



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 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.
- 1.5 The site is also adjacent to Forest Road and whilst considered an agricultural site it also has historically had 2 abandoned caravans sited upon it alongside a large amount of waste. These 2 caravans remained on the site when the enforcement notice was served.
- 1.6 A planning application (not retrospective) was submitted and refused for a residential use at the site. (20/01806/FUL) see attached decision. 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.
- 1.7 Winchester City Council received reports regarding the movement of material within the site and importation of a 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.
- 1.8 A temporary stop notice prevented the carrying out of building and engineering operations (including, but not limited to, the creation of hardstanding and laying 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, scalping 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.
- 1.9 Reports were received on 2nd March 2023 of the importation of scalping's onto the site. The reports stated that people were working on site and scalping being delivered to the site.

1.10 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.

2 Site description

2/1 The appeal site is located in the forest of Bere, adjoining the aforementioned Traveller Pitches open countryside within the Forest of Bere Lowlands

The plot is accessed via a single track

3 Relevant Planning History

3.1 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 DSQ, MTRRA4, CP5, TR[^], TR7, DM!, DM4 and DM23.

3.2 As noted the decision of Winchester City Council, in relation to 20/01806/FUL, was appealed and I include the Planning Inspectorate decision. The Planning Inspectorate concluded that the main issues were:

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

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

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

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

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3.15 2.4 The Planning Inspectorate 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.

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3.17 2.5 The 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

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3.19 2.6 The Inspector also stated that views existed from other private land around the access road to the existing pitches. 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.

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3.21 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.

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3.23 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, if a residential use is occurring this would not be possible to achieve at the site in view of the timelines.

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3.25 2.9 The 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.

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3.27 2.10 The 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.

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5-Year Traveller Pitch Supply

1. The Council submitted evidence on the 5-year supply of traveller sites to the adjourning Hearing in July 2022. This is included within the 'Documents Provided on Day of Hearing' document, which includes extracts from the Council's 'Authorities Monitoring Report 2020-21' (AMR) and Appendix 6 to that report (Document 7). Table 7.1.4 of the AMR calculates 5-year traveller pitch availability and shows that, for gypsies and travellers, the Development Plan requirement has been exceeded, resulting in a negative pitch requirement.
2. This remains the Council's current position and it is noted that the appellant's Statement of Case confirms that the 5-year supply of pitches is not contested (Appellant's Statement of Case paragraph 8.20). An updated AMR will be published in late December 2022 which will update the position, but this will simply add 1 recently approved pitch to the supply and increase the 5-year requirement by 1 pitch, resulting in no net change to the conclusion reached by paragraph 7.1.3 and Table 1.7.4 of the 2020-21 AMR.
3. The Council's position on pitch supply has been supported at two recent appeals in Winchester District:

- Land at Lower Paddock, Bent Lane, Hambledon (Appeal Refs: APP/L1765/C/20/3254261 and APP/L1765/W/20/3253413), 9 April 2021 – see Appendix 2. Following detailed consideration of the evidence on pitch needs (including ‘unknowns’) and supply, the Inspector concluded that *‘on balance it seems to me the Council does not have a shortfall of pitches’* (appeal decision paragraph 10). Inspector Hand went on the comment *‘this is important as the DPD has only two policies for new sites, TR5 which allows for intensification or expansion of existing sites and TR6 which allows new, windfall sites. Because the DPD is designed to provide for all the Council’s requirements, and at the moment it seems to be working, there seems to be no reason not to consider these two policies as fully up to date. There is nothing to suggest that the DPD and policies TR5 and TR6 should not continue to provide for the identified and possible future need for gypsy sites in the district’* (appeal decision paragraph 11).
- Plot 2, Pony Paddock, 6 Hipley Road, Hambledon (Appeal Ref: APP/L1765/W/20/3262560), 30 Sept 2022, see Appendix 3. The Inspector found that *‘the Traveller DPD is reasonably up to date and has been subject to examination. It should therefore be given the full weight of the development plan. The DPD indicates that the policy requirement set out in DM4 will be delivered with a surplus of 16 sites..’* (appeal decision paragraph 27). Inspector Murray concluded that *‘overall, on this issue I find that at the moment it has not been shown that the Council cannot demonstrate an adequate supply of gypsy/traveller sites to satisfy Policy DM4.’* (appeal decision paragraph 29).

Updated Gypsy and Traveller Accommodation Assessment (GTAA)

4. The Council published the results of an updated Gypsy and Traveller Accommodation Assessment (GTAA) in October 2022 (see <https://www.winchester.gov.uk/assets/attach/33711/2022-10-31-Winchester-GTAA-Final-Report.pdf>). This forms part of the evidence that is being used to develop the Council’s new ‘Local Plan 2039’. This Plan is at an early stage of the process towards adoption, with a consultation draft version of the Plan being published under Regulation 18 in November 2022.
5. The updated GTAA October 2022 shows a substantial increase in the future need for gypsy and traveller pitches, as illustrated by the extracts at Appendix 1. These show the identified needs for various 5-year periods from 2022, with the need for 2022-2026 being 79 pitches. However, Figure 16 shows that a large part of this results from unauthorised developments (23 pitches) and new household formation (36 pitches). These needs would not be resolved by the appeal proposal, which the appellants claim is seeking to meet family needs (adult children). The updated GTAA indicates that the occupiers of the appeal site were interviewed, so their needs are likely to be recorded within the ‘concealed households/doubling-up/over-crowding’ category (29 pitches), or the ‘5 year need from teenage children’ category (24 pitches).

Implications for the Appeal

6. 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 (Regulation 18 consultation draft) and does not yet carry any weight in decision making.
7. Therefore it is the adopted Development Plan, specifically Local Plan Part 2 and the Traveller DPD, that is required to set out the PPTS-compliant targets for pitch provision and show how these will be met so as to provide an adequate 5-year pitch supply. The adopted Development Plan pitch targets are used in the extracts from the Council's 'Authorities Monitoring Report 2020-21' (AMR) and Appendix 6 to that report which are included within the 'Documents Provided on Day of Hearing' document (see paragraph 1 above).
8. The updated GTAA is currently only an evidence document that will inform and be tested through the process of developing the new Local Plan 2039. The updated GTAA's pitch targets are included within the consultation draft Local Plan, along with policies on how the requirements would be met, but these are at too early a stage to be accorded any weight in this appeal. The suitability of the targets and the emerging Local Plan's proposals to meet them and maintain a 5-year supply of pitches will be tested through the Local Plan's preparation and examination processes. Therefore, 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.
9. Notwithstanding this, planning policies provide, in principle, for additional pitches where a need is demonstrated, either through intensification of an existing site (policy TR5) or on a new/extended site (policy TR6). Policy TR6 is most relevant to the appeal, as the proposal would extend the existing traveller site rather than intensify it. The emerging Local Plan 2039 proposes to carry forward similar policies. The appeal proposal could therefore be permitted if the relevant policy requirements were met, regardless of the 5-year pitch supply situation.
10. Accordingly, a key issue for the appeal is whether the pitch needs identified by the appellant are adequately justified and whether the criteria of policy TR6 and other relevant policies are met. If so, the appeal could be allowed subject to appropriate conditions. If not, it should be dismissed even if there were a 5-year shortfall of pitch supply, as the policies of the Development Plan still have to be considered, even if they were found to be 'out of date'. As the Council considers that the needs claimed by the appellant have not been demonstrated, or the policy requirements met, the Inspector is respectfully requested to dismiss the appeal.

Appendix 1 – Extracts from Winchester Gypsy and Traveller Accommodation Assessment (GTAA), October 2022

Figure 1 – Need for Gypsy and Traveller households in Winchester (excluding SDNP) that met the Planning Definition (2022-38/39)

Gypsies and Travellers - Meeting Planning Definition	Pitches
Supply of Pitches	
Supply from vacant public and private pitches	0
Supply from pitches on new sites	0
Pitches vacated by households moving to bricks and mortar	0
Pitches vacated by households moving away from the study area	0
Total Supply	0
Current Need	
Households on unauthorised developments	23
Households on unauthorised encampments	0
Concealed households/Doubling-up/Over-crowding	29
Movement from bricks and mortar	0
Households on waiting lists for public sites	0
Total Current Need	52
Future Need	
5 year need from teenage children	24
Households on sites with temporary planning permission	0
Roadside	3
New household formation	36
<i>(Household base 110 and formation rate 2.05%)</i>	
Total Future Needs	63
Net Pitch Need = (Current and Future Need – Total Supply)	115

Figure 2 – Need for Gypsy and Traveller households in Winchester (excluding SDNP) that met the Planning Definition by time periods

Years	0-5	6-10	11-15	16-17	Total
	2022-26	2027-31	2032-36	2037-38	
	79	14	15	7	115

**Appendix 2 – Appeal Decision – Land at Lower Paddock, Bent Lane,
Hambledon (APP/L1765/C/20/3254261 & APP/L1765/W/20/3253413)**

**Appendix 3 – Appeal Decision – Plot 2, Pony Paddock, 6 Hipley Road,
Hambleton (APP/L1765/W/20/3262560)**