



Appeal by Bridie Doran

**Plot 2, Pony Paddocks, Hipley Road,
Hambleton, Hampshire**

WCC REF: 23/00024/CARAVN

PINS REF: APP/L1765/C/23/3320989

Appeal Reference: APP/L1765/C/23/3320989

1.0 INTRODUCTION

- 1.1 At the time of writing there is no statement of common ground
- 1.2 No ground E appeal has been submitted and therefore it is not necessary to reiterate the content of the notice as all parties have received copies of the notice.
- 1.3 The appellant has appealed on grounds (A) (B), (F) and (G) in that planning permission should be granted for what is alleged in the notice, that the breach has not occurred as a matter of fact, the steps required to comply with the requirements of the notice are excessive, and that lesser steps would overcome the objections and the time for compliance with the notice is too short.

1.4 SITE DESCRIPTION

- 1.5 Plot 2 Pony Paddock is located adjacent to The Chairmakers Arms within Worlds End, The plot is located adjacent to other plots that have temporary planning permission for residential use as Gypsy /traveller pitches until 2024.
- 1.6 The plot is accessed via a single track road off Hipley Road and Forest Road. The plot known as Plot 2 is sighted to the right as you enter the track. As you face up the track, you can observe the other Gypsy/traveller plots that have temporary planning permission until 2024.
- 1.7 The site is adjacent to Forest Road and whilst considered an agricultural site it also has 2 derelict caravans sited upon it alongside a waste materials. These 2 caravans remained on the site when the enforcement notice was served.
- 1.8 The area of countryside is characterised by a loose cluster of dwellings in the area known as Worlds End and the Chairmakers Arms public house is located to the East of the site.
- 1.9 A planning application (not retrospective) was submitted and refused for a residential use at the site. (20/01806/FUL). The description of the application was change of use to one Gypsy/traveller pitch comprising one mobile home, and erection of one dayroom and associated works. The decision notice, Officer report and Appeal decision are attached as **Appendix A**.
- 1.10 Winchester City Council received reports regarding the movement of material within the site and importation of a touring caravan and subsequently served a temporary Stop notice on 13th January 2023. It was apparent that a new caravan had been deposited at the site and that waste had been moved from one side of the site to another side.
- 1.11 The temporary stop notice prevented the carrying out of building and engineering operations (including, but not limited to, the creation of

hardstanding and lying of services or drainage) and the construction of any buildings, in connection with the unauthorised residential use and/commercial use of the land. The importation onto the Land of hardcore, scalplings or other materials used from the construction of hard standing, the importation of caravans/mobile homes/trailers or similar onto the Land; and the use of the land for residential purposes or for any other purpose except the lawful use of the land for agriculture.

- 1.12 Reports were received on 2nd March 2023 regarding the importation of further scalping's onto the site. The reports stated that people were working on site and scalping being delivered to the site.

- 1.13 A site visit was undertaken on 3rd March 2023, it was apparent that further movement of material had occurred in relation to the site. An area of loose scalping was also sited adjacent to the other plots towards plot 3 to 8 that are occupied residentially. The touring caravan had now been sited adjacent to the other plots and the two abandoned caravans remained on the site.

- 1.14 As a result an Enforcement Notice was served on the site on 22nd March 2023. The Enforcement Notice is attached as **Appendix B**.

GROUND (A) THAT PLANNING PERMISSION SHOULD BE GRANTED FOR WHAT IS ALLEGED IN THE NOTICE

2 PLANNING HISTORY

2.1 A Planning Application was submitted in relation to the site under reference 20/01806/FUL on 21st August 2020. This application was refused by Winchester City Council and the decision concluded that the proposed use of the site did not accord with the development plan and the following policies DS1, MTRA4, CP5, TR6, TR7, DM1, DM4 and DM23.

2.2 The decision of Winchester City Council, in relation to 20/01806/FUL, was appealed and the Planning Inspectorate decision is enclosed within **Appendix A**. The Planning Inspectorate concluded that the main issues were:

The effect on the character and appearance of the area of countryside;

Whether the development can be mitigated to be 'nitrate neutral' and the effects on the solent special protection Areas (SPAs);

Whether the Council can demonstrate a five-year supply of gypsy and traveller sites to meet local needs and the availability of alternative sites;

The personal circumstances of the appellants including the best interests of any children.

2.3 The Planning Inspector concluded that the site was in the countryside away from any defined settlement defined in planning policy and this therefore conflicted with Policy MTRA4 that looks to limit development to reuse of buildings and low key tourism.

2.4 The Planning Inspector found that views of the site would be possible to the eastern edge of the site and also limited views of the site from Forest Road through the gap formed by the access and below the canopy of tall conifer trees and therefore to the view that this therefore conflicted with Policy DM23 and stated that it conflicted with Policy CP5.

2.5 The Planning Inspector decision concluded that the proposal conflicted with the LPP1 Policy MTRA 4 that seeks to limit development in such location to specific uses which have a functional need to be located in the countryside.

2.6 The Planning Inspector found that views of the site would be possible to the eastern edge of the site and also limited views of the site from Forest Road through the gap formed by the access and below the canopy of tall conifer trees. It was stated that the proposed single pitch would have a significantly

intrusive effect on the physical character and landscape of the surrounding countryside which is open fields and paddocks.

- 2.7 The inspector therefore concluded that overall the residential caravan pitch would harm the character and appearance of the surrounding area and therefore does not accord with the Provision of Policy DM23.
- 2.8 The Inspector decision also looked at the discharge of foul water in the area into the Special Protection Areas, whilst the inspector concluded that this could be resolved through a Grampian Condition, the inspector concluded that the development was likely to have an adverse effect on water quality caused.
- 2.9 The Planning Inspector concluded at the time of the appeal that Winchester City Council was able to demonstrate a five year supply of sites within the district and therefore did not have a shortfall of pitches available in accordance with Traveller DPD.
- 2.10 The planning inspector stated that in balancing the main issue, as outlined above, that the development plan outweighed the other considerations regarding the site and found that whilst the pitch would cause moderate visual harm there would be significant harm to the physical undeveloped character of the countryside landscape and tranquillity of the area as to conflict with the provisions of Policy DM23 and it would be unduly intrusive and conflict with the criteria in Policy CP5.
- 2.11 In conclusion the Planning Inspector found that on balance that the harm which would be caused by the development and this conflicted with the development plan and therefore outweighed the other considerations and therefore concluded that planning permission should not be granted.

PITCH SUPPLY

- 2.12 The Council is of the view that the 5 year supply of traveller sites is up to date and therefore a negative pitch requirement currently exists. This was supported on the previous Planning application for Plot 2 Pony Paddock (APP/L1765/C//20/3254261/3254261 and the Appeals at Land at Lower Paddock, Bent Road, Hambledon (Appeal Refs APP/L1765/C/20/3254261 and APP/L1765/W/20/3253413).
- 2.13 The Council is of the view that The Planning Policy for Traveller Sites (PPTS) advises that Local Plans should set pitch targets for gypsies and travellers (PPTS paragraph 9) and 'identify and update annually a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets' (PPTS paragraph 10). The emerging Local Plan 2039 is at a very early stage) and does not yet carry any weight in decision making, however the updated GTAA's pitch targets are included within this consultation.

- 2.14 It is therefore the view of Winchester City Council that T, the assessment of 5-year land supply for the purposes of the current appeal should continue to be based on the current Development Plan targets and supply.
- 2.15 **Appendix C** outlines the council's position on this matter at the most recent appeal undertaken by Winchester City Council that addressed the issue of pitch supply.

LANDSCAPE OFFICER COMMENTS

- 2.16 Policy DM 23 allows for development within the countryside where it would not result in an unacceptable effect on the rural character of the area, by way of visual intrusion, the introduction of incongruous features, the destruction of locally characteristic rural assets or by impacts on the tranquillity of the environment including the introduction of noise and lighting.
- 2.17 It is no coincidence that both the 9th October 2019 Appeal decision (APP/L1765/C/18/3201565), which granted a temporary 5 year permission for 3 separate plots on this site, and the July 2015 Appeal Decision (APP/L1765/A/14/2224363) which dismissed the principle of allowing 8 plots, both considered one of the main issues to be the effect of the proposals on the character and appearance of the surrounding countryside.
- 2.18 In the most recent 2019 Appeal the Inspector dealt at some length with these impacts in paragraphs 19 to 34 and found significant harm on this issue. In particular he made reference to the amount of vehicles and traffic, the impact of more noise from children and dogs and the introduction of more lighting on the tranquil rural surroundings. 'Each development' he said 'both individually and collectively has a significant adverse effect on the character and appearance of the surrounding area contrary to LP Policy DM23'.
- 2.19 In the 2015 Appeal the Inspector considered that the proposal for 8 plots 'would significantly detract from the tranquillity of the locality by reason of noise, general activity, vehicle movements and lighting'.
- 2.20 Winchester City Council has undertaken a District-wide Landscape Character Assessment (LCA). **APPENDIX D**. This document has been adopted as Supplementary Planning Guidance and reflects the importance of Winchester's landscape, both locally and nationally, and the pressures that are being placed upon it.
- 2.21 It describes this 'Mixed Farmland and Woodland Landscape Type' as being valued for its seclusion and tranquillity (LCA p.42, 1st paragraph).
- 2.22 In the 2015 Appeal the Inspector considered that the proposal for 8 plots 'would significantly detract from the tranquillity of the locality by reason of noise, general activity, vehicle movements and lighting'.

- 2.23 It has also been observed that this particular plot is closer to the road than earlier applications with a higher likelihood of there being visual intrusion. In the summer months this would not perhaps be so significant, perhaps 'minor adverse' but in the winter months the visual intrusion would cause a more noticeable deterioration to the character and appearance of the area when viewed from the road, ie moderate or even major adverse effects.
- 2.24 It is therefore considered that the proposal to further extend and intensify the use of the land by virtue of the addition of 1 more Mobile Home, 1 more Touring Caravan and 1 more Dayroom and associated works, albeit on a single plot, will give rise to harmful 'cumulative' effects, i.e., those which result from additional changes to the character and appearance of the area caused by the proposed development, in conjunction with the existing development. The associated noise, light and vehicle movements etc. will, cumulatively, add to the suburbanisation of this small hamlet and unacceptably harm its secluded and tranquil rural character still further.

Conclusion

- 2.25 In conclusion, It is apparent that the previous inspectorate decision regarding the site alongside the reason outline within the Enforcement Notice demonstrate that on balance the site is not suitable for its current use.
- 2.26 It is therefore the view of Winchester City Council that the Ground A appeal should be rejected.

3 GROUND (B) That the breach of control alleged in the enforcement notice has not occurred as a matter of fact

- 3.1 The appellants states that a breach of the enforcement notice has not occurred and that the previous use of the site was for a mixed use of the stationing of a mobile home for residential purposes and the keeping of horses.
- 3.2 Site visits have been undertaken to Pony Paddock by Winchester City Council over a long period of time, including the site of this appeal as a result of Enforcement investigations and also adjoining sites within the setting and these uses have not been observed.
- 3.3 Site visits have also been undertaken and the previous Planning Application, for the plot, 20/01806/FUL and no evidence exists to demonstrate an authorised use at Plot 2 exists for any other use than as an agricultural unit. It is also notable that prior to the service of the temporary stop notice on 13th January 2013, the owner stated that the caravan was not being used residentially.
- 3.4 Winchester City Council takes the view that 2 mobile homes were stored on the site, these were derelict caravans and were observed on multiple site visits following the unauthorised development on adjoining sites. It was apparent from observing the caravans that they were not inhabited as they were not on level ground. This is by the photographs taken by illustrated by the image from the planning officer site visit on 20th September 2020 see **Appendix E**
- 3.5 Winchester City Council Taxation services have no records existing in relation to this plot of land and this supports that no use as a mixed use of residential and storage at the site exist and the use of the site remains as agricultural.
- 3.6 It is also apparent that site visits were conducted to the site in 2006 and I attached photographs of the site that do not demonstrate any use for a mixed use of a residential use of a caravan and storage of caravan. I attached these images as **Appendix F**.
- 3.7 In view of no evidence demonstrating a use for a mixed use of the site, it is the view of Winchester City Council that the use remains agricultural and therefore the Ground B appeal should fail

4 GROUND (F) THE STEPS REQUIRED TO COMPLY WITH THE REQUIREMENTS ARE EXCESSIVE, AND LESSER STEPS WOULD OVERCOME THE OBJECTION

- 4.1 The Enforcement Notice outlines the requirements of the notice regarding the residential use of the site rather than the use of a caravan
- 4.2 The storage use outlined in the enforcement notice relates to the storage of two derelict caravans that the owner of the site stated were abandoned and unused and the location was outlined on the Enforcement Notice Plan.
- 4.3 The Enforcement Notice addresses the residential use of the site and also the storage of the two derelict caravans present on the site.
- 4.4 The Enforcement notice plan outlines the area that have been covered with material as part of the development works at the site.
- 4.5 The Notice requires the reseeding of the site, it is notable that existing hardstanding exists at the site, however it is apparent that the site was predominately not covered by hard hardstanding and the reseeding will allow the area covered by the new materials to return to its original condition.
- 4.6 In conclusion it is the view of Winchester City Council that the requirements outlined in the notice are not excessive and the Ground F appeal should fail.

5 Ground G: The time given to comply with the notice is too short.

- 5.1 The appellants have requested a 2 year compliance period is given to allow the occupants to find alternative accommodation and then re-locate.
- 5.2 The period of 6 months was given in order to take into account the likely circumstances of any residents on the site. The 6 month Period allowed a timeframe that would coincide with school terms times and allow any occupants to re-locate reducing disruption and undertake remedial works to the site.
- 5.3 The timeline given are also considered reflective of recent planning inspectorate decisions regarding cessation of residential uses, notably APP/L1765/C/21/3286358.
- 5.4 The 6 month timeline is considered appropriate in term of timeline in view of the legal requirements for landlords to give 2 months written notice under section 21.
- 5.5 The timeline given are also considered reflective of recent planning inspectorate decisions regarding cessation of residential uses, notably APP/L1765/C/21/3286358.
- 5.6 It is therefore the view of Winchester City Council that the Ground G appeal should fail.