5 of LPP1, TR7 of the Travellers DPD and DM16, DM17 of LPP2.

Impact on character of area

There are a total of 19 caravan pitches shown on the submitted plan of the site and are accessed via two gravel tracks from Firgrove Lane and a further track that runs along the northern boundary of the site. It is recognised that the location of the application site is not unduly intrusive in the wider landscape of the surrounding area and that the caravans located on it are viewed in the context of other authorised and unauthorised caravans. The low profile of the units also assists in reducing their visual impact over the wider area.

There is however a significant localised impact when viewed from the public right of way that runs up Firgrove Lane with the caravans on the application site effectively merging with the two formerly separate sites to the north and south, leading to a significant area occupied by caravans which, together with associated car parking and fencing, has materially and detrimentally altered the character and appearance of this rural area. The continued use of the site for siting of caravans would therefore be contrary to policies CP5 and TR7.

Impact on neighbour amenity

The nearest residential properties, other than unauthorised caravans to the south of the site, are located along Southwick Road, around 200m away and beyond the belt of mature trees. The caravans therefore have no direct impact through loss of privacy or outlook on the residential amenities of those properties.

It is also necessary to consider the amenities of the occupants of the site and, as noted above, there are a number of units that are set significantly closer together than the 6m required by the Model Standards 2008 and are in close proximity to internal roads or neighbouring parking spaces, leading to potential loss of amenity through noise and disturbance. Furthermore, whilst the proposal includes provision for a new package treatment plant, no details have been provided about the provision of power and water, as required by the Model Standards and Policies CP5 of LPP1 and TR7 of the of the Traveller DPD, to ensure that the occupants would benefit from an acceptable standard of living in these respects. In addition the number and density of units proposed would not enable the provision of any open space within the site for a safe children's play area.

It is not therefore considered that the continued use of the site for residential caravans provides an adequate standard of living for its occupants and therefore the proposal is contrary to policies CP5, TR7 and DM17 of LPP2.

Highways/Parking

The caravans are already in situ and the highways authority consider that the vehicle movements that they generate can be accommodated on the road. There is adequate

Case No: 21/00399/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

room within the site for the parking of vehicles, to ensure that these do not obstruct Firgrove Lane. Whilst the proposal does not have an adverse impact on the public highway, the roads within the site have not been made up to an acceptable standard for a residential development and there is no information as to their adequacy for the manoeuvring of emergency vehicles. However, since it is apparent that it is possible to navigate the size of vehicle required to bring in the mobile homes onto the site, it is not considered that a reason for refusal on highways grounds could be sustained, based on the current number of units.

Drainage

The proposed application includes the provision of a package treatment plant to deal with the sewage from the site, which is an improvement over the existing solution of septic tanks that need to be emptied at regular intervals. However, the drainage officer has raised a number of concerns about the system proposed, in terms of its inadequate size, location on the boundary and the discharge to attenuation cells that are not designed to treat effluent or allow it to soak into the surrounding soil. The system that is currently proposed is not therefore acceptable.

In terms of surface water, the limited amount of hard-surfacing on the site results in surface water from the units soaking into adjoining land and, despite the poor infiltration of the ground in the vicinity does not appear to cause a problem at the present time. However, any increase in the level of hard standing could alter this situation, causing problems of flooding for properties in the vicinity of the site. In the absence of such information or an acceptable foul drainage solution the proposal would be contrary to policies CP5 and TR7.

Ecology.

Solent Disturbance Mitigation Zone (SDMP). This site is within 5.6 km of the Solent coastline. Tens of thousands of birds come to the Solent coast for the winter and there are three Special Protection Areas (Chichester & Langstone Harbours; Portsmouth Harbour; and Solent & Southampton Water) to safeguard them. The protection afforded by the SPA designations has particular consequences. Under the Habitats Regulations, any plan or project can only lawfully go ahead if it can be shown that the development, either on its own or in combination with other plans or projects, will have no adverse effect on the integrity of the SPAs.

New housing around the Solent will lead to more people visiting the coast for leisure with the potential to cause more disturbance to the birds. Research shows that additional disturbance will affect the birds' survival unless mitigation measures are put in place. Bird Aware Solent provides a means to deal with the potential impacts along the coastline resulting from housing developments. The initiative is run by the Solent Recreation Mitigation Partnership, which is made up of 19 organisations (local authorities and conservation bodies) including Winchester City Council, and is funded by financial contributions from new dwellings and other forms of residential developments within 5.6km of the SPAs. The measures implemented by the Partnership provide a means for developers to mitigate the effects of their schemes so that obligations under the Habitat Regulations can be met and planning permission granted.

The planned mitigation measures are set out in the Interim Solent Recreation Mitigation Strategy. The main one is a team of rangers to help coastal visitors and communities understand the importance of the different bird species and the impact of disturbance.

Case No: 21/00399/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Additional work is taking place to encourage responsible dog walking and visits to less sensitive parts of the coast. This work is particularly important as research shows that around 40% of bird disturbance occurs as a result of interactions with dogs. In addition the Bird Aware Solent team have secured Local Growth Deal funding which has been spent on creating or enhancing alternative local green spaces for some people who would have otherwise visited the coast. The effectiveness of the Strategy's measures are also being monitored.

The Council's Supplementary Planning Document relating to the SRMP states that Developments of one or more dwellings, which includes permanent accommodation for gypsies and travellers, within a 5.6km radius of the SPA will be required to provide financial contributions, the amount of which is based on the number of bedrooms within the dwelling, to fund mitigation measures set out in the Strategy. In this instance the application is not accompanied with the requisite contribution, or confirmation that the contribution will be paid, to mitigate the harm caused to biodiversity in the affected area as set out above, failing to comply with policies CP15 and CP16 of LPP1.

The site is also located in an area where Natural England has raised concern regarding the continued discharge of nitrates and phosphorus (nutrients) due to its proximity to and impact, resulting from eutrophication, on the Solent water environment, recognised as being internationally important for its wildlife and safeguarded by Special Protection Area designations. In relation to this proposal, the submitted 'nitrate budget' calculates that the number of units on the site generates 63kg nitrates per year and appropriate mitigation will be required in order to ensure no adverse impact on the SPA designations. The applicant has not agreed to any such mitigation and a reason for refusal is justified on this basis.

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 Local Planning Authority has given due regard to this duty and the considerations do not outweigh any matters in the exercise of our duty as statutory planning authority for the council.

Conclusion

The proposal would result in the retention of dwellings in the countryside for which there is no justification, resulting in an adverse impact on the character and appearance of the area. It is not considered that the site layout and current facilities provide a satisfactory level of residential amenity. The proposal would also fail to mitigate the impact on the ecology of the area, in particular the Special Protection Areas of the Solent, The application would therefore be contrary to policies MTRA4, CP5, CP13, CP16, CP17 of LPP1 and DM1, DM4, DM15, DM16, DM17 and DM23 of LPP2.

Recommendation

Refuse for the following reasons

1. The proposal would represent new dwellings in the countryside for which there is no justification and would therefore be contrary to Policies MTRA3, MTRA4, and CP5 of, Local Plan Part 1 - Joint Core Strategy, policies DM1, DM4, of Local Plan Part 2

Case No: 21/00399/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

- Development Management and Site Allocations, Winchester District Gypsy, Traveller and Travelling Showpeople Development Plan Document and Government Planning Policy for Traveller Sites.

2. The proposal would be contrary to policy CP5 of Winchester Local Plan Part 1 and policy TR7 of the Winchester District Gypsy, Traveller and Travelling Showpeople Development Plan Document in that insufficient information has been provided in respect of the provision of facilities, particularly in terms of wastewater infrastructure and safe play spaces. As such it is not possible to ensure that facilities appropriate to the scale of the site can be adequately provided without adverse impact on the occupants of the site, neighbouring properties or the surrounding area.
3. The proposed development is contrary to Policies CP15 and CP16 of the Winchester District Local Plan Part 1 - Joint Core Strategy, in that it fails to protect and enhance biodiversity across the District by failing to make appropriate provision for the Solent Disturbance and Mitigation Charge Zone.
4. In the absence of a suitable agreement to secure appropriate mitigation measures for the increased discharge of nitrogen and phosphorous into the Solent the development would be likely to have a significant effect on the Solent Special Protection Areas and is therefore contrary to the NPPF, policy CP16 of the Winchester District Local Plan Part 1 and Regulations 63 and 64 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Informatives

1. In accordance with paragraphs 186 and 187 of the NPPF, 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 there have been requests for additional information to address concerns raised during the consideration period.

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
- MTRA3 - Other Settlements in the Market Towns and Rural Area
- MTRA4 - Development in the Countryside
- CP5 - Sites for Gypsies, Travellers and Travelling Showpeople
- CP7 - Open Space, Sport and Recreation
- CP10 - Transport
- CP13 - High Quality Design
- CP16 - Biodiversity
- CP17 - Flooding, Flood Risk and the Water Environment
- CP20 - Heritage and Landscape Character
- CP21 - Infrastructure and community benefit

Case No: 21/00399/FUL

WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Winchester Local Plan Part 2 - Development Management and Site Allocations

- DM1 - Location of New Development
- DM4 - Gypsies, Travellers and Travelling Showpeople
- DM6 - Open space provision
- DM15 - Site Design Criteria
- DM16 - Site Development Principles
- DM18 - Access and Parking
- DM20 - Development and Noise
- DM23 - Rural character

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