



Winchester
City Council

ENFORCEMENT APPEALS

Carousel Park, Micheldever

Winchester, Hampshire

**SUMMARY STATEMENT OF
STEVEN OPACIC DipTP, MRTPI**

**HOUSING LAND SUPPLY (INCLUDING
AFFORDABLE HOUSING) & GYPSY/TRAVELLER
ACCOMMODATION NEED/SUPPLY**

August 2023

Appeal References:

APP/L1765/C/22/3296767 (Plot 1)
APP/L1765/C/22/3296771 (Plot 2C)
APP/L1765/C/22/3296773 (Plot 3)
APP/L1765/C/22/3296776 (Plot 6)
APP/L1765/C/22/3296778 (Plot 8)
APP/L1765/C/22/3296781 (Plot 9)
APP/L1765/C/22/3296783 (Plot 9B)

Summary and Conclusions

1. My name is Steven Opacic. I have a Diploma in Town and Country Planning (with Distinction) and am a Member of the Royal Town Planning Institute. I have been employed by Winchester City Council for over 41 years, in both the Forward Planning and Development Control Teams. I have an extensive working knowledge of Winchester District and the planning policies applying. My evidence deals with the status of the planning policies applying and 5-year land availability issues.
2. The Development Plan for the District is relevant and up-to-date, having been found to be 'sound' and NPPF/PPTS-compliant. The deemed planning applications should be determined in accordance with the Development Plan. Other material considerations consist of Government policies and guidance, particularly the NPPF, PPTS and PPG, and may include the updated GTAA and the personal circumstances of the site occupiers. . The availability of an adequate supply of housing and traveller sites can be a material consideration, but the only evidence of any shortfall against Development Plan targets is in relation to sites for travelling showpersons. Allowing the appeals would remove current limitations restricting the use of the site to TSPs, which would reduce the supply of plots specifically available for travelling showpersons' use.
3. The appeal site is in a rural location separate from any defined settlement. The principle of general residential use in such a location is firmly resisted by Development Plan policies, other than for specific identified needs. While Development Plan policies may allow for gypsy and traveller accommodation outside defined settlements, these do not apply to the deemed planning application which is for general residential use. There is no basis for general residential development on an isolated countryside site such as this. Regardless of the housing land availability position (see below), residential development in this location would be entirely inappropriate and unsustainable.
4. The Council is able demonstrate that the 5 year supply of available housing sites remains comfortably in excess of the requirement. There are deliverable sites available to provide 5.6 years' supply for the 5-year period 2023-2028, including a 5% buffer, see summary table below.

Summary of 5-Year Housing Land Supply (AMR 2021-2022)

5 Year Land Availability		
	2022-2027 District Total	2023-2028 District Total
Requirement (including 5% buffer)	3,754	3,754
Supply	4,575	4,195
Years supply	6.1 Years	5.6 Years

5. The appellants' Statement of Case for the appeals against EN1 and EN2 (July 2022) states that the appellant will demonstrate that the Council is unable to demonstrate a five year housing land supply, engaging paragraph 11d of the NPPF. The appellants also suggest that there is a failure of policy to deliver the required level of housing. The appellants for EN4 do not claim that there is an issue in terms of 5-year housing land availability, although they do question traveller pitch availability.
6. No evidence has been provided by the appellants to substantiate the claim of a lack of 5-year housing land supply but the Council's Authorities Monitoring Report sets out in detail how the 5-year land supply calculation has been produced and the justification for it. Nor is any evidence produced to demonstrate the failure of affordable housing policy that is alleged by the appellants. I may need to produce additional evidence to respond if any evidence is brought forward by the appellants.
7. Even were NPPF paragraph 11(d) triggered and Development Plan policies relating to housing supply found to be 'out of date', the weight to be given to Development Plan policies is a matter to be considered by the decision maker. Any 'out of date' policies cannot be ignored and it is still necessary to consider the weight to be attached to them. The evidence shows there is not a housing supply shortfall and that there is no justification to allow the appeal for land supply reasons. The Inspector should continue to give significant weight to the development plan policies, even if paragraph 11(d) were engaged
8. With regard to the availability of traveller sites, Government advice expects pitch targets to be set in the Development Plan and for 5-year pitch availability to be assessed against these targets. On this basis, the Council can demonstrate an adequate 5-year supply of sites for gypsies and travellers (GT) but not for travelling showpersons (TSP). The lack of an adequate 5-year supply of TSP sites *'should be a significant material consideration'* when considering applications for temporary planning permission (PPTS). The severe lack of available sites for travelling showpeople, whether temporary or permanent, is an important material consideration for this appeal, especially given the inability of the Traveller DPD to identify sufficient available sites.

5 Year Traveller Site Availability 2023-2028

Calculation	Gypsy & Travellers	Travelling Showpeople
a. 2016-2028 requirement + other proven need	14 + 4 = 18	23
b. Completions 2016-2022	35	4

c. Remaining 5 year requirement 2023-2028 (a-b)	-17	19
d. Buffer (5% / 20%) (c + 5% or 20%)	0	0.95 / 3.8
e. Total 5 year requirement 2023 – 2028 (c + d)	-17	20 / 23 (rounded)
f. Supply 2023 - 2028	11	11
g. Years pitch / plot supply	N/A (negative requirement)	2.4 – 2.7

9. The Council has published an updated Gypsy and Traveller Accommodation Assessment (GTAA) to inform the emerging Local Plan. This should not be used to determine 5-year traveller pitch requirements, as made clear by the PPTS. The updated GTAA is a material consideration and shows an ongoing need for TSP plots. While it also shows a need for GT pitches the deemed planning application is for general residential use, not for traveller pitches.
10. The NPPF is clear that other needs for caravan or houseboat accommodation should be considered as part of general housing needs through the local plan. No need for such accommodation has been identified either through the Strategic Housing Market Assessment, other evidence studies, or the current and emerging Local Plan processes. There is a comprehensive policy framework in place to enable individual development proposals to be assessed and determined. There is no requirement in the NPPF or PPTS for the Council to demonstrate separately a 5-year supply of caravan or houseboat accommodation.
11. In conclusion, the allowing of this appeal would result in a serious conflict with the Development Plan and national planning policies. The loss of a site that is allocated and authorised for TSP use is a '*significant material consideration*', given the lack of an adequate supply of such sites and the difficulty the Council has experienced in finding adequate sites through the Traveller DPD. The use of the existing site, which is authorised for showpersons' use, for general residential use, for which no 5-year supply shortfall exists, can only exacerbate the shortfall of TSP accommodation.