



APPEAL BY MR. P. STOKES & MR. B. STOKES

STATEMENT OF CASE

**Regarding the decision of Winchester City Council to serve an
Enforcement Notice with regard to Land at Carousel Park,
Basingstoke Road, Micheldever, Winchester, Hampshire SO21
3BW**

July 2022

Our Ref:	J004151
PINS Ref:	APP/L1765/C/22/3296503 & APP/L1765/C/22/3296504
LPA Ref:	None

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1.0 INTRODUCTION

1.1 WS Planning & Architecture have been instructed by Mr. P. Stokes & Mr. B. Stokes (“The Appellant”) to prepare and submit an appeal against the decision of Winchester City Council to serve an enforcement notice with regard to Land at Carousel Park, Basingstoke Road, Micheldever, Winchester, Hampshire SO21 3BW.

1.2 The alleged breach set out in the Enforcement Notice is,

“without planning permission, the material change of use of the land to a residential caravan site for 10 caravans”

The notice sets out that to remedy the breach of planning control that three matters need to be undertaken, namely,

“1. Cease the use of the Land as a residential caravan site;

2. Remove all caravans, mobile homes, park homes, hardstanding / hard surfacing, fencing, services, storage containers, sheds, porta-loos, animal enclosures, vehicles, machinery, trailers, waste, construction materials, buildings, structures, and any other items associated with the Unauthorised Use from the Land;

3. Restore the Land to its condition before the breach of planning control took place.”

However, the LPA state that one of the reasons for serving the notice is that the land is allocated for travelling showpersons use. They would of course be occupying residential caravans exactly what the LPA are enforcing against.

2.0 APPEAL SITE AND SURROUNDING AREA & PLANNING HISTORY

- 2.1 The appeal site is laid out as a caravan site as is the remainder of Carousel Park. **Figure 1** portrays an aerial photograph with the approximate position of the appeal site edged in red.

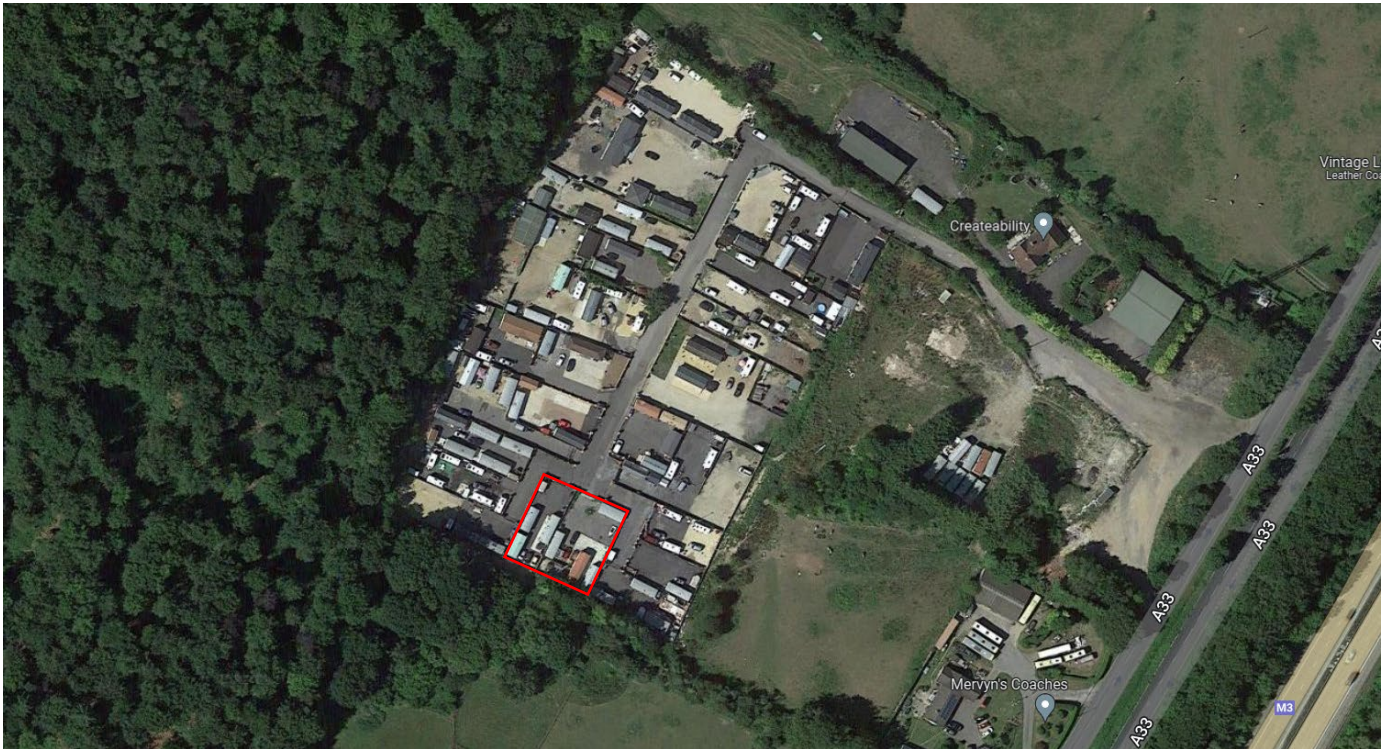


Figure 1 – Aerial Photograph of Appeal Site

- 2.2 The appeal site is in a countryside location with good vehicular access on to Basingstoke Road with left turning only as it is a dual carriageway.
- 2.3 There is a complex planning history surrounding Carousel Park which is anticipated to be set out in a statement of Common Ground to be agreed with the LPA.

3.0 CENTRAL GOVERNMENT GUIDANCE

National Planning Policy Framework (NPPF July 2021)

- 3.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. It provides a Framework within which locally-prepared plans for housing and other development can be produced.
- 3.2 The revised NPPF was published in July 2021 and sets out the Government's most up-to date vision for future growth. The document introduces a presumption in favour of sustainable development. The Ministerial Foreword highlights that **“sustainable development is about positive growth – making economic, environmental and social progress for this and future generations”**. The opening statement goes on to state that **“development that is sustainable should go ahead, without delay”**.
- 3.3 Paragraph 7 of the NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 3.4 Paragraph 8 sets out the three over-arching objectives of sustainable development; these are “the economic role, the social role and the environmental role”.
- 3.5 Paragraph 10 states “so that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development”.
- 3.6 Paragraph 11 of the NPPF confirms that plans and decisions should apply the presumption in favour of sustainable development. In terms of plan-making this means **“plans should positively seek opportunities to meet the development needs of their area”**. In terms of decision-taking this means **“approving development proposals that accord with an up-to-date development plan**

without delay” and “where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date”, permission should be granted unless the Framework provides a clear reason for refusing the development proposed.

3.7 Paragraph 38 highlights that **“local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible”.**

3.8 Paragraph 47 states that,

“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.”

3.9 Paragraph 73 makes it clear that LPA’s need to identify and update annually a supply of specific sites to provide a minimum of 5 years supply.

3.10 Paragraph 85 under the heading of Supporting a prosperous rural economy acknowledges that some locations will be beyond settlements and not well served by public transport. It states,

“Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or

by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”

- 3.11 Paragraph 105 states that **“the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making”**. This paragraph acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

Planning Policy for Traveller Sites (PPTS March 2015)

- 3.12 The NPPF should be read in conjunction with the Government’s planning policy for traveller sites. The PPTS, which was published in March 2015, is therefore an important material consideration.
- 3.13 Paragraph 3 of the PPTS states **that “the Government’s overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.”**
- 3.14 Paragraph 4 sets out the Government’s aims in respect of Traveller sites in that,
- a) **that local planning authorities should make their own assessment of need for the purposes of planning**
 - b) **to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites**
 - c) **to encourage local planning authorities to plan for sites over a reasonable timescale**

- d) that plan-making and decision-taking should protect Green Belt from inappropriate development**
- e) to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites**
- f) that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective**
- g) for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies**
- h) to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply**
- i) to reduce tensions between settled and traveller communities in plan-making and planning decisions**
- j) to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure**
- k) for local planning authorities to have due regard to the protection of local amenity and local environment**

This paragraph sets out that LPAs should make their own assessment of need to ensure that the number of Traveller sites in appropriate locations should be granted planning permission to address under provision and maintain an appropriate level of supply.

3.15 Paragraph 9 states that LPAs should set pitch targets.

3.16 Paragraph 10 states that LPAs should identify a supply of specific deliverable sites sufficient to provide 5 years' worth of sites.

3.17 Paragraph 13 states that LPA's should ensure that their policies,

“Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:

- a) promote peaceful and integrated co-existence between the site and the local community**
- b) promote, in collaboration with commissioners of health services, access to appropriate health services**
- c) ensure that children can attend school on a regular basis**
- d) provide a settled base that reduces both the need for long distance travelling and possible environmental damage caused by unauthorised encampment**
- e) provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development**
- f) avoid placing undue pressure on local infrastructure and services**
- g) do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans**
- h) reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.”**

3.18 Paragraph 14 states that **“When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.”** This section of the document does not rule out the principle of providing Traveller sites in rural or semi-rural locations such as the appeal site. I of course accept that the appeal site is located in the Green Belt.

3.19 Paragraph 24 sets out what matters LPA's should consider amongst other relevant material considerations when determining proposals for traveller sites,

- a) **the existing level of local provision and need for sites**
- b) **the availability (or lack) of alternative accommodation for the applicants**
- c) **other personal circumstances of the applicant**
- d) **that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites**
- e) **that they should determine applications for sites from any travellers and not just those with local connections**

3.20 Paragraph 26 sets out further relevant matters to which weight should be attributed to,

- a) **effective use of previously developed (brownfield), untidy or derelict land**
- b) **sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness**
- c) **promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children**
- d) **not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community**

3.21 Paragraph 27 sets out that if a local planning authority cannot demonstrate an up to date 5-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. The exception is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).

3.22 Annex 1 of the Planning Policy for Traveller Sites provides the following definition of Gypsies and Travellers.

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, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

4.0 DEVELOPMENT PLAN POLICIES

Winchester City Council Local Plan Part 1 Joint Core Strategy (2013) & Part 2 –
Development Management and Site Allocations (2017)

- 4.1 The LPA in serving the Enforcement Notice seek to rely upon Policy MTRA4 of the Local Plan Part 1 and Policies DM1, DM10, DM16, DM17, DM18 and DM23 of the Local Plan Part 2.

Gypsy, Traveller and Travelling Show People DPD Adopted February 2019

- 4.2 We will be making reference to the DPD in our Proof of Evidence as well as Personal Statements from the Appellants to demonstrate the ongoing unmet need for Gypsy / Traveller accommodation in the District. For completeness we attach a copy of the DPD at **Appendix 1**.

5.0 GROUNDS OF APPEAL

Ground (a)

- 5.1 On 02/10/2003 (ref 02/01022/FUL) planning permission was granted on Carousel Park for a caravan site. Whilst there were conditions restricting the number of residential caravans on each pitch to three and the number of pitches to nine there were no conditions attached to the planning permission restricting the occupation of the site to travelling show people. Appeals against enforcement notices were heard by way of a Public Inquiry which opened on 11/10/2011. The appeals were allowed and the notices were quashed as the Inspector found that in line with the decision in "I'm Your Man" case, the authorised use of the land is as a residential caravan site. The PINS references for the enforcement appeals was APP/L1765/C/10/2138144, 49, 50, 52, 53 & 55. It therefore follows that Policy MTRA4 of the Local Plan Part 1 cannot properly be applied.
- 5.2 10 caravans, with amended sitings be accommodated on the appeal site in a manner which would meet caravan site licence requirements. References by the LPA to the site being located in the countryside whilst being correct is of limited relevance bearing in mind the fact that the site and the wider area benefits from planning permission. The LPA also assert that "no landscaping scheme has been provided". Well of course how could it be when the LPA have served an enforcement notice with no prior consultation with the owner, this is not a planning application lacking a landscaping scheme.
- 5.3 It is considered that there is no plausible reason not to grant planning permission.
- 5.4 It is submitted that a site development scheme condition could ensure that there is adequate spacing between mobile homes.
- 5.5 It will be submitted that if the appeal site is no longer required for Travelling Showpeople then there is no reason not to grant planning permission for Gypsy / Travellers. We will be seeking in a Statement of Common Ground to agree what the level of need is for Travelling Showpeople in the District.

Ground (f)

- 5.6 The breach of planning control identified by the LPA is "without planning permission, the material change of use of the land to a residential caravan site for 10 caravans". Turning to the requirements of the notice they are excessive for each of the 3 points listed.
1. The authorised use of the appeal site is a residential caravan site.
 2. The authorised use of the appeal site is a residential caravan site.
 3. There is nothing that needs to be undertaken.

Ground (g)

- 5.7 As there is no alternative accommodation for the occupants of the mobile homes an extended period of 12 months is sought.

6.0 THE PLANNING BALANCE AND CONCLUSION

- 6.1 Interestingly, this is not a case where character and appearance has any bearing on the Inspectors decision having regard to the fact that the LPA accept that residential caravans are appropriate for the site although narrowing this down to residential caravans for Travelling Showpeople although the requirements of the Notice seem to work against this.
- 6.2 In conclusion, it is submitted that based on the evidence and in particular need, that there is no reason for the Inspector to not allow the Appeal subject to conditions discussed, quashing the Enforcement Notice on Land at Carousel Park, Basingstoke Road, Micheldever, Winchester, Hampshire SO21 3BW.

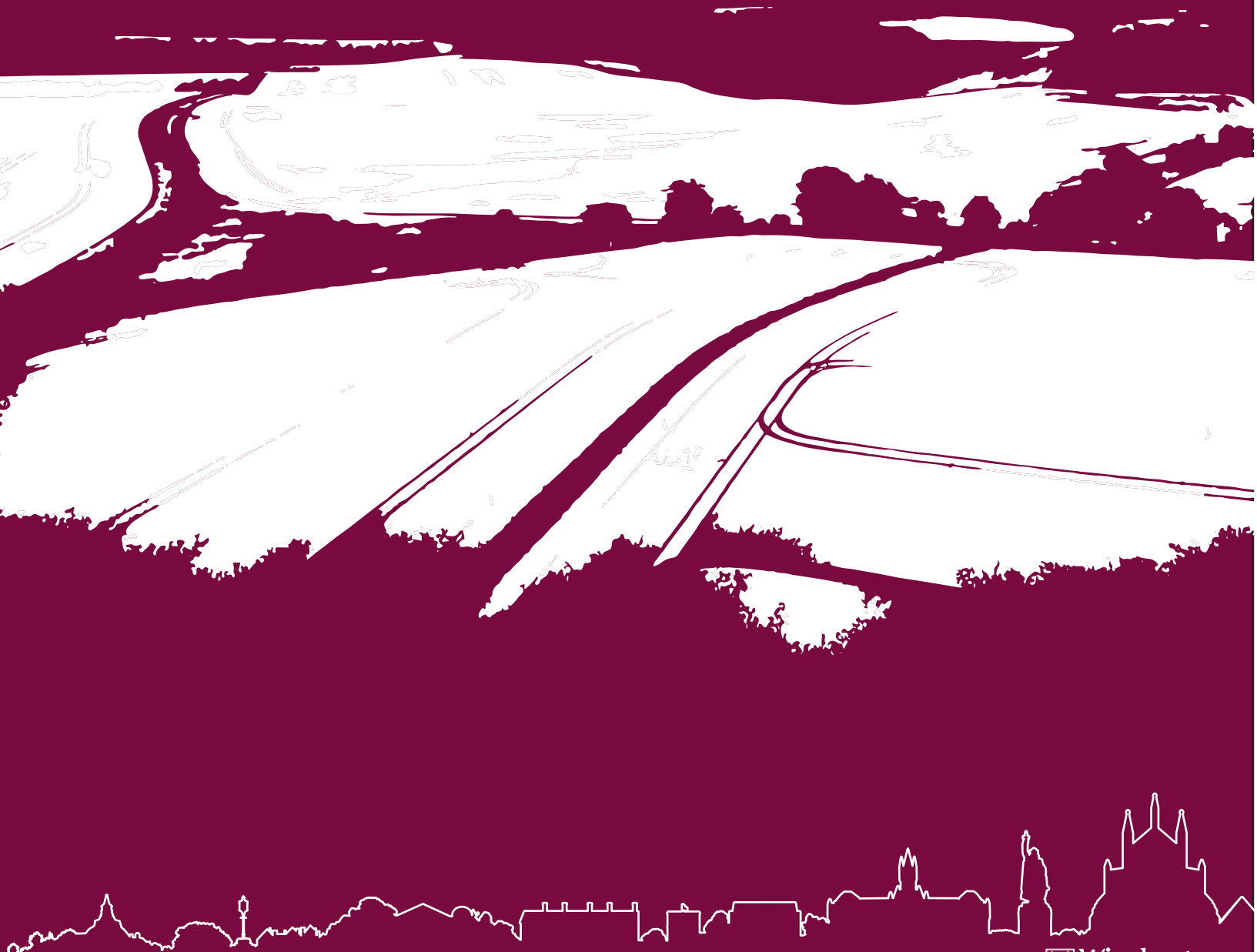
7.0 APPENDICES

- Appendix 1** **Winchester District: Gypsy, Traveller and Travelling Showpeople – Development Plan Document – ‘Traveller DPD’ Adoped February 2019**
- Appendix 2** **Enforcement Notice Appeal Form APP/L1765/C/22/3296503 & APP/L1765/C/22/3296504**
- Appendix 3** **Enforcement Notice Issued by Winchester City Council – 1 March 2022**

WINCHESTER DISTRICT:
GYPSY, TRAVELLER AND TRAVELLING SHOWPEOPLE

DEVELOPMENT PLAN DOCUMENT

'Traveller DPD'
Adopted
February 2019



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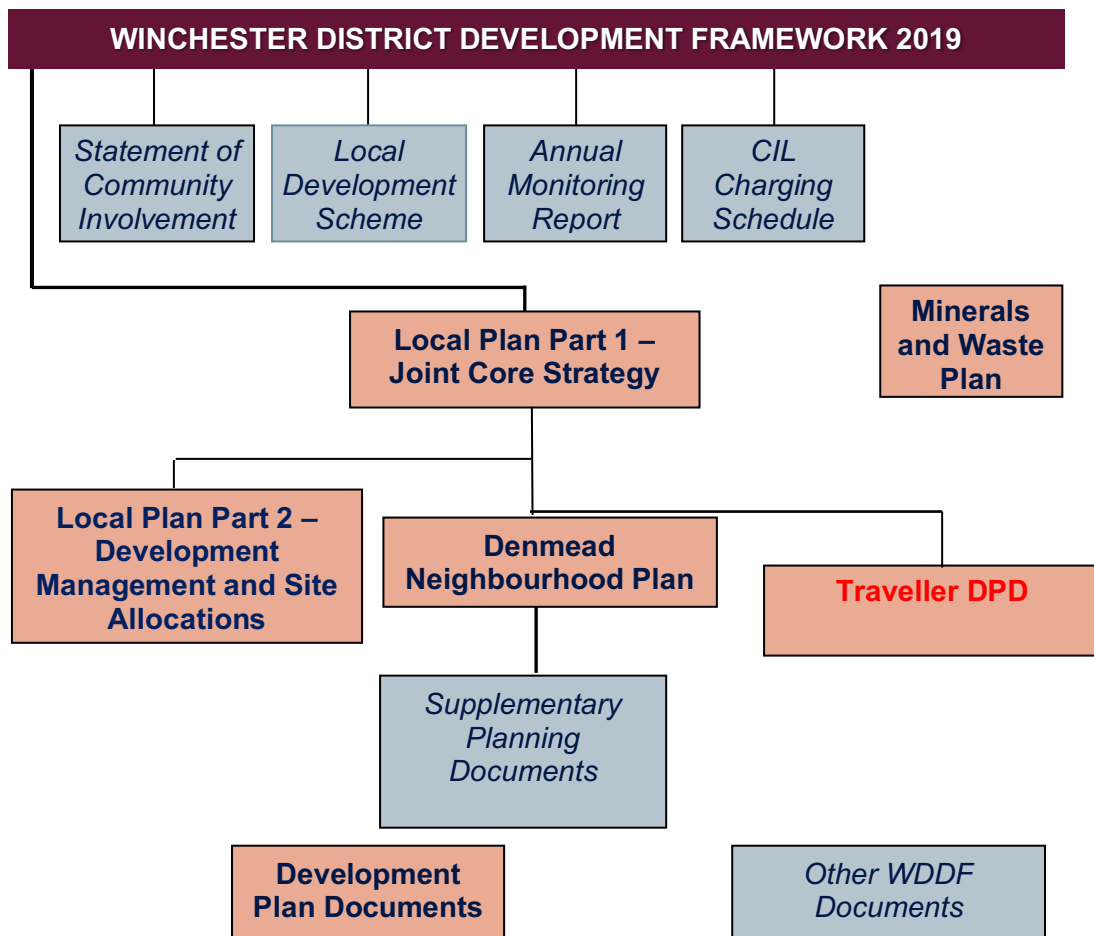
Winchester District : Gypsy, Traveller and Travelling Showpeople Development Plan Document

1.Introduction and Background

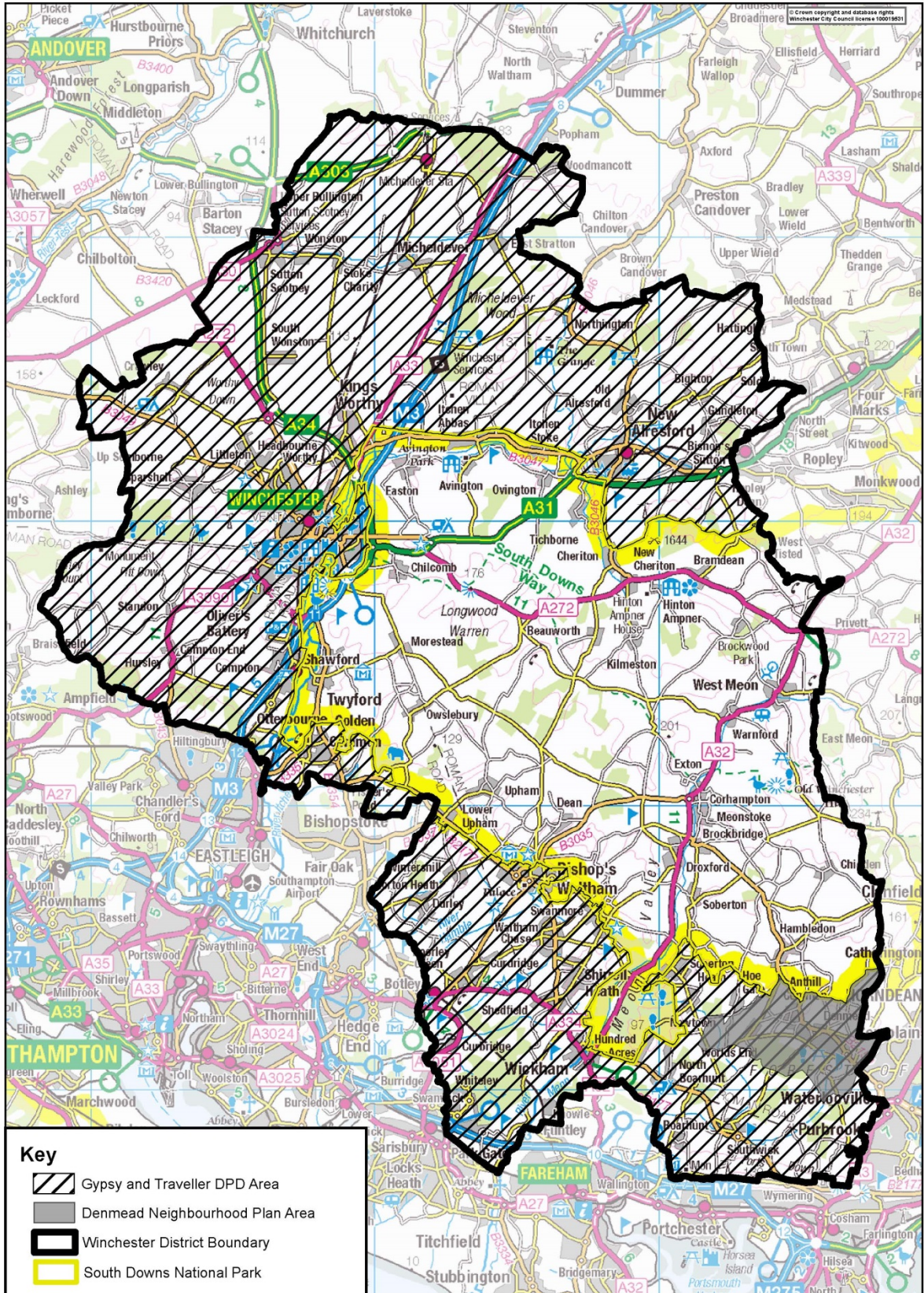
Introduction

1.1 Local Authorities are required by Central Government to assess the accommodation requirements of Gypsies and Travellers and to develop a strategy that addresses any unmet need identified. The Gypsy, Traveller and Travelling Showpeople Development Plan Document (Traveller DPD) forms part of the Winchester District Development Plan and identifies, safeguards and allocates sites for traveller needs, it also responds to and implements the local planning policies already established in other adopted Local Plans, (see extracts at Appendix C) particularly:

- Policy CP5 – Sites for Gypsies, Travellers and Travelling Showpeople – Local Plan Part 1 adopted March 2013.
- Policy DM4 - Gypsies, Travellers and Travelling Showpersons – Local Plan Part 2 adopted April 2017.



1.2 This Traveller DPD only covers that part of the Winchester District that lies outside the South Downs National Park. The South Downs National Park Authority has produced its own local plan to address traveller and other needs.



1.3 The plan period for this DPD is 1 September 2016 – 31 August 2031 - planning permissions granted since 1st September 2016 therefore contribute to meeting the identified need.

The purpose of this DPD is to:-

- Identify and allocate a supply of deliverable sites in the first 5 years of the plan and a strategy to accommodate growth in years 6-10 and where possible years 11- 15 in accordance with Policy DM4 and advice set out in the Planning Policy for Traveller Sites, published by the Government in August 2015.
- Ensure that the identified pitches/plots reflect the requirements of Policy CP5.

The Traveller DPD forms part of the Development Plan, along with Local Plan Part 1 and Part 2, the Denmead Neighbourhood Plan and the Hampshire Minerals and Waste Plan.

All the policies within the Development Plan will be taken into account in determining planning applications, along with other material considerations.


Therefore, the policies in this Plan do not list or cross-refer to all other policies that may be relevant, but these nevertheless continue to apply.

Relationship with Local Plan Part 1 and 2

1.4 The spatial planning vision for the District is set out in Local Plan Part 1, the aim of this is to ensure that the District retains its distinctive characteristics and to maximise opportunities to address change in a positive way. The spatial planning objectives reflect the themes of the Community Strategy originally prepared in 2004 with regular updates. The provision of housing in the District falls under the 'active communities' theme. The Community Strategy has recently been replaced by the Council's Strategy adopted in February 2018, this focuses on the Council's functions and services, but equally has a focus on the provision of housing to meet the Districts' needs.

Policies highlighted in red specifically refer to gypsies and travellers:-

Local Plan Part 1		Local Plan Part 2	Traveller DPD
Spatial Strategy & Strategic Policies		Site Allocations & Development Management Policies	Gypsy and Traveller and Travelling Showpeople
Winchester Town WT1, WT2, WT3	➔	WIN1, WIN2, WIN3, WIN4, WIN5, WIN6, WIN7, WIN8, WIN9, WIN10, WIN11	
South Hants. Urban Areas SH1, SH2, SH3, SH4	➔	SHUA1, SHUA2,SHUA3, SHUA4, SHUA5	
Market Towns & Rural Area MTRA1, MTRA2, MTRA3, MTRA4, MTRA5	➔	BW1, BW2, BW3, BW4, BW5, CC1, CC2, KW1, NA1, NA2, NA3, SW1, SW2, WC1, WC2, WC3, WC4, WK1, WK2, WK3	
Core Policies		Development Management	
Active Communities CP1, CP2, CP3, CP4, CP5 , CP6, CP7	➔	DM1, DM2, DM3, DM4 , DM5, DM6	Site allocation policies Safeguarding policies General design guidelines and planning application requirements
Prosperous Economy CP8, CP9, CP10	➔	DM7, DM8, DM9, DM10, DM11, DM12, DM13	
High Quality Environment	➔	DM14, DM15, DM16, DM17, DM18, DM19,DM20, DM21,	

CP11, CP12, CP13, CP14, CP15, CP16, CP17, CP18, CP19, CP20		DM22, DM23, DM24, DM25, DM26,DM27, DM28, DM29, DM30, DM31, DM32, DM33, DM34	
Infrastructure, Implementation & Monitoring CP21		Implementation & Monitoring	

This DPD also includes a glossary (Appendix A) and a monitoring framework at Appendix F. The policies maps have also been updated to reflect the location of sites referred to in this DPD.

<http://www.winchester.gov.uk/assets/attach/15983/CD7%20-%20Policies%20Map%20G%26T%20Submission.pdf>

Sustainability appraisal

1.5 This DPD meets the requirements of the Strategic Environmental Assessment Directive (SEA). The draft site options and policies were appraised by independent consultants Enfusion against sustainability objectives. The results of the sustainability appraisal on the consultation draft DPD, were taken into account at that time. The SA/SEA is an iterative process and the revised text and policies have been assessed and policies amended throughout preparation of this DPD.

<http://www.winchester.gov.uk/planning-policy/traveller-dpd/gypsy-and-traveller-dpd-examination>

1.6 The Conservation of Habitats and Species Regulations 2017 also require assessment of the impact of plans and policies on protected sites of international nature conservation importance (Habitat Regulations Assessment – HRA). This was undertaken through the preparation of Local Plan Part 1 and 2. The HRA found that there were no likely in-combination affects with other plans and programmes that would impact on the European sites. The HRA of the Traveller DPD therefore concluded that the policies were not considered to result in any impacts on European designated sites in the surrounding area, either alone or in-combination with other plans and programmes.

1.7 One of the protected areas is the Solent coastline, as much of it is protected by environmental designations including three Special Protection Areas (SPAs). Recreational activity resulting from residential development in the vicinity of the

Solent can impact upon its ecology and, in order to deal with the effects of new housing, Councils on or near to the Solent coastline have agreed to support a mitigation strategy produced by the Solent Recreation Mitigation Partnership (SRMP), which is now in place.

1.8 The Partnership is comprised of the local authorities situated along or close to the shoreline of the Solent, and this includes the City Council, along with nature conservation bodies such as Natural England. The new strategy includes a specific requirement for “permanent accommodation for gypsies and travellers” to fund mitigation, whilst temporary and transit pitches will be assessed on a case by case basis.

1.9 All additional residential development, including gypsy, traveller and travelling showpeople’s accommodation within 5.6km of the SPAs will therefore be expected to mitigate its recreational impact on the SPAs. The SRMP Strategy provides a means to achieve this by allowing developers to make financial contributions towards implementing the mitigation measures set out in the Strategy. This requirement will affect some of the sites covered by this DPD, those sites that lie within 5.6km of the SPA are listed in the schedule at Appendix D.

Community Engagement

1.10 Parish Councils were kept informed of the preparation of this DPD (via [Parish Connect](#)) and were encouraged to promote the DPD so that their communities could participate. Similarly the Council published its ‘[LDF e-newsletter](#)’ regularly to a wide audience which included references to the Traveller DPD.

1.11 The Council utilised social media to highlight preparation and to encourage participation from the traveller community and its representatives. The Council received positive feedback from national traveller organisations which demonstrates that this communication method reached groups directly.

Duty to Co-operate

1.12 Cross-boundary working has been embedded in the formulation of this DPD from the outset. In that respect, the City Council has engaged positively with neighbouring authorities through the commissioning of key studies that contribute to the evidence base. The Site Assessment Study was jointly commissioned with East Hampshire District Council and the South Downs National Park Authority.

1.13 The Gypsy and Traveller Accommodation Assessment (GTAA) was commissioned in partnership with Fareham Borough Council, Gosport, Havant, New Forest District Council, New Forest National Park Authority and Test Valley. A Duty to Co-operate Statement forms part of the evidence base to this DPD.

1.14 Throughout preparation of this DPD formal requests have been made to neighbouring local authorities to determine if they had sites that could be brought forward to meet the shortfall in travelling showpersons sites in Winchester. No additional sites have been identified through this process, the Council will continue to work with its neighbours to explore opportunities for the identification of additional plots for travelling showpeople.

2. Evidence Studies

2.1 An early accommodation assessment study (Traveller Accommodation Assessment for Hampshire) was undertaken by Forest Bus in 2013/14. Since then the Government has revised the definition of travellers through the Planning Policy for Gypsies and Travellers published in August 2015 (see Glossary at Appendix A for the revised definitions.) In general, the changes require travellers to still be leading a nomadic lifestyle - travelling and if they have permanently ceased to travel then they no longer comply with the revised traveller definition. This change required the Council to commission further evidence to inform the DPD.

Gypsies and Travellers and Travelling Showpeople Site Assessment Study

2.2 Peter Brett Associates (PBA) were appointed in 2015 on behalf of East Hampshire District Council, South Downs National Park Authority and Winchester City Council to advise the Councils on delivery of pitches and plots to meet the accommodation requirements of gypsies and travellers. The study identified and assessed potential sites to meet the needs of gypsies and travellers that were identified at the time by the Traveller Accommodation Assessment for Hampshire.

2.3 Since publication of the report in July 2016 and initial preparation of the DPD, both Hampshire County Council and Winchester City Council as land owners, have confirmed that their sites are not available for consideration as gypsy and traveller sites, as these sites needed to be retained for operational or policy purposes.

Winchester Gypsy and Traveller Accommodation Assessment

2.4 Opinion Research Services (ORS) were appointed in 2016, in partnership with a number of Hampshire authorities to undertake a comprehensive accommodation needs assessment of gypsies and travellers in the Winchester district. The resulting Winchester GTAA covered the whole area of the District as a housing authority, this however differs to the planning authority which excludes the area covered by the South Downs National Park. Therefore, the results that apply to the National Park Authority's area have been forwarded to them (and excluded from Winchester's needs) as they have prepared a whole Park Local Plan, to include traveller sites.

2.5 The assessment included a number of elements :-

- Desk-based review of existing data sources i.e census, planning appeals, caravan counts, etc;
- Stakeholder engagement through telephone interviews with representatives from the travelling community and organisations together with various Council officers and other stakeholders;
- Collaborative working with six neighbouring local authorities through telephone interviews;

- Survey of travelling communities through specifically interviewing as many of the identified travelling community within the District as possible. This element of the work in particular is key to the calculations of existing and future need, and was timed to allow for seasonal variations by undertaking the surveys from late June through to early October, with repeat visits if required during September/October. Up to 3 attempts were made to interview – some 65 potential gypsy and traveller pitches were included and 26 travelling showpersons plots – a response rate of 81% for gypsy and traveller households and 73% for travelling showpersons was recorded
- Interviews with the travelling community who now live in bricks and mortar households.

2.6 A summary report of the results of the survey work can be viewed at <http://www.winchester.gov.uk/planning-policy/traveller-dpd/gypsy-and-traveller-development-plan-document>

2.7 The report sets out the methodology used and how the current and future needs were calculated through the identification of existing pitches to determine the number of occupied, vacant and potentially available sites.

Current need was determined through a range of sources:-

- Households on unauthorised sites/encampments
- Concealed, over-crowded and doubled-up households
- Households occupying bricks and mortar but wishing to move to sites
- Households on waiting lists for public sites

Components of future need was also identified as :-

- Older teenage/young adults needing a pitch of their own
- Households on sites with a temporary planning permission
- In-migration and new household formation

2.8 Given the revised definition of travellers, a key element of the survey was to establish whether households were able to demonstrate that they travel for work purposes, staying away from their usual place of residence.

<http://www.winchester.gov.uk/assets/attach/16578/2016-10-21-Winchester-GTAA-Need-Summary-FINAL.pdf>

2.9 The report also includes an assessment of needs of those ‘unknown’ and ‘non travelling’ and ORS advise that an allowance of 10% is a realistic assumption of those that are recorded as ‘unknown’ that may in fact comply with the revised definition. Those categorised as ‘non travelling’, will be included in the Strategic Housing Market Assessment (SHMA) as part of the Local Plan Review commenced in 2018, but this DPD includes a criteria-based policy to deal with planning

applications by travellers who have demonstrated that they meet the definition of travellers.

2.10 The GTAA, in accordance with the PPTS 2015, breaks down the overall gypsy and traveller and travelling showpersons need into 5 year bands. The current need is calculated by including unauthorised pitches, pitches with temporary planning permission, concealed and doubled-up households and net movement from bricks and mortar in the first 5 years. The total net new household formation is then applied proportionately across the remaining 5 year bands.

2.11 Therefore for gypsy and travellers pitches this results in the following requirement to correlate to the Local Plan period up to 2031 for adopted local plans in the Winchester District:-

Years	0-5	6-10	11-15	16-20	
	2016 - 21	2021-26	2026-31	2031-36	Total
	9	3	3	4	19
LP2 Policy DM4	15				

In relation to travelling showpersons plots the following breakdown applies:-

Years	0-5	6-10	11-15	16-20	
	2016 - 21	2021-26	2026-31	2031-36	Total
	18	3	3	3	27
LP2 Policy DM4	24				

This requirement is included in Policy DM4 of Local Plan Part 2 and will be delivered through the following sources of supply, the details are set out in the following sections of this DPD and Appendix B :-

	G&T pitches	TSP plots
a. Requirement Policy DM4 (2016 – 2031)	15	24
Other proven need post GTAA*	4	
b. Sites with planning permission/allowed on appeal/occupied (since 1/9/16)	18	3
c. Vacant sites	7	0
d. To be delivered through this DPD	About 10	About 13
Total supply (b+c+d)	35	16
Surplus/shortfall	+16	-8

* occupiers at Berkeley Farm, Durley Street

3. Stages in the preparation of this DPD

Early consultation/engagement

3.1 The preparation of Local Plan Part 2 was originally intended to allocate traveller sites and during 2013/14 included a 'call for traveller sites'. Only one site was identified and included in the draft of Local Plan Part 2, and this was subsequently withdrawn from further consideration.

3.2 Formal preparation of the Traveller DPD therefore commenced with the publication of a notice on 28 October until 12 December 2016, to seek comments on the scope and content of the DPD in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. This 'commencement notice' also included a further 'call for sites'. Four sites were submitted, although the Council was already aware of these, three being existing sites and the fourth was a greenfield site subject of a planning application.

3.3 The [responses](#) at this stage focussed on commenting on the findings of the Site Assessment Study published in 2016 which assessed a number of potential sites. A summary of the issues raised from these responses, together with an update on progress on the DPD, was reported to the Council's [Cabinet Local Plan Committee](#) on 27 February 2017.

3.4 An 'options' consultation was undertaken during March to May 2017. The focus was to explore the options and key matters to be taken into account when identifying sites, which are suitable and available for traveller purposes.

3.5 Some 120 responses were received, of note is that 7% of responses were from the travelling community and its representatives. This is encouraging given that the 2011 Census reveals 0.22% of the District's population as a whole are recorded as '*white gypsy or traveller*'. The bulk of the comments were from members of the public and parish councils, commenting on potential sites.

3.6 The Council examined those sites that it considers could have merit to be taken forward through the DPD. This highlighted issues that required mitigation to be addressed by the proposed policies. The site assessment methodology is set out at Appendix E.

Consultation on the draft Traveller DPD (Regulation 18)

3.7 During July – September 2017, the draft Traveller DPD was available for comment, some 99 representations were received raising both general and site specific matters. These representations were considered by the Council in December 2017 (CAB2965(LP)) refers. Details of the consultation methods utilised and who was consulted are set out in the Consultation Statement, which can be viewed on the Traveller DPD web pages.

Publication of the Pre-Submission Traveller DPD (Regulation 19)

3.8 The pre-submission version (Regulation 19) of the DPD specifically updated the status of the sites which had been granted planning permission, or where the planning position had changed from the draft DPD. In particular the proposed draft policy which sought to resolve the situation on a large site occupied in the District at North Boarhunt, was deleted in response to evidence presented which questioned the delivery of the site for a mix of travellers and travelling showpeople. As a consequence there remains a shortfall in the provision of travelling showpersons plots in the District.

3.9 During January – February 2018 the pre-submission Traveller DPD was available for comment, some 16 representations were received raising both general and site specific matters

Submission and Examination

3.10 The DPD was submitted for examination in May 2018. A public examination hearing was held on 3 and 4 September 2018 to examine matters in relation to the soundness of the DPD. Proposed Modifications were published for comment for six weeks during October – November 2018.

Adoption

3.11 The Council received the Inspectors report in January 2019, which found the DPD ‘sound’ subject to a number of modifications. The DPD was subsequently adopted by the Council on 28 February 2019.

4. The Proposed Traveller Strategy in the Winchester District

Proposed Approach

4.1 The results of the engagement together with the evidence studies have informed this DPD. This has highlighted a key issue in terms of meeting the objectively assessed needs for travellers as set out in Policy DM4, as there is a lack of additional/new sites being promoted for travelling showpersons use.

4.2 Therefore, the proposed strategy includes a combination approach, through :-

- Safeguarding existing permitted and lawful sites whether occupied or vacant
- Regularising suitable existing sites that do not benefit from permanent planning permission
- Specific site allocation policies to consider the needs of larger complex sites particularly with an emphasis in relation to travelling showpersons plots.

4.3 Whilst the majority of sites across the District are relatively small, there are a few larger, more complex sites. It is proposed that these will be dealt with comprehensively with a bespoke policy to establish a clear planning policy position as to what the Council requires on those sites to deliver Policy DM4. (see Policies TR3-4)

Safeguarding Existing Permitted Sites

4.4 Across the District there are many existing (predominantly small) sites which have a permanent planning permission for traveller use. Most of these were granted permission several years ago with conditions limiting occupation to those falling within the traveller definition applicable at the time and sometimes specific to named occupants. The GTAA highlights that some occupants are no longer travelling or their travelling status is unknown. However, the Council acknowledges that these are well established sites with a confirmed planning status for gypsy and traveller or travelling showpersons use. A small number of travelling showpersons sites do not however, have a permanent planning permission but have been established for numerous years to the extent that they are now lawful in planning terms. Given, that Policy DM4 requires the provision of 24 showpersons plots over the plan period, it is necessary to retain these existing sites, which are illustrated on the policies map.

4.5 The following policy therefore proposes that existing sites which have planning permission or lawful use for gypsy or traveller or travelling showperson use, will be safeguarded to ensure that the permitted use as a traveller site is not lost through the grant of any subsequent planning permission, or relaxation of planning conditions, to allow for other types of development. This is to ensure that these sites and others that may be authorised are retained to meet identified traveller needs within the District and any wider unmet needs under the Duty to Co-operate. The policy is specific to the sites named and identified on the policies map, and includes

the number of pitches specified in the planning permission. It must be noted however that one pitch/plot may be able to accommodate more than one mobile home and touring caravan as specified in the permission. Where planning conditions applied to permitted sites are based on earlier definitions of travellers, they may have potential to meet some of the 'unknown/non- traveller' needs.

Policy TR1 – Safeguarding Permitted Sites

The existing gypsy and traveller and travelling showpersons sites listed below, and as shown on the Policies Map, will be safeguarded from alternative development, unless the site is no longer required to meet any identified traveller needs.

Any other site that is subsequently granted a permanent planning permission for gypsy and traveller and travelling showpersons shall be safeguarded in accordance with this policy.

Gypsy and Traveller Sites		
Site Ref	Location	No of Pitches
W001	The Ranch, Old Mill Lane, Denmead	1
W002	Ash Farm, Titchfield Lane, Wickham	2
W003	Westfork, Bunns Lane, Hambledon	1
W004	Joymont Farm, Curdridge Lane	1
W005	Ashbrook Stables, Main Road, Colden Common	1
W006	Barn Farm, The Lakes, Swanmore	5
W007	Windy Ridge, Old Mill Lane, Denmead	1
W008	Travellers Rest, Bishops Sutton	1
W009	Rambling Renegade, Shedfield	1
W010	Opposite Woodfield Farm, Alma Lane Upham	1
W011	Adj Chapel House, Highbridge Road, Highbridge	2
W012	Big Muddy Farm, Alma Lane, Upham	1
W013	Land west of Lasek, Bishops Wood Road, Mislingford	1
W016	Tynefield, Whiteley, Fareham	18
W017	Ourlands, East of Mayles Lane, Knowle	3
W018	Stablewood Farm, The Lakes, Swanmore	1
W082	Beacon Haven, Swanmore	6
W083	Bowen Farm, Curdridge	4
W084	Little Ranch, Fishers Pond	1
W086	Woodley Farm, Alma Lane, Lower Upham	1
New	Berkeley Farm, Durley Street	4
Travelling Showpersons Sites		
Site Ref	Location	No of Plots
W020*	Carousel Park, Micheldever	9
W021	The Haven, Denmead	1
W022	The Orchard, Forest Road, Swanmore	4
W023**	Plot 1, The Nurseries, Shedfield	1
W024**	Plot 2, The Nurseries, Shedfield	1
W025**	Plot 5, The Nurseries, Shedfield	1
W026	Grig Ranch, Wickham	1
W028	Stokes Yard, Waltham Chase	1
W029	The Vardo, Swanmore	1
W030	Firgrove Lane, North Boarhunt	8

*See Policy TR3; ** Policy TR4;

Sites with temporary consents

4.6 There are some sites in the District that were granted temporary planning permission, to allow for these to be appropriately considered through the preparation of this DPD. These sites have been assessed according to the methodology set out at Appendix E, together with the findings of both the Site Assessment Study and the GTAA and screened through the Sustainability Appraisal.

4.7 Application of the site assessment methodology highlights a number of matters of detail, but in general most sites are relatively unconstrained. Of note, is that the sites are situated outside settlement boundaries in rural locations. This is to be expected given the nature of the uses and the lack of availability of sites within or adjacent to existing settlements.

4.8 Some of the sites with temporary consent are however, situated within defined settlement gaps. Due to the lack of alternative provision it has been necessary to determine whether the need for traveller sites justifies making an exception to adopted policy, namely CP18 of LPP1. Consequently, this DPD gives positive consideration to these sites as a deliverable option, given that they are in existing use by travellers and travelling showpeople and will make a positive contribution to meeting the identified need specified in Policy DM4, if the use was granted a permanent permission. These sites are typically located adjacent to existing structures, the sites being bounded by various forms of boundary treatment and have highway access. Policy CP18 requires proposals not to '*physically or visually diminish the gap*'. This presents a challenging test for the local planning authority and needs to be assessed in the context of the lack of alternative provision, which in itself may constitute special circumstances to warrant allowing these sites to become permanent in a sensitive location. A key issue is to ensure that this approach, whilst not a perfect solution, responds directly to a demonstrable need and does not create a precedent for the consideration of other sites in the future

4.9 This strategy will, however, not only secure the planning status of the sites for the current occupants, contributing to the specified need, but also provide certainty in relation to the delivery of sites to meet the needs in Policy DM4. Sites identified through Policy TR2 below will still be subject to the usual planning legislation and applications will need to be submitted to formally authorise their permanent traveller use. Applicants will be expected to comply in full with the requirements of the policy and it will also be necessary to restrict the occupancy to ensure that the site as a whole is retained for traveller occupation. Site considerations will be required to reflect adopted policies in both Local Plan Part 1 and 2, in addition to the specific matters associated with the occupation of sites by travellers, as set out in Policy TR2.

Policy TR2 – Sites with Temporary Consent

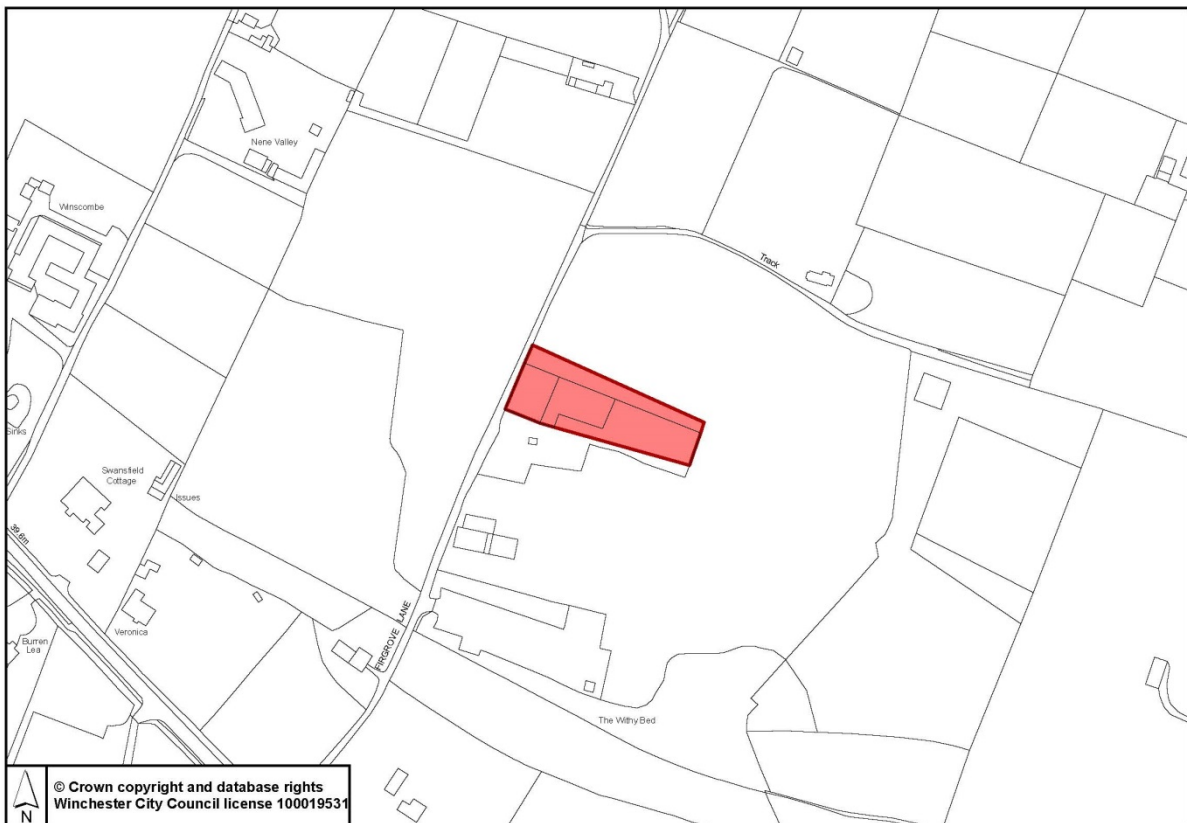
Planning permission will be granted on the following sites with temporary consent, for permanent gypsy and traveller accommodation as shown on the Policies Map and listed below:-

Site Ref:	W014	Site Address	Land at The Piggeries, Firgrove Lane, North Boarhunt
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No of Pitches:	4
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Proposals for development at this site should comply with the following site specific requirements;

- A landscape framework to be submitted to provide suitable boundary treatment to include a mixture of native trees and shrubs around the site and given its location adjacent to a public right of way;
- Improve Firgrove Lane and its junction with the B2177 as necessary to provide an adequate access to the site to accommodate the proposed uses.

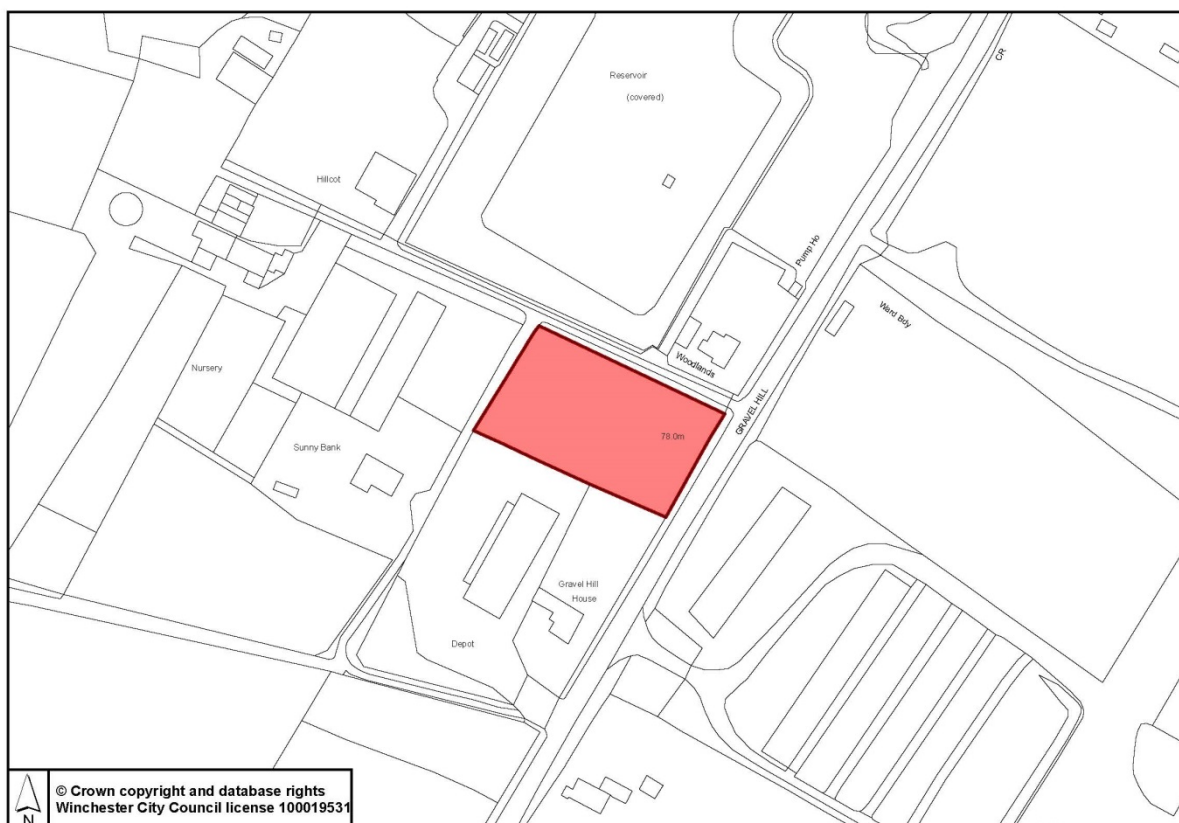


Site Ref: W085 **Site Address** Land adjacent Gravel Hill, Shirrell Heath

No of Pitches: 3

Proposals for development at this site should comply with the following site specific requirements:

- **Improve the access of the site and its junction with Gravel Hill as required;**
- **Due to the location of the site adjacent to commercial activity, it will be necessary for an appropriate acoustic barrier to be installed to protect the amenity of the occupants on the site;**
- **A landscape framework to be submitted to provide suitable boundary treatment around the site given its location within the designated settlement gap and to ensure that the site is visually contained**



Site Specific Policies

4.10 For the more complex sites, the following policies set out matters to be considered.

Carousel Park, Micheldever

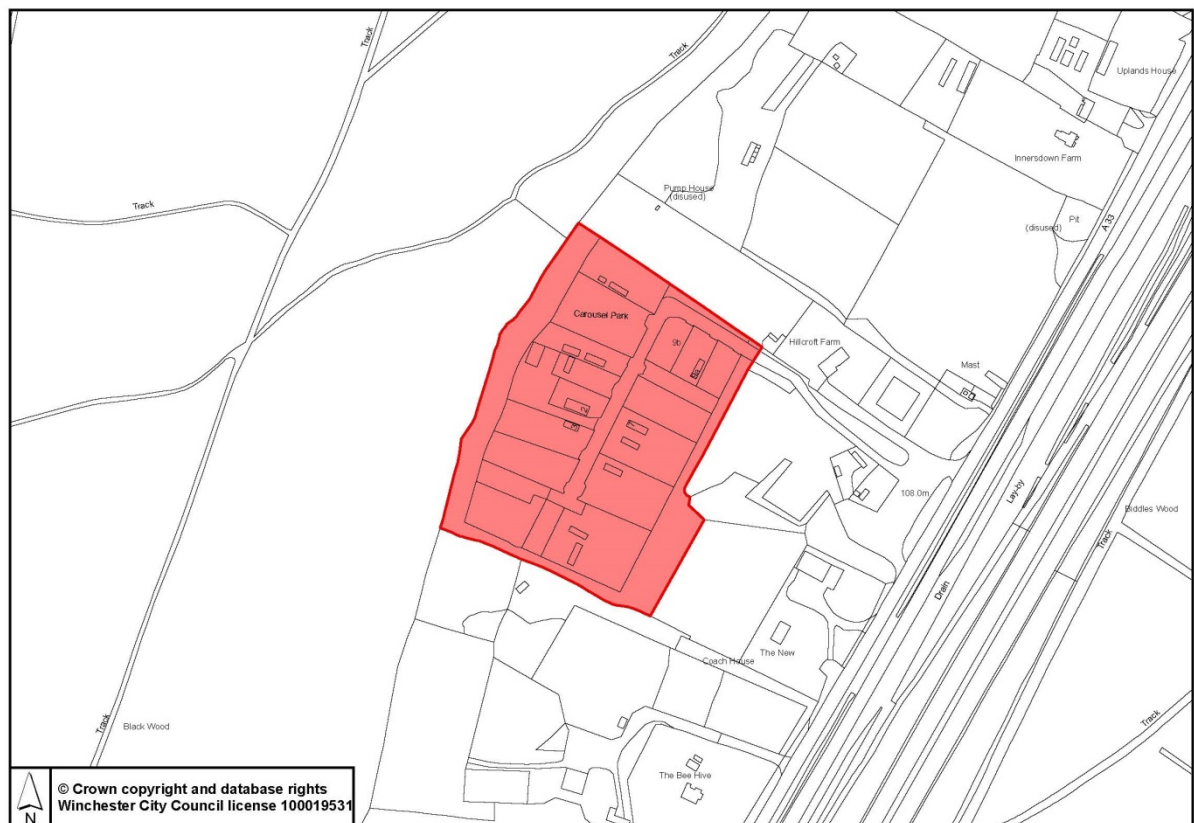
4.11 There is planning consent for 9 large travelling showpersons' plots at Carousel Park, Basingstoke Road, Micheldever, but several plots are not being used for travelling showpersons' purpose and have been subdivided. The use and occupancy of the site is disputed, but given the need for travelling showpersons' plots and the difficulty in finding suitable potential sites, it is important that all the original permitted plots are made available and retained for showpersons' use. Enforcement action is being taken on part of the site to resolve the alleged unauthorised change of use and reinstate the travelling showpersons' use. The disputed use and occupancy of the site makes it difficult to determine how many additional showpersons' plots would be made available on completion of the enforcement process, but it is estimated there will be a gain of at least 3 showpersons' plots.

4.12 The site has consent for 9 travelling showpersons' plots, granted in 2003 (ref: W05589/12) which is subject to various conditions and a planning obligation. The enforcement action being taken by the Council may result in variations to the consent or conditions. Any other changes that may be proposed, including potential intensification, should retain the use of the site for travelling showpersons and ensure an acceptable living and working environment for this use. Policy TR7 sets out various general requirements which should also be met.

Policy TR3 – Carousel Park, Micheldever

Land at Carousel Park, Micheldever, as shown on the Policies Map, is allocated for travelling showpersons' use. The site should be occupied by people meeting the definition of travelling showpeople, and comply with the following requirements:

- protect the biodiversity of Black Wood (an adjacent Site of Importance for Nature Conservation - SINC) and reinforce the site's visual containment by providing and retaining a bund and landscaping around the whole site boundary;
- avoid further expansion or intensification beyond the currently-defined extent of the site;
- satisfy the requirements of Policy TR7 .



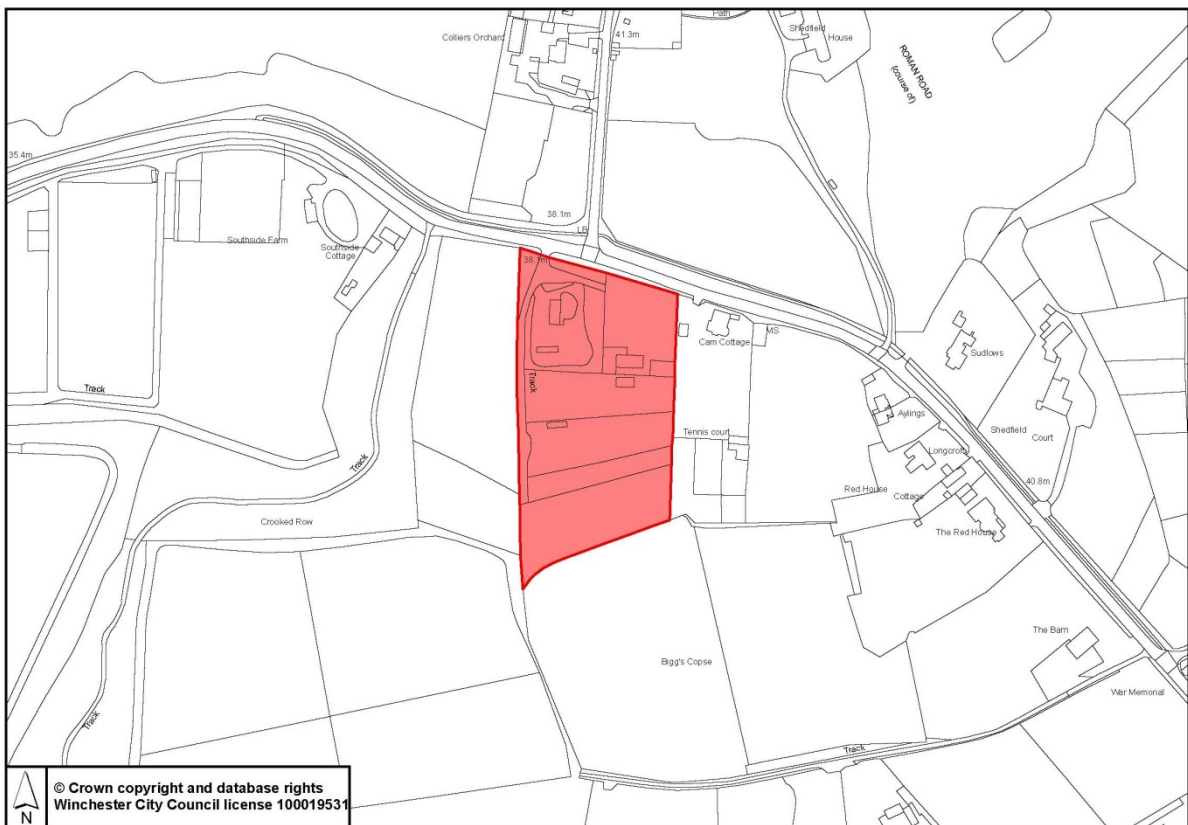
The Nurseries, Shedfield

4.13 This site consists mostly of travelling showpersons' plots. The 3 recently permitted plots contribute towards meeting the need for travelling showpersons' plots and the other (unauthorised) plots existing at The Nurseries could provide further plots to help meet the identified unmet need. There is also potential capacity within the site for further plots, subject to any necessary access improvements. Policy TR 4 therefore allocates the site for travelling showpersons' use and enforcement action will be considered if necessary to secure and retain this use for the whole site.

Policy TR4 – The Nurseries, Shedfield

Land at The Nurseries, Shedfield, as shown on the Policies Map, is allocated for travelling showpersons' use. The whole site should be occupied by people meeting the definition of travelling showpeople, and comply with the following requirements:

- provide suitable landscape proposals, particularly along the western boundary of the site and between the plots, to screen views and reinforce the site's visual containment;
- avoid further expansion beyond the currently defined extent of the site;
- consider opportunities for limited intensification, subject to any necessary improvements to the access in terms of visibility;
- satisfy the requirements of Policy TR7 .



Expansion or intensification within existing sites

4.14 The approach promoted through this DPD is to safeguard existing sites, to regularise those with a temporary consent and to promote site-specific policies, to where possible meet the requirements set out in Policy DM4. This delivers the requirements of the GTAA in relation to gypsies and travellers for the period up to 2031, but not in relation to provision for travelling showpeople, which is covered below.

4.15 It is recognised that during the plan period there may be a demonstrable need for an additional pitch/plot on those sites safeguarded or allocated through this DPD, to meet the changing needs of the households on the sites. This includes sites which are granted permanent planning consent after the adoption of this DPD, as these are also safeguarded by Policy TR1.

4.16 Where there is a demonstrable need for an additional pitch/plot on those sites identified in this DPD, the Local Planning Authority will require the applicant to demonstrate the need and that the lack of alternative accommodation requires an additional pitch/plot. In these circumstances the granting of any subsequent planning permission will be conditioned to limit its occupation by travellers (in accordance with the definition in the PPTS and any subsequent revision) to specifically meet the need demonstrated.

4.17 Two existing travelling showpersons sites (The Orchard, Swanmore and The Nurseries, Shedfield) have been identified as having potential capacity for additional plots, to meet unmet needs on the respective sites in the future. Therefore, it is anticipated that about 6 additional plots could come forward during the plan period.

4.18 Any proposals for new sites will continue to be considered in light of this DPD and Policies CP5 and DM4 of LPP1 and 2 respectively and against Policy TR6 :-

Policy TR 5

The Local Planning Authority will consider proposals for the additional provision of pitches/plots through intensification within sites covered by Policies TR1 – TR4 above, on a case by case basis and in accordance with the provisions of Policy TR7.

It will be necessary for the application to demonstrate the need for the additional provision in relation to the requirement of Policy DM4, the lack of alternative provision and specific circumstances of the applicant.

4.19 The Council has explored a range of options to identify and allocate sufficient sites to meet the identified needs of travelling showpeople in the District, however, there remains a shortfall in provision. The Council will monitor the situation and expedite consideration of any applications submitted for travelling showpersons

plots, where these are in accordance with adopted local plan policies and those in this DPD

Planning Applications

4.20 This DPD provides for current and expected traveller accommodation needs, although for travelling showpeople it has not been possible to identify adequate sites currently. Therefore, proposals for traveller accommodation should be on the sites identified in this Plan (policies TR1 – TR4) or in locations where residential development is otherwise permitted (policies DM1 and MTRA3). Proposals for traveller accommodation should also accord with the policies of this DPD and other relevant policies in Local Plan Parts 1 and 2, particularly policies CP5 and TR7.

4.21 It is acknowledged that there may be cases where an exception to countryside policies (MTRA4) may be justified, for example to meet the remaining needs of showpeople or for travelling households with a need to be located in the area. Where these meet the definition of travellers (PPTS Annex 1) but have not been able to find a suitable site within a settlement boundary or through infilling, permission may be granted on suitable sites within the countryside. There should be evidence to show that sites complying with policies DM1 or MTRA3 have been sought, and why these are not suitable or available, and the proposed site should be in a sustainable location which is accessible to local services such as schools, health and community facilities.

Policy TR6

Proposals for traveller accommodation outside the sites identified in policies TR1 – TR4, including expansion of these sites, will be permitted within the settlement boundaries defined by policy DM1 or through infilling in accordance with policy MTRA3.

Sites outside the provisions of these policies (other than appropriate intensification under policy TR5) will only be permitted where they are for occupation by persons who:-

- **are defined as gypsies and travellers or travelling showpeople (Planning Policy for Traveller Sites 2015 Annex 1 or a subsequent revision); and**
- **can demonstrate a personal or cultural need to be located in the area; and**
- **there is a lack of other suitable accommodation.**

Sites must be in sustainable locations well related to existing communities, as defined by Policy CP5, and comply with the requirements of Policy TR7.

General Design Guidance and Site Layout

4.22 Specific design guidance produced by the Government in relation to travellers sites is now dated, although it includes some useful principles (DCLG Good Practice Guide 2008). Policy CP5 sets out broad parameters to be considered and in addition the general site criteria and principles policies included in LPP2 should be taken into consideration (DM15- 18). The Council also adopted its High Quality Places SPD in 2015 which includes various matters of detail which will be appropriate for layout, screening and for the consideration of any permanent structures to be erected on the site such as day rooms. The following policy will also apply to all proposals:

Policy TR7

All sites to be considered through this Development Plan Document or subsequent planning applications will be required to comply with Policy CP5 and the following in so far as they are relevant to the site and its location:-

- **Access and parking**
 - provide safe vehicle and pedestrian access from the site to the highway
 - ensure that there is sufficient turning space within the site to allow for safe vehicular movement
 - minimise conflict between pedestrians and vehicles on site
 - no vehicle over 3.5 tonnes shall be stationed, parked or stored on site, unless necessary for the use of a travelling showpersons site.

- **Environmental**
 - avoid boundary treatment that has a detrimental visual impact on the character of the site and locality
 - provide landscaping to reinforce the boundary of the site and to provide screening of views into/out of the site
 - provide an area of open space within the site for safe children's play, located to avoid conflict with vehicles on the site
 - contribute to the Solent Recreation Mitigation Strategy where required
 - ensure that the site and the layout proposed on it would not cause harm to the significance or setting of heritage assets or biodiversity interests.

- **General**
 - provide details of wastewater infrastructure, including a foul drainage assessment and surface water drainage, incorporating SUDS where possible
 - ensure that waste is stored appropriately for disposal and able to be collected in an efficient manner
 - no commercial activities shall take place on the land, including the storage and sorting of materials, other than as necessary for the use as a travelling showpersons site.
 - minimise external lighting to avoid a detrimental impact on the surrounding locality

In addition to the above, plots for travelling showpersons should have adequate space for the storage and maintenance of equipment and be laid out to avoid conflict between vehicles and residents.

Transit Sites

4.23 Government guidance (PPTS para 7-9) requires Local Planning Authorities to use evidence to plan positively and manage development to include the need for both permanent and transit accommodation needs of the area over the lifespan of the development plan (2016 – 2031).

4.24 The GTAA examined the potential need for transit provision in the District taking into consideration the DCLG Caravan Count, local data and interviews with stakeholders and concluded that the use of historic evidence to make an assessment of future provision is not recommended at this time, particularly in light of the change to the definition of travellers included in the 2015 PPTS.

4.25 Therefore, the report recommended that the situation in relation to transit provision be monitored and a review undertaken in August 2018 when three years worth of monitoring data post PPTS would be available to inform a way forward. In the District, there was however, an increase in unauthorised encampments during 2017/18, with a focus around the city of Winchester.

4.26 The Council is currently closely monitoring the situation and exploring options to resolve this through other mechanisms rather than planning policy at this time, given the uncertainty of whether those occupying unauthorised encampments comply with the PPTS definition.

Implementation and Monitoring

4.27 The monitoring framework at Appendix F, sets out how each policy will be monitored reflecting the objectives expressed in both the Council Strategy and the environmental objectives in the SA/SEA.

4.28 The Council will monitor implementation of the DPD and will continue to explore opportunities to meet the identified needs of Travelling Showpeople, including as part of the review of Local Plans part 1 and 2 which has recently commenced.

Appendix A Glossary

Abbrv	Term	Explanation
CIL	Community Infrastructure Levy	The Community Infrastructure Levy (CIL) is a levy that the Council charges on certain types of new developments to support development by funding infrastructure.
	Designated Heritage Asset	Assets nationally designated under a variety of legislation for their heritage significance. Designated assets include Listed Buildings, Scheduled Monuments, Registered Parks and Gardens, Registered Battlefields and Conservation Areas
	Development Plan	This refers to the statutory planning documents covering the District, currently the Local Plan Part 1, Local Plan Part 2, the Denmead Neighbourhood Plan, the Minerals and Waste Development Framework and the Traveller DPD.
DPD	Development Plan Document	Development Plan Documents are the parts of the LDF which are adopted following independent examination and which provide the statutory planning guidance for the District.
EqIA	Equality Impact Assessment	A procedure adopted by the City Council to examine the impact of draft policies on gender, age, race, disability and health, sexuality, religion and belief together with other, more specific categories such as those on low incomes, with caring responsibilities or living in rural areas.
	Evidence Base	The information gathered by the City Council to support the preparation of a range of documents that are covered by the Local Plan and other policies produced by the Council. It includes both quantitative (numerical values) and qualitative (feelings and opinions) data.
	Flood Zone	Depicts how flood risk varies over different areas of land. For rivers, Flood zone 3 has a 1 in 100 probability of flooding or greater in a year; Flood Zone 2 has between a 1 in 100 and 1 in 1000 annual chance of flooding in a year; Flood Zone 1 has the lowest chance of flooding (less than 1 in 1000).
	Gypsy and Travellers	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, but excluding members of an organised group of travelling showpeople or circus people travelling together as such. A Gypsy and Traveller Pitch typically includes space for 1 mobile home and 1 touring caravan and associated parking.
HRA	Habitats Regulations Assessment	The European Habitats Directive (92/43/EEC) requires 'appropriate assessment' of plans and projects that are, either alone or in combination with other plans and projects, likely to have a significant impact on sites designated under this Directive.
	Heritage Assets	The term used in the National Planning Policy Framework to describe a range of features of heritage value, which may include archaeology, buildings, structures or designed landscapes. These assets may be designated or undesignated, including locally listed assets.

	Infrastructure	Services necessary for development to take place, for example, roads, electricity, sewerage, water, education and health facilities.
LDS	Local Development Scheme (LDS)	This sets out the programme and timetable for the preparation and production of Local Development Documents.
	Local Plan	The name for the combined Plan that comprises Local Plan Parts 1 and 2, and the Traveller DPD produced by the Local Planning Authority.
LPP1	Local Plan Part 1 / Core Strategy	The Development Plan Document which sets out the spatial vision and objectives for the future of the Winchester District up to 2031, with the strategic policies necessary to deliver that vision.
LPP2	Local Plan Part 2 / Development Management & Site Allocations	The Development Plan Document which sets out the detailed policies and non-strategic site allocations for the future of the Winchester District up to 2031, in conformity with the development strategy set out in Local Plan Part 1.
NPPF	National Planning Policy Framework	The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied.
	Open Space	Defined in the Town and Country Planning Act 1990 as land laid out as a public garden, used for the purposes of public recreation, or which is disused burial ground. Certain types of open space are defined in this Plan and, subject to this, it should be taken to mean all open areas of public value, including water areas, which offer important opportunities for sport and recreation, and can also act as a visual amenity.
	Policies / Proposals Map	A map which illustrates on an Ordnance Survey map base the policies and proposals within the Local Development Framework or Local Plan
	Settlement Gap	An area of countryside designated by the Local Planning Authority as a means of conserving the separate identity of settlements
SINC	Sites of Importance for Nature Conservation	Non-statutory wildlife sites designated for their habitat and/or species interests against a set of criteria developed by Hampshire County Council, Natural England and the Hampshire & Isle of Wight Wildlife Trust. SINCS are put forward for selection and review by the Hampshire Biodiversity Information Centre.
SSSI	Sites of Special Scientific Interest	The country's very best wildlife and geological sites, which are of importance as they support plants and animals that find it more difficult to survive in the wider countryside.
SAC	Special Area of Conservation	Sites which are strictly protected through designation under the EC Habitats Directive. They provide increased protection to a variety of wild animals, plants and habitats and are a vital part of global efforts to conserve the world's biodiversity.
SCI	Statement of Community Involvement	Sets out the standards which local authorities will achieve with regard to involving individuals, communities and other stakeholders in the preparation of Local Development Documents and in Planning Management decisions.

SDNP	South Downs National Park	Part of Winchester District lies within the South Downs National Park, an area designated under the National Parks and Access to the Countryside Act 1949 (as amended).
SEA	Strategic Environmental Appraisal	A generic term used to describe environmental assessment, as applied to plans, policies and programmes. The European 'SEA Directive' (2001/42/EC) requires a formal 'environmental assessment of certain plans and programmes, including those in the field of planning and land use'.
SFRA	Strategic Flood Risk Assessment	A SFRA should be carried out by the local planning authority to inform the preparation of its Local Development Documents (LDDs), having regard to catchment-wide flooding issues which affect the area. Policies in LDDs should set out the requirements for site-specific Flood Risk Assessments (FRAs) to be carried out by developers and submitted with planning applications in areas of flood risk identified in the plan.
SHMA	Strategic Housing Market Assessment	A report which considers the local housing markets. The assessment looks at a number of key factors, including: the supply and demand for housing; housing and planning policies; the need for affordable housing; and the affordability of the local housing market.
SA	Sustainability Appraisal	A process for the evaluation and refinement of policy options, to ensure that emerging policies and proposals will be the most sustainable and deliverable for the District
SUDS	Sustainable Drainage Systems	An approach to managing rainwater runoff from buildings and hardstandings. A benefit of the system is to reduce the quantity and rate of surface water flow running directly to rivers via stormwater networks.
	Travelling Showpeople	<p>Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family's or dependants' more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above.</p> <p>A Travelling Showpersons plot sometimes called a yard has capacity for residential accommodation plus space for the storage (and maintenance) of equipment.</p>

Appendix B: Details of sites that contribute to the supply – new planning permissions granted since 1/05/2018

	G&T pitches	TSP plots
a. Requirement Policy DM4 (2016 – 2031) and proven additional need	19 = 15 need identified in GTAA 4 additional need (occupiers of Berkeley Farm, Durley Street)	24
b. Sites with planning permission/allowed on appeal/occupied (since 1/9/16)	18 = 5 pitches at Barn Farm, The Lakes, Swanmore allowed on appeal (APP/L1765/W15/3141334) 1 pitch allowed on appeal at Woodley Farm, Alma Lane, Lower Upham (APP/L1765/W/15/3131614) 1 at Joymont Farm Curdrige Lane, permission granted 16/8/17 (17/00789/FUL) 1 at Stablewood Farm, The Lakes, Swanmore, permission granted 17/7/17 (17/00764/FUL) 3 at Ourlands Land East of Mayles Lane, Knowle permission granted 19/4/2018 (17/02212/FUL) 1 at Bowen Farm, Wangfield Lane, Curdrige granted 02/02/2018 (17/02504/FUL) 1 at Riverside, Highbridge Road , Highbridge granted 17/11/2016 (16/01993/FUL) 4 at Field Adjacent Berkeley Farm, Durley Street, Durley allowed on appeal 16/07/2018	3 = The Nurseries Shedfield, Plot 1 granted 1 permanent permission for Travelling Showpersons sites in September 2016, and plots 2 and 5 granted 1 plot each for permanent permission in December 2016 (total 3 plots)

	1 pitch at Travellers Rest, Bishops Sutton – previously vacant site now occupied.	
c. Vacant site	7 = 7 pitches at Tynefield vacated since the GTAA, occupiers have moved away.	0
d. To be delivered through this DPD	About 10 = Policy TR2, 7 temporary pitch consents to be granted permanent permission (3 at Gravel Hill, Shirrell Heath and 4 at Firgrove Lane, North Boarhunt). Policy TR5 about 3 from the expansion and intensification within existing sites	About 13 = Policy TR3 Carousel Park – existing planning consent for Travelling Showperson’s plots. Enforcement action in progress against the change of use of plots which it is estimated will result in a gain of 3 showperson’s plots Policy TR4 The Nurseries, Shedfield Plots 3, 4, 6 and 7 (one plot on each site, total 4 plots) currently unauthorised. Policy TR5 about 6 from potential intensification within existing sites
Total supply (b+c+d)	35	16
Surplus/shortfall	+16	-8

Appendix C LPP1 and LPP2 extracts

Extract for LPP1 adopted March 2013:

Gypsies and Travellers

- 7.35 The Council has a responsibility as the housing authority to assess and meet the needs of gypsies, travellers and travelling showpeople, as well as other housing needs. Winchester District has a resident community of Romany Gypsies, Irish Travellers, New Travellers and Travelling Showpeople and is also frequently used by more transient groups. Each group has different cultures and site needs and some do not easily share sites.
- 7.36 The majority of gypsy and traveller sites and all travelling showpeople sites are on private land with either full or temporary planning permission, or are unauthorised. There is one local authority gypsy and traveller site within the District, at Tynefield (near Whiteley), and there are no transit sites.
- 7.37 Winchester City Council has undertaken work¹ to assess the needs of gypsies and travellers² and the concerns of the settled community. This has provided substantial information on the type of site needed by the different groups within the travelling community. Evidence from the gypsy, traveller and settled communities indicates preference for smaller sites, suited to family groups, dispersed around the District. This should avoid a disproportionate impact on existing settlements and help encourage integration with the settled community.
- 7.38 This work did not identify the number of pitches³ or transit sites required to meet the needs of the local travelling community and previous work to establish pitch requirements is now out of date or incomplete. Therefore, the Council and the South Downs National Park Authority are working with other Hampshire authorities to identify accommodation needs and bring forward additional sites as necessary through Local Plan Part 2 or the South Downs Local Plan. In the meantime, planning applications will be assessed against the criteria in Policy CP5. Accommodation needs will be quantified and sites allocated in Local Plan Part 2.
- 7.39 To maintain a supply of land and associated accommodation, the City Council considers it important to ensure that, within the District, existing permanent authorised sites for gypsies and travellers are retained. Planning for additional authorised sites in the District will help meet legitimate needs; safeguard the amenities of the settled communities, ease potential conflicts between the travelling and settled communities and address the Council's statutory obligations to meet the accommodation needs of all communities.

¹ WCC Informal Scrutiny Group Final Report – Allocation of Gypsy and Traveller Sites –WCC 2011

² For simplicity, the term 'gypsies and travellers' is used in this policy to describe gypsies, travellers and travelling showpeople.

³ In this context the term 'pitches' is used to describe pitches for gypsies and travellers as described in the glossary and plots, or yards, for travelling showpeople.

7.40 The following policy has been assessed against the Government's Planning Policy for Traveller Sites published March in 2012. It supports applications for new gypsy, traveller and travelling showpeople sites where they meet all the policy criteria. Unauthorised encampments will also be judged against these criteria and where found not suitable, enforcement action will be taken. Improved provision in locations well related to existing settlements can benefit social inclusion, sustainable patterns of living and the delivery of relevant services, such as education and health care, to these minority groups.

Policy CP5 - Sites for Gypsies, Travellers and Travelling Showpeople

The Local Planning Authority will undertake needs assessments (in Local Plan Part 2 or the South Downs Local Plan) to quantify the accommodation requirements for gypsies, travellers and travelling showpeople within the District.

Sites will be allocated and planning permission will be granted for sites to meet the objectively assessed accommodation needs of gypsies, travellers and travelling showpeople, providing they meet all of the following criteria:-

Sites 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 and:

- **avoid sites being over-concentrated in any one location or disproportionate in size to nearby communities;**
- **be accessible to local services such as schools, health and community services but avoid placing an unreasonable burden on local facilities and services;**
- **avoid harmful impacts on nearby residential properties by noise and light, vehicle movements and other activities.**

Sites should be clearly defined by physical features, where possible, and not unduly intrusive. Additional landscaping may be necessary to maintain visual amenity and provide privacy for occupiers. This and any security measures should respect local landscape character;

Sites should be capable of accommodating the proposed uses to acceptable standards and provide facilities appropriate to the type and size of the site, including:

- **water supply, foul water drainage and recycling/waste management;**
- **provision of play space for children;**

- **sites for travelling showpeople should include space for storing and maintaining equipment;**
- **safe vehicular access from the public highway and adequate provision for parking, turning and safe manoeuvring of vehicles within the site (taking account of site size and impact);**
- **in rural locations, any permanent built structures should be restricted to essential facilities such as a small amenity block;**

Proposals should be consistent with other policies such as on design, flood risk, contamination, protection of the natural and built environment or agricultural land quality and protect areas designated for their local, national or international importance, such as Gaps and the South Downs National Park.

Existing permanent authorised gypsy, traveller and travelling showpeople sites within the District which are needed to meet the identified needs of particular groups will be retained for the use of these groups unless it has been established that they are no longer required.

Extract from LPP2 adopted April 2017 :

Travellers Accommodation

- 6.2.1 The 2016 Winchester Gypsy and Traveller Accommodation Assessment identifies a need across that part of the District outside the South Downs National Park for about 15 additional gypsy/traveller pitches and about 24 travelling showpeople's pitches from 1 September 2016 to the end of the Local Plan period. The Assessment takes account of the Government's policy, contained in the Planning Policy for Traveller Sites, and reflects its definition of travellers (as revised 2015). Policy DM4 reflects the conclusions of the Accommodation Assessment and incorporates these into pitch targets for gypsies/travellers and plot targets for travelling showpeople. The City Council has also, in conjunction with East Hampshire District Council and the South Downs National Park Authority, assessed potential sites for traveller accommodation.
- 6.2.2 Policy CP5 of LPP1 is a criteria-based policy that will be used in conjunction with Policy DM4 to determine planning applications and to assist in allocating sites through the Gypsy and Traveller Site Allocations DPD which the Council is committed to producing. Sites will be allocated in this DPD, as necessary to meet the targets set in policy DM4, using the criteria established by policy CP5 and the Travellers Site Assessment Study. The Council aims to adopt the Gypsy & Traveller Site Allocations DPD in 2018.

Policy DM4 – Gypsies, Travellers and Travelling Showpersons

Planning permission will be granted for pitches to meet the accommodation needs identified for the area covered by this Plan for people falling within the definition of ‘travellers’, of about 15 gypsy/traveller pitches and about 24 travelling showpeople’s plots between 2016 and 2031.

Sites will be identified and consent granted as necessary to meet identified traveller needs in the Plan area which could not otherwise be met, subject to the criteria outlined in Policy CP5. Proposals for transit sites will be considered on an individual basis, following the criteria of CP5.

Appendix D – Sites that lie within 5.6km of Solent SPA

Site Ref	Location
Policy TR1	
W002	Ash Farm, Titchfield Lane, Wickham
W004	Joymont Farm, Curdridge Lane
W009	Rambling Renegade, Shedfield
W016	Tynefield, Whiteley, Fareham
W017	Ourlands, East of Mayles Lane, Wickham
W083	Bowen Farm, Curdridge
W022	The Orchard, Forest Road, Swanmore
W023**	Plot 1, The Nurseries, Shedfield
W024**	Plot 2, The Nurseries, Shedfield
W025**	Plot 5, The Nurseries, Shedfield
W026	Grig Ranch, Wickham
W027	The Bungalow, North Boarhunt
W028	Stokes Yard, Waltham Chase
W030	Firgrove Lane, North Boarhunt
Policy TR2	
W014	The Piggeries, Firgrove Lane, North Boarhunt
Policy TR4	
W032a	Plot 3 , The Nurseries, Shedfield
W032b	Plot 4, The Nurseries, Shedfield
W032c	Plot 6, The Nurseries, Shedfield
W032d	Plot 7, The Nurseries, Shedfield

Appendix E - Site Assessment Methodology

Traveller sites like any other development sites have been assessed through a number of processes to determine their appropriateness for traveller occupation. The Site Assessment Study provided a detailed site assessment of all known sites and potential sites (at the time of the study), covering landscape, highways, physical constraints, accessibility to services and any other potential impacts such as ecology. The Council has also screened existing and known sites to determine if there are any fundamental constraints to bringing sites forward, in accordance with the policies within LPP1 and LPP2:

Stage 1: Initial site sieving

Constraints

- Natural designations: Is the site likely to have a negative impact on a site of international/ national/ local biological or geological importance, e.g. Ramsar, Special Area of Conservation, Special Protection Area, Site of Special Scientific Interest, or Site of Importance for Nature Conservation?
- Historic designations: Is the site likely to have a negative impact on a listed building, a scheduled monument, conservation area, other registered heritage designation or known archaeological features?
- Mineral resources: Is the site identified for safeguarding in the Hampshire Minerals and Waste Plan?
- Trees and planting: Are there protected trees on the site?
- Water course and flooding: Is the site within Flood Zone 2 or 3 (medium–high probability of flooding)?
- Power cables and pipelines: Is the site affected by cables or pipelines to be safeguarded for access?
- Settlement gap: Is the site within a designated settlement gap as defined by LPP1 Policy CP18?
- Highway access: Is the site landlocked, have existing access or may be capable of being accessed.

Consistency with the Settlement Hierarchy and Development Strategy

- Proximity to a settlement providing services and facilities; relationship to Winchester Town or an 'MTRA2' or larger 'MTRA3' settlement?

Availability

- Is the site available for development within the plan period?

Stage 2: Site Based Assessments

Initial Sustainability Appraisal

- Likely significant effects of on the environment, economic and social factors of the potential allocations

Site Access

- Vehicular access to the highway
- Opportunities for pedestrian/cycle links

Landscape Appraisal

- Physical landscape - landform and land cover, including agricultural land quality; proximity to public rights of way; visibility/views
- Historic Environment - including the existence of ancient woodland and parkland
- Natural Environment – proximity of existing trees/hedgerows

Historic Environment

- Heritage Assets – including archaeology, conservation area, listed building, scheduled monument

Stage 3: Preferred Sites

Consistency with key criteria

- Is the site within the settlement boundary?
- If not, is the site in proximity to an existing settlement to be able to access existing services and facilities?
- Are there physical constraints on the site?
- Is the site affected by any national or local policy designations?
- Is there access onto the site?
- Would the development detract from the landscape, important views and historic environment of the surrounding area?
- Can the site contribute to meeting identified needs of gypsies and travellers and travelling showpeople?
- Would development maintain the generally open and undeveloped nature of the gap between neighbouring settlements?
- Is the site available for travelling occupation?

Appendix F Monitoring framework

The Monitoring Framework sets out how the delivery of each policy will be monitored. The key aims of the policy (target/direction) are listed against how it will be monitored (indicator), and where the information will come from. The performance of policies will be reported as part of the Annual Monitoring Report at the end of each year.

Policy TR1 Safeguarding Permitted Sites		
SPATIAL OBJECTIVE / COUNCIL STRATEGY OUTCOME		SA/SEA OBJECTIVES
Housing, Environment, Health and Happiness, Business		Building Communities, Housing, Transport, Health, Economy and Employment, Landscape and Soils
TARGET/DIRECTION	INDICATOR	SOURCE
Retention of existing sites named in policy	Number of sites to alternative uses	WCC

Policy TR2 Sites with Temporary Consent		
SPATIAL OBJECTIVE / COMMUNITY STRATEGY OUTCOME		SA/SEA OBJECTIVES
Housing, Environment, Health and Happiness,		Building Communities, Infrastructure, Housing, Transport, Health, Economy and Employment
TARGET/DIRECTION	INDICATOR	SOURCE
Applications for permanent planning permission submitted on the named sites	Planning permission granted and conditions complied with	WCC

Policy TR3 Carousel Park, Micheldever	
SPATIAL OBJECTIVE / COMMUNITY STRATEGY OUTCOME	SA/SEA OBJECTIVES

Housing, Environment, Health and Happiness,	Building Communities, Infrastructure, Housing, Transport, Health, Economy and Employment	
TARGET/DIRECTION	INDICATOR	SOURCE
Reconcile existing uses on the site	Satisfactory outcome of current enforcement appeal	WCC
Submission of planning application to regularise the site and specific policy requirements are met	Planning permission granted and conditions complied with	WCC

Policy TR4 The Nurseries, Shedfield		
SPATIAL OBJECTIVE / COMMUNITY STRATEGY OUTCOME	SA/SEA OBJECTIVES	
Housing, Environment, Health and Happiness,	Building Communities, Infrastructure, Housing, Transport, Health, Economy and Employment	
TARGET/DIRECTION	INDICATOR	SOURCE
Submission of planning application to regularise the site and specific policy requirements are met	Planning permission granted and conditions complied with	WCC

Policy TR5 Expansion or Intensification within existing sites	
SPATIAL OBJECTIVE / COMMUNITY STRATEGY OUTCOME	SA/SEA OBJECTIVES
Housing, Environment, Health and Happiness	Building Communities, Infrastructure, Housing, Transport, Health, Economy and Employment

TARGET/DIRECTION	INDICATOR	SOURCE
Consideration of applications	Planning permission granted and conditions complied with	WCC

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

Policy TR7 General Design Guidance and Site Layout		
SPATIAL OBJECTIVE / COMMUNITY STRATEGY OUTCOME	SA/SEA OBJECTIVES	
Housing, Environment, Health and Happiness,	Building Communities, Infrastructure, Housing, Transport, Health, Economy and Employment	
TARGET/DIRECTION	INDICATOR	SOURCE
Planning applications submitted for consideration which reflect the policy requirements	Compliance with the requirements specified	WCC



If you would like to receive this document in another format,
please contact Winchester City Council's customer service centre on **01962 840 222**.
Alternatively, you can request this information online.

The Planning Inspectorate

ENFORCEMENT NOTICE APPEAL FORM (Online Version)

WARNING: The appeal **must** be received by the Inspectorate **before** the effective date of the local planning authority's enforcement notice.

Appeal Reference: APP/L1765/C/22/3296503

A. APPELLANT DETAILS

Name

Address

Preferred contact method

Email Post

A(i). ADDITIONAL APPELLANTS

Do you want to use this form to submit appeals by more than one person (e.g. Mr and Mrs Smith), with the same address, against the same Enforcement notice? Yes No

Additional Appellant: Mr Bernie Stokes
Appeal Reference: APP/L1765/C/22/3296504

B. AGENT DETAILS

Do you have an Agent acting on your behalf? Yes No

Name

Company/Group Name

Address

Phone number

Email

Your reference

Preferred contact method

Email Post

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority

Winchester City Council

Date of issue of enforcement notice

01/03/2022

Effective date of enforcement notice

12/04/2022

D. APPEAL SITE ADDRESS

Is the address of the affected land the same as the appellant's address?

Yes

No



Does the appeal relate to an existing property?

Yes

No



Address

Land at Carousel Park
Basingstoke Road, Micheldever
WINCHESTER
Hampshire
SO21 3BW

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site?

Yes

No



What is your/the appellant's interest in the land/building?

Owner



Tenant



Mortgagee



None of the above



E. GROUNDS AND FACTS

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal?

Yes

No



(a) That planning permission should be granted for what is alleged in the notice.



The facts are set out in

the box below

On 02/10/2003 (ref 02/01022/FUL) planning permission was granted on Carousel Park for a caravan site. Whilst there were conditions restricting the number of residential caravans on each pitch to three and the number of pitches to nine there were no conditions attached to the planning permission restricting the occupation of the site to travelling show people. Appeals against enforcement notices were heard by way of a Public Inquiry which opened on 11/10/2011. The appeals were allowed and the notices were quashed as the Inspector found that in line with the decision in "I'm Your Man" case, the authorised use of the land is as a residential caravan site. The PINS references for the enforcement appeals was APP/L1765/C/10/2138144, 49, 50, 52, 53 & 55. It therefore follows that Policy MTRA4 of the Local Plan Part 1 cannot properly be applied.

10 caravans, with amended sitings be accommodated on the appeal site in a manner which would meet caravan site licence requirements. References by the LPA to the site being located in the countryside whilst being correct is of limited relevance bearing in mind the fact that the site and the wider area benefits from planning permission. The LPA also assert that "no landscaping scheme has been provided". Well of course how could it be when the LPA have served an enforcement notice with no prior consultation with the owner, this is not a planning application lacking a landscaping scheme.

The appellant is from the Travelling community and we will be advancing a case pertaining to the needs of the Gypsy/Traveller Community.

It is considered that there is no plausible reason not to grant planning permission.

(b) That the breach of control alleged in the enforcement notice has not occurred as a matter of fact.

(c) That there has not been a breach of planning control (for example because permission has already been granted, or it is "permitted development").

(d) That, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice.

(e) The notice was not properly served on everyone with an interest in the land.

(f) The steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections.

The facts are set out in

the box below

The breach of planning control identified by the LPA is "without planning permission, the material change of use of the land to a residential caravan site for 10 caravans". Turning to the requirements of the notice they are excessive for each of the 3 points listed.

1. The authorised use of the appeal site is a residential caravan site.
2. The authorised use of the appeal site is a residential caravan site.
3. There is nothing that needs to be undertaken.

(g) The time given to comply with the notice is too short. Please state what you consider to be a reasonable compliance period, and why.

The facts are set out in

the box below

The time period in the event of ground (a) & (f) failing should be extended to 12 months as there are no alternative sites.

F. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations

2. Hearing

You must give detailed reasons below or in a separate document why you think a hearing is necessary. The reasons are set out in

the box below

As the planning history is complicated and Gypsy and Traveller status needs to be given before an Inspector.

Is there any further information relevant to the hearing which you need to tell us about? Yes No

3. Inquiry

G. FEE FOR THE DEEMED PLANNING APPLICATION

1. Has the appellant applied for planning permission and paid the appropriate fee for the same development as in the enforcement notice? Yes No
2. Are there any planning reasons why a fee should not be paid for this appeal? Yes No

If no, and you have pleaded ground (a) to have the deemed planning application considered as part of your appeal, you must pay the fee shown in the explanatory note accompanying your Enforcement Notice.

H. OTHER APPEALS

- Have you sent other appeals for this or nearby sites to us which have not yet been decided? Yes No

I. SUPPORTING DOCUMENTS

01. Enforcement Notice:
 see 'Appeal Documents' section

J. CHECK SIGN AND DATE

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full grounds of appeal) to the LPA today.

Signature

Mr Spencer Copping

Date

07/04/2022 14:30:29

Name

Mr Spencer Copping

On behalf of

Mr Patrick Stokes

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 2018.

The Planning Inspectorate takes its data protection responsibilities for the information you provide us with very seriously. To find out more about how we use and manage your personal data, please go to our [privacy notice](#).

K. NOW SEND

Send a copy to the LPA

Send a copy of the completed appeal form and any supporting documents (including the full grounds of the appeal) to the LPA.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:

<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>

- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the enforcement notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

You may wish to keep a copy of the completed form for your records.

L. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to **appeals@planninginspectorate.gov.uk**. If posting, please enclose the section of the form that lists the supporting documents and send it to Initial Appeals, Temple Quay House, 2 The Square, Temple Quay, BRISTOL, BS1 6PN.

You will not be sent any further reminders.

Please ensure that anything you do send by post or email is clearly marked with the reference number.

The documents listed below were uploaded with this form:

Relates to Section: SUPPORTING DOCUMENTS
Document Description: 01. The Enforcement Notice.
File name: Enforcement Notice and Plan - Land at Carousel Park.pdf

Completed by MR SPENCER COPPING

Date 07/04/2022 14:30:29



IMPORTANT – THIS COMMUNICATION AFFECTS YOUR PROPERTY

Owner / Occupier / Anyone with an interest in land
at Carousel Park, Basingstoke Road, Micheldever,
Winchester, Hampshire, SO21 3BW

01 March 2022

Dear Sir/Madam

Section 172 Town and Country Planning Act 1990 - Enforcement Notice Land at Carousel Park, Basingstoke Road, Micheldever, Winchester, Hampshire, SO21 3BW

The local planning authority, Winchester City Council, has issued an enforcement notice relating to the above land and I now serve on you a copy of the notice as a person with an interest in the land.

There is a right of appeal in respect of the enforcement notice to the Secretary of State (at The Planning Inspectorate). Unless an appeal is made, as described below, the notice will take effect on **12 April 2022** and you must then ensure that the required steps, for which you may be held responsible, are taken within the period(s) specified in the notice.

Please see the attached information sheet from The Planning Inspectorate which tells you how to make an appeal in respect of the enforcement notice.

If you decide that you want to appeal against the enforcement notice you must ensure that you send your appeal soon enough so that normally it will be delivered by post/electronic transmission to the Secretary of State (at The Planning Inspectorate) before **12 April 2022**.

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:-

(a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;

(b) that those matters have not occurred;

(c) that those matters (if they occurred) do not constitute a breach of planning control;

(d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;

(e) that copies of the enforcement notice were not served as required by section 172;

(f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;

(g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably be allowed.

Not all of these grounds may be relevant to you.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £980. You should pay the fee to Winchester City Council (cheque made payable to Winchester City Council). Joint appellants need only pay one set of fees.

If you decide to appeal, when you submit the appeal, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

Yours faithfully



Catherine Knight
Service Lead – Legal

Customer Support Team
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Direct Line: 0303 444 5000

Email: enquiries@planninginspectorate.gov.uk

1. THIS IS IMPORTANT

If you want to appeal against this enforcement notice you can do it:-

- online at the [Appeals Casework Portal](#); or
- sending us enforcement appeal forms, which can be obtained by contacting us on the details above.

You MUST make sure that we RECEIVE your appeal BEFORE the effective date on the enforcement notice.

Please read the appeal guidance documents at <https://www.gov.uk/appeal-enforcement-notice/how-to-appeal>.

In exceptional circumstances you may give written notice of appeal by letter or email. You should include the name and contact details of the appellant(s) and either attach a copy of the Enforcement notice that you wish to appeal or state the following:

- the name of the local planning authority;
 - the site address; and
- the effective date of the enforcement notice.

We MUST receive this BEFORE the effective date on the enforcement notice. This should immediately be followed by your completed appeal forms.

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990

(As amended by the Planning and Compensation Act 1991)

**ENFORCEMENT NOTICE
(EN4)**

**ISSUED BY: WINCHESTER CITY COUNCIL
("the Council")**

1. **THIS NOTICE** is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the above Act, at the land described below. They consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

Land at Carousel Park, Basingstoke Road, Micheldever, Winchester, Hampshire, SO21 3BW shown edged in bold black on the attached plan ("the Land").

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without planning permission, the material change of use of the Land to a residential caravan site for 10 caravans ("the Unauthorised Use").

4. REASONS FOR ISSUING THIS NOTICE

The Council considers it expedient to issue this notice because:

The above breach of planning control occurred within the last 10 years.

The use of the Land as a residential caravan site is contrary to policy MTRA4 of the Local Plan part 1. The Land is allocated for travelling showpersons' use and should be occupied by people meeting the definition of travelling showpeople in order to meet an identified need. (W020).

There are 10 caravans / static caravans on the Land. The number of caravans or other forms of accommodation is overly intensive and results in a lack adequate private outdoor amenity and recreational space, storage, or provision for parking

and turning which is detrimental to the occupiers of the Land and contrary to policy DM17 of the Local Plan Part 2 2017.

The development is outside of defined settlement boundaries and has an unacceptable effect on the rural character of the area through visual intrusion and incongruous features contrary to policy DM1 and DM23 of the Local Plan Part 2 2017.

The site does not provide boundary treatments that respond positively to the local context contrary to policy DM16 of the Local Plan Part 2 2017.

The site does not make adequate provision for refuse and recycling, provide amenity and recreational space for users, contrary to policy DM17 of the Local Plan Part 2 2017.

There is no identified need for a residential caravan site in the countryside, the site is not essential for operational reasons, and no landscape scheme has been provided contrary to policy DM10 of the Local Plan Part 2 2017.

The site does not provide adequate parking, or allow adequate access and movement within the site contrary to policy DM18 of the Local Plan Part 2 2017.

5. WHAT YOU ARE REQUIRED TO DO TO REMEDY THE BREACH OF PLANNING CONTROL

1. Cease the use of the Land as a residential caravan site;
2. Remove all caravans, mobile homes, park homes, hardstanding / hard surfacing, fencing, services, storage containers, sheds, porta-loos, animal enclosures, vehicles, machinery, trailers, waste, construction materials, buildings, structures, and any other items associated with the Unauthorised Use from the Land;
3. Restore the Land to its condition before the breach of planning control took place.

6. TIME FOR COMPLIANCE

6 Months after this Notice takes effect

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 12 April 2022 unless an appeal is made against it beforehand.

Dated: 1 March 2022

A handwritten signature in black ink, appearing to be 'Julie Pinnock', written in a cursive style.

Signed:

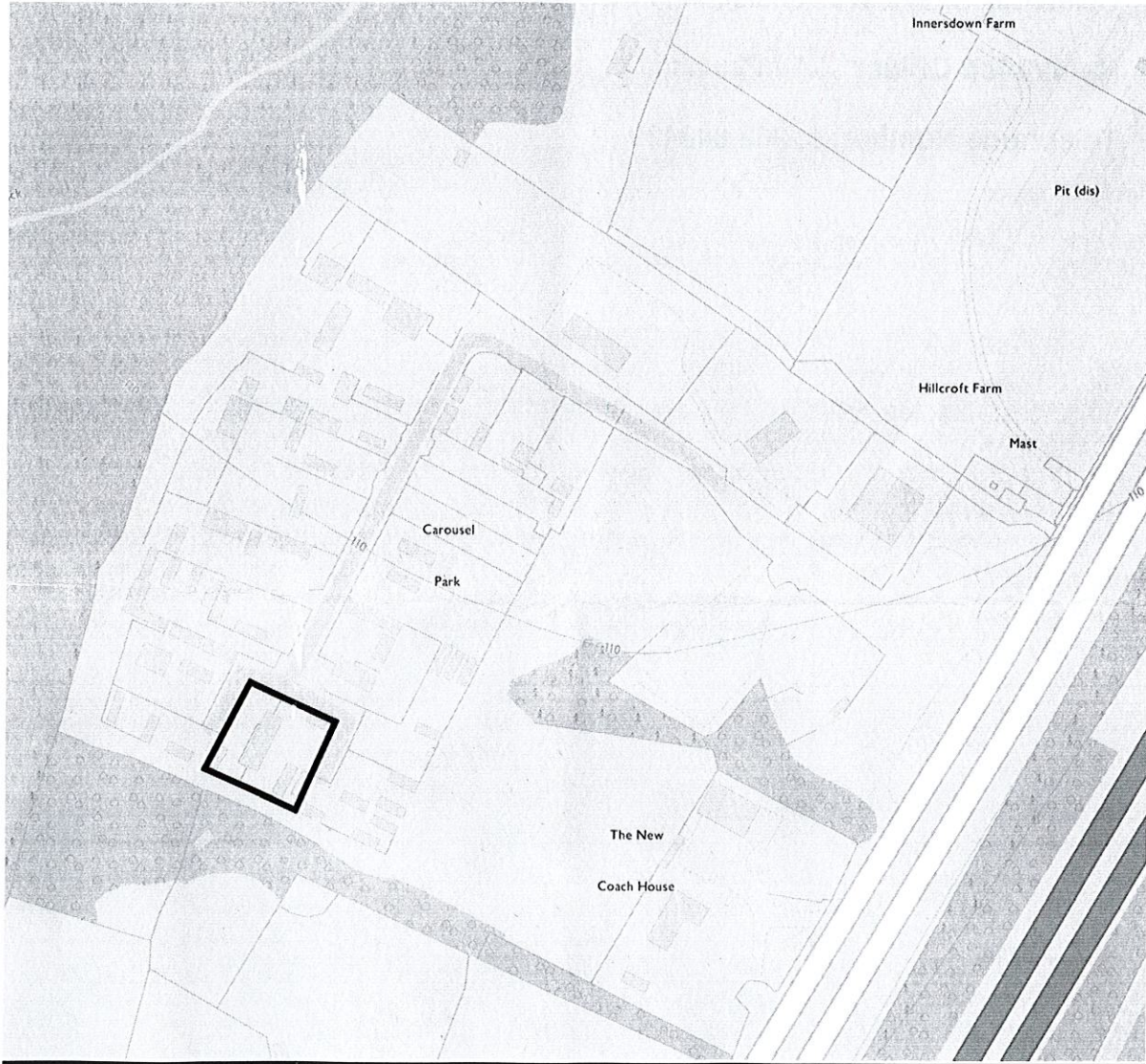
Service Lead – Legal on behalf of Winchester City Council, City Offices,
Colebrook Street, Winchester, Hampshire, SO23 9LJ

Nominated Officer: Julie Pinnock

Telephone Number: 01962 848439

PLAN

Land at Carousel Park shown edged in bold black.



ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be **received**, by the Planning Inspectorate acting on behalf of the Secretary of State **before** the date specified in paragraph 7 of the notice.

One copy of the enforcement notice is enclosed for your own records.

The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal. **Please see the enclosed information sheet at the end of the explanatory notes from The Planning Inspectorate which tells you how to make an appeal (alternatively please follow the below link).**

[link to <http://www.planningportal.gov.uk/uploads/pins/enfinfosheet.pdf>]

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Council.