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<b>APPLICATION NO.</b>	19/01765/FULLS
<b>APPLICATION TYPE</b>	FULL APPLICATION - SOUTH
<b>REGISTERED</b>	18.07.2019
<b>APPLICANT</b>	Mr G Castle
<b>SITE</b>	Land South Of Hazelwood Farm, Flowers Lane, Plaitford, <b>MELCHET PARK AND PLAITFORD</b>
<b>PROPOSAL</b>	Change of use of land to single gypsy plot
<b>AMENDMENTS</b>	27/08/2019- Additional foul sewage plan and nitrates details 09/06/2020- Nitrate budget report 28/07/2020- Amended Site plan and nitrate budget 08/09/2020- Amended Site plan and nitrate budget 18/02/2021- Visibility site lines and vehicle tracking plans.
<b>CASE OFFICER</b>	Mr Mark Staincliffe

Background paper (Local Government Act 1972 Section 100D)

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## 1.0 INTRODUCTION

- 1.1 The application is presented to the Southern Area Planning Committee at the request of a Local Ward Member.
- 1.2 The application was previously presented to members on 27 April 2021 but was deferred for the following reason:

*To allow officers to obtain the Council's current 5 Year supply of Gypsy and Traveller pitches.*

## 2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The site has direct access on to Flowers Lane and is bounded on two sides by hedgerows and mature trees. The remainder of the site is surrounded by open land which was formally used for the grazing of horses. Towards the front of the site is a stable building and area of hard standing.

## 3.0 PROPOSAL

- 3.1 Material change of use of the land for the siting of 1 residential caravan, the laying of hardstanding associated with the residential use, soft landscaping and the use of the existing stable building for purposes ancillary to the residential use of the site.

## 4.0 HISTORY

- 4.1 TVS.08983- Erection of a block of four stables and alterations to existing access- **PERMISSION 04/07/2020**

## 5.0 **CONSULTATIONS**

5.1 **Landscape:** No objection subject to conditions.

5.2 **Trees:** No objection subject to condition

5.3 **Ecology:** The application was not accompanied by any detailed ecological information. Parts of the site appear to be covered by areas of rank grassland. There are concerns that protected species such as reptiles may be present and affected by the proposals.

**Officer comment:** Since the receipt of the ecological consultation response the application has been amended with the caravan sited exclusively within the existing stable application site and its associated hardstanding. The site has been historically used for agricultural purposes and most recently for the keeping of horses. The application site and the area for the stationing of mobile home is predominantly hardstanding and weeds. Further ecological survey work is not deemed necessary.

5.4 **Natural England:** Provided the Council as competent authority, is satisfied that the approach will ensure the proposal is nutrient neutral and the necessary measures can be fully secured; Natural England raises no further concerns.

5.5 **Gypsy Liaison Officer:** The Castle and Turner families are well known local families of Romany Gypsy ethnicity and there is no doubt the applicant and his partner are of Romany Gypsy ethnicity. Mr Castle carries out employment in groundwork and landscaping and as such travels regularly for economic purpose sometimes returning home at the end of the working day but also staying away when required necessitating him living in a touring caravan together with his partner during these times. It is his intention to continue working in this way.

5.6 The family have been informed that Hampshire County Council now has responsibility for one permanent residential site in the County and currently there are no pitches available with six applicants on the waiting list.

5.7 **Highways:** Amended plans have now been received in an attempt to overcome the original concerns expressed by the Highway officer with regards to vehicular visibility and onsite and off-site vehicle tracking. The Highway officer raises no objection.

5.8 **Planning Policy:** Policies COM2 and COM 13 are the most pertinent. COM2 - the application site lies outside the defined settlement boundaries, therefore falls within the countryside. On this basis the proposal needs to be considered against criteria a) and b) of this policy.

5.9 The proposal needs to comply with all elements of policy COM13. In relation to criterion c) in the Borough there remains a need for gypsy and traveller pitches. The current Gypsy and Traveller Accommodation Assessment (GTAA) was completed in 2017, with a base date of September 2016, covering the period 2016-2036. Based on the findings of the GTAA, and taking account of more recent applications, there remains a need for pitches for gypsies and travellers.

- 5.10 Other pertinent policies within the adopted Local Plan should be taken into account, along with relevant guidance within the NPPF and Planning Practice Guidance (PPG). The Council is in the process of preparing a Gypsy and Traveller Development Plan Document (DPD) in order to provide permanent gypsy, traveller and travelling showpeople sites to meet the unmet need.
- 5.11 A Regulation 18 document was subject to consultation in 2015 (based on a previous GTAA). The Sustainability Appraisal Scoping Report in relation to this DPD was updated in 2018. However, limited weight can be attached to this emerging DPD at this time.
- 5.12 Additional Planning Policy Comment  
The Council cannot demonstrate an up-to-date 5 year supply of deliverable sites. The current supply is 0.
- 5.13 Highways- No objection (summarised)  
The vehicular visibility splays for both the primary and secondary directions are considered to be acceptable as are the submitted vehicle tracking details. As such, no objections to this proposal are raised.

6.0 **REPRESENTATIONS** Expired 05.03.2021

6.1 **Parish Council-** Object (summarised)

- The sewage treatment proposed produces an effluent which needs to be disposed of. The requirement for this type of effluent is that it can either be discharged to a water course which must flow throughout the year or to a soakaway. There is no such water course in the vicinity of the proposed location. The underlying ground in this area is clay which makes successful soakaways challenging. The application has provided no percolation figures to demonstrate that a soakaway could be made to work.
- Application form states that there will be no gain of residential units.
- Application form say no hazardous substances. Will bottled gas be used?
- No explanation is given of why the applicant could not continue to store his tourer wherever it was stored for the 14 years before he moved to Alderbury.
- There is no supporting evidence of the difficulty of living in bricks and mortar.
- the mobile home would be visible from the public highway. This development creep is already evident in Wellow Wood Road and appeal Inspectors have agreed this causes harm to the character and appearance of the rural setting.
- The condition of no business use from the site would be difficult to enforce.
- It is disingenuous to state that there are no gypsy sites in the *immediate* vicinity when there appear to be 4 pitches at the site of The Bungalow just 200m away, a further 3 and possibly 4 pitches in Wellow Wood Road which is only 500m away and a significant number (7-10) at a site in Scallows Lane (approximately 700m away).

- No comment to make on the “Additional Highway Visibility and vehicle tracking plans”

6.2 The application generated 22 letters of objection. A summary of the points raised are set out below:

- Total number of gypsy plots in the locality is too high
- Touring caravan should be parked at 1,2,3 or 4 Sherfield Lane
- New cess pit required
- No need for more gypsy accommodation
- Increase in traffic & highway safety issues
- Noise and smell disturbance from the site
- Change of use will spoil the area
- Threat of further caravan storage on the site
- This and other plots would dominate the settle community
- Visual harm from the proposal
- Is the applicant a gypsy?
- The proposal is out of character
- Overlooking
- Overdevelopment of the site
- Site is in the Countryside and contrary to policy
- Impact on wildlife
- High number of gypsy/traveller sites in the locality
- There are gypsy sites in the immediate vicinity such as pitches in Wellow Wood Road which is only 500m away and a site at Scallows Lane (approximately 700m away).
- Additional pitches would dominate the settled community
- For the last 8 years the site has not been used other than a crop of hay.
- The drawing provided shows the tight turning area. Insufficient space to reverse a caravan in and park this without going into the field
- The drawing implies that a caravan will not be as wide as the existing stable block. Given the proposed dimensions of the caravan, and the dimensions of the stables, it will protrude beyond the stables restricting access and turning.
- Loss of sunlight to the hedgerow, privacy, overbearing impact and noise disturbance

## 7.0 **POLICY**

### 7.1 Government Guidance

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Planning Policy For Traveller Sites (PPTS)

### 7.2 Test Valley Borough Revised Local Plan (2016)(RLP)

COM2 (Settlement Hierarchy)  
COM13 (Gypsies, Travellers and Travelling Showpeople)  
T1 (Managing Movement)  
T2 (Parking Standards)  
E1 (High quality development in the Borough)

E2 (Protect, conserve and enhance the landscape character of the Borough),  
E5 (Biodiversity)  
E7 (Water Management)  
E8 (Pollution)  
LHW4 (Amenity)  
T1 (Managing Movement)  
T2 (Parking Standards)

7.3 Supplementary Planning Documents (SPD)  
New Forest SPA Mitigation- Interim Framework  
Gypsy and Traveler Development Plan Document [emerging]

## 8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Amenity
- Landscape impact
- Highways
- Design and layout
- Ecology
- Trees
- Nitrate Neutrality and Ecology
- Accessibility
- Identified need for pitches
- Gypsy/traveller status of applicant
- Domination of settled community
- Recent appeal decisions

### 8.2 **Principle of Development**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

8.3 COM2 presents the way the settlements, classified in the settlement hierarchy, will develop in the future. COM2 seeks to promote a sustainable pattern of development and to restrict development to areas within settlement boundaries, unless the proposal is considered to be appropriate within the countryside as set out in COM8-COM14, LE10 and LE16-LE18, or whether the proposal is considered to be essential to be located in the countryside.

8.4 The planning application has been submitted on the basis that the site will be used as a single gypsy plot and thus Policy COM13 of the RLP is relevant. Policy COM13 states that development to accommodate gypsies, travellers and travelling showpeople will be permitted provided that criteria a)-e) of the policy are met. These matters are considered in turn below.

8.5 **COM13**

Criteria a)- Accessibility to services and facilities

Paragraph 25 of the PPTS has introduced the word 'very' in that "LPA's should very strictly limit new traveller site development in open countryside that is away from existing settlements." However, the PPTS offer no guidance on how the word 'very' is interpreted. It is clear that the Government is adding an emphasis that Traveller sites in the countryside should be strictly limited. The application site falls within the designated countryside area and this matter is considered below.

8.6 Paragraph 5.131 of the RLP accepts that sites can be located outside of the defined settlement boundaries, provided that they are in locations where facilities and services, such as schools and local shops are accessible.

8.7 It is accepted that the site is near to the settlement of Wellow, being 1.6km from the edge of the settlement. Wellow benefits from a number of local facilities including a primary school, being 2.3km from the application site, as well as a food store.

8.8 It is acknowledged that the nature of the road and the distance would mean that journeys from the site to these services would unlikely be undertaken on foot and would be most likely to involve use of a private car. However, most journeys would not be long and would be consistent with the general nature of the rural area, including those undertaken by nearby residents. In addition, the PPTS recognises that rural locations may be acceptable for such uses and the NPPF states that opportunities to maximise sustainable transport will vary between urban and rural areas. In this context, it is considered that the future residents of the site would have an acceptable level of access to services and that journeys would not be unusually or unacceptably long. The wording of paragraph 25 of the PPTS is noted however, the application site is considered to be reasonably close to the settlement and its facilities, and in this respect the proposal complies with criteria a) and is not in conflict with the PPTS.

8.9 Criteria b)- Gypsy Status

The definition of Gypsies and Travellers and Travelling Showpeople for the purpose of planning policy has been amended to remove the words "or permanently" from the definition of Travellers and Travelling Showpeople in Annex 1 of the PPTS. The Government believe it is fair that if someone has given up travelling permanently then applications for planning permission should be considered as they are for the settled community within national policy rather than the PPTS. The PPTS states " In determining whether persons are "Gypsies and Travellers" for the purpose of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) Whether they have previously led a nomadic habit of life
- b) The reasons for ceasing their nomadic habit of life
- c) Whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

- 8.10 The supporting statement identifies the applicant as a gypsy by birth who has led a travelling lifestyle throughout his adult life without a permanent or settled base. Both of the applicant's parents are now buried in the Sherfield English church yard together with numerous other members of the Castle family, a point in itself which indicates the Castle family ties to the local area and he applicant's gypsy status.
- 8.11 The applicant has also confirmed that he owns six horses and attends many fairs around the country to trade in horses as well as travelling for his primary work as a landscape gardener. This has been supported by correspondence from clients he has worked for in the past. It is the applicant's intention to continue working and travelling in this way.
- 8.12 Over recent years the Gypsy Liaison Officer has carried out planning enquiries on behalf of the Council regarding applications submitted by Mr Castle's sister and other relatives living in the Wellow Wood Road area of Wellow in Hampshire. On the basis of the above evidence and the lack of any evidence to the cast doubt on the evidence it is accepted that the applicant is recognised as a gypsy and meets the definition as contained in the PPTS. In this respect the proposal complies with criteria b). The observations and comments contained within representations questioning the status of the applicant are noted, however the assertions made by the applicant and agent have be confirmed by the County Council Gypsy liaison Officer and on the balance of probabilities the applicant is of Gypsy heritage.
- 8.13 **Criteria c)- Identified Need**  
At paragraph 27, the PPTS recognise that "if a LPA 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." However, the change to the PPTS is the additional following sentence "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." The site does not fall within any of the identified exception areas.
- 8.14 The Gypsy and Traveller Accommodation Assessment (GTAA) was completed on behalf of the Council in 2017, with a base date of September 2016. It covers the period 2016-2036. This replaces the GTAA referred to in paragraphs 5.132, 5.133 and 5.135 of the RLP. Based on the findings of the GTAA (2017), and taking account of more recent planning applications within the Borough, there remains a need for pitches for gypsies and travellers.
- 8.15 The GTAA provides a need figure for those meeting the planning definition of 'gypsies and travellers' and estimates an increase in need from 'unknown' gypsies (i.e. where through the GTAA interviews it was not known whether the planning definition is met by the household). The unknown group includes those households on unauthorised sites, those benefitting from temporary permission and those who were not available to take part in the GTAA.

- 8.16 Within the Borough there remains a need for sites for gypsy and traveller families. The Gypsy and Traveller Accommodation Assessment (2016) sets out that there is a need for three pitches for households that meet the planning definition. The GTAA estimates a scale of need of eleven pitches from those where it is unknown if they do or don't meet the planning definition. There is a further need for six pitches from those who do not meet the planning definition.
- 8.17 The GTAA highlights (para 7.115) that there may be situations where those families who have previously been classed as 'unknown' changing to 'meeting the definition' as acceptable additional evidence which demonstrates that they do meet the planning definition has been provided as part of the planning application process. As such the scale of need increases, assuming their needs are not met. Since the baseline date of the GTAA, two additional pitches have been permitted [1 at Wellow Wood Paddock (15/01814/VARS) and 1 at Leckford Lane in Stockbridge (16/00774/FULLN)]. The Stockbridge site had the status of 'unauthorised site'. The Wellow Wood Paddock site had a status of 'undetermined site'. These sites help to meet the overall need arising from gypsy households.
- 8.18 In addition since the GTAA additional evidence has been provided which demonstrates that there is potentially a need for two additional pitches (in addition to the previously identified three). This is based on confirmation that the families at The Paddock, Nursling (17/02656/FULLS) and Netherton Rd, Netherton (17/01736/FULLN) have moved from the 'unknown' level of need to 'meeting the definition' albeit that their applications have either been refused on other grounds or temporary permission granted. The granting of this permission would help meet a recognised need.
- 8.19 The Council's Local Development Scheme (LDS) was most recently updated in June 2020. This indicated the intention to undertake a Regulation 18 stage consultation on a Gypsy and Traveller DPD in quarter 4 of 2018, with the emerging DPD being incorporated into the next Local Plan after this stage. The Regulation 18 stage consultation did not take place and the timetable and approach for meeting the need is being reviewed.
- 8.20 The Local Planning Authority is not currently in a position to identify or offer an alternative site for this family to move to. Furthermore, it is unlikely that any suitable sites will be identified or allocated in the short term as identified above. As a result of this there is no alternate site available and in this respect the proposal complies with criteria c)
- 8.21 Criteria d)- Reason for the proposal to be located in the Borough  
Para 5.137 of the RLP lists examples of specific reasons to locate within the Borough and these include the lack of availability of alternative accommodation or a local connection.

- 8.22 The County Council Gypsy Liaison Officer was consulted on the application and has provided a detailed response to the Council. This consultation response confirms that the applicant has a local family connection due to the applicant's birth in Romsey and having spent most of his life living in a caravan in the Sherfield English and Wellow area with family and relatives.
- 8.23 Furthermore, the applicant does not currently have a permanent pitch and there is no known availability in the Borough or in close proximity to it. The County Council Gypsy Liaison Officer has confirmed that Hampshire County Council has responsibility for one permanent residential site and currently there are no pitches available with six applicants on the waiting list. On the basis of the evidence submitted and consultation responses received it is accepted that there is a justifiable reason for the proposal to be located within the Borough. In this respect the proposal complies with criteria d)
- 8.24 Criteria e)- Site Size  
During the consideration of the application additional evidence was requested to demonstrate that there was sufficient space on site to accommodate the Caravan, Touring Caravan, as well as manoeuvrability for vehicles within the site. The amended and additional plans demonstrate that there is sufficient space for the accommodation; parking and turning. The site also benefits from an existing stable which will be used as a utility room and ancillary storage. In this respect the proposal complies with criteria e)
- 8.25 To conclude on this matter, it is considered that the proposal fully accords with Policy COM13 and is thus also in compliance with COM2 of the RLP.
- 8.26 **Highways**  
The application site utilises an existing vehicular access which was installed to facilitate the current use of the site for the stabling of horses. The application proposes to utilise the existing access with no proposed changes. For the avoidance of doubt additional information was requested to demonstrate vehicle tracking for the use of the access, vehicle tracking within the site and vehicle visibility splays for exiting the site. This information has been submitted and considered and no highway objection to the proposal is raised. The proposed development therefore accords with policy T1 and T2 of the RLP.
- 8.27 **Amenity**  
The nearest residential property to the application site is Hazelwood Farm, some 30m from the location of the proposed caravan. Taking into consideration the existing development on site, the separation distance between the properties, intervening boundary treatment, single storey nature of the caravan and the proposed use of the site; it is considered that the proposal will not have an adverse impact on the residential amenities of adjoining properties in terms of loss of sunlight, daylight, privacy, overbearing impact or noise disturbance. For the reasons set out above the proposal accords with Policy LHW4 of the RLP.

8.28 **Flooding**

The application site is located within an area as determined by the Environment Agency to be at low risk from extreme flooding (i.e. Flood Zone 1). As such, there is no requirement for the application to be accompanied by any flood risk assessment and it would be unreasonable to withhold permission on flooding grounds. For the reasons set out above the proposal accords with Policy E7 of the RLP.

8.29 **Landscape Impact and Design**

The site itself has no statutory or non-statutory landscape designations. The immediate landscape is largely rural in appearance with residential development and agricultural operations and associated paraphernalia.

8.30 The site is currently enclosed on two sides by existing mature boundary hedging and the site layout ensures the retention of all large trees and existing hedgerows on site as well as providing additional native landscaping.

8.31 A substantial stable building is currently on site, though this will remain, the proposed caravan will be largely screened by this existing building and hedgerow. Though the site is located beyond any settlement boundary any public views of the proposed development will be seen in the context of existing built development. By virtue of the existing landscaping and built development the proposal will not be an obvious or detrimental feature within the immediate street scene or from longer distance views. However, changes such as additional boundary treatment and means of enclosure and commercial uses on site could result in harm to the character and appearance of the area. It is deemed necessary to impose conditions to prevent such uses without due consideration of the Council.

8.32 As such, it is not considered that the pitch, including the standard residential caravan and touring caravan, represent significant over development of the site in visual impact terms. Subject to conditions, the development is considered to accord with Policies E1 & E2 of the RLP in that the proposal would not adversely affect the character and appearance of the local area.

8.33 **Ecology**

International sites

The development will result in a net increase in residential dwellings within 13.6km of the New Forest SPA and within 5.6km of the Solent and Southampton Water SPA. These distances define the zones identified by recent research where new residents would be considered likely to visit these sites. These SPAs support a range of bird species that are vulnerable to impacts arising from increases in recreational use of the sites that result from new housing development. While clearly one new house on its own would not result in any significant effects, it has been demonstrated through research, and agreed by Natural England that any net increase (even single dwellings) would have a likely significant effect on the SPAs when considered in combination with other plans and projects.

- 8.34 Subject to the completion of an agreement to secure the required contributions the proposed development would comply with the Council's adopted 'New Forest SPA Mitigation - Interim Framework', Solent Recreation Mitigation Strategy (2017), Policy E5 of the adopted Test Valley Borough Revised Local Plan 2016, and the Conservation of Habitats and Species Regulations 2010 (as amended).
- 8.35 Nitrates  
The River Test and its major tributaries flow into the Solent. The Solent region is one of the most important for wildlife in the United Kingdom. There are currently high levels of nitrogen and phosphorus input into this water environment and there is evidence to suggest that this is having a detrimental impact on the biodiversity of this area. Housing and other certain types of development are currently contributing negatively towards this issue and there is evidence that further development, without mitigation, would exacerbate this impact.  
The Solent region consists of the following Special Areas of Conservation (SAC) and Special Protection Areas (SPA):
- Chichester and Langstone Harbours SPA
  - Portsmouth Harbour SPA
  - Solent and Southampton Water SPA
  - Isle of Wight Lagoons SPA
  - Solent Maritime SAC
  - Solent and Dorset Coast SPA (Proposed)
- 8.36 These sites are protected by National and European Law which requires the Council to undertake a formal assessment of the implications of any new plans or projects that may be capable of affecting the designated interest features of European Sites before deciding whether to grant planning permission for new residential development. This formal assessment is known as an Appropriate Assessment and considers the potential adverse effects of a plan or project (in combination with other plans or projects) on Special Areas of Conservation and Special Protection Areas. The European Court of Justice recently determined a case related to considering water quality in Appropriate Assessments. The impact of the case law is that any development which could result in a decrease in water quality would cause a likely significant effect on the Solent's European sites.
- 8.37 In the context of planning, the impact comes from population increase and the resultant increase in effluent. Proposed developments for new housing, hotels and care homes (as well as other forms of overnight accommodation) are being affected by the issue as a result. Given the nature of this application the applicant was invited to provide an assessment. A finalised nitrate budget calculation and proposed mitigation has been submitted and an Appropriate Assessment submitted to Natural England. Natural England raise no objection subject to securing mitigation in perpetuity by way of a s106 agreement. The mitigation off-setting land that the applicant has progressed to demonstrate that the effect of nitrates on the European site, is not adverse. This land is located to the rear of the site and will include the provision of a reed bed. As such, the proposed development does not conflict with the Habitats Regulations and accords with Policy E5 of the TVBRLP.

8.38 On-site biodiversity

The initial submission resulted in the request for further survey work. This request was made on the basis of a desk top exercise. Since the receipt of the ecological consultation response the application has been amended with the caravan sited exclusively within the existing stable application site and its associated hardstanding. The site has been historically used for agricultural purposes and most recently for the keeping of horses. The application site and the area for the stationing of mobile home is predominantly hardstanding and weeds. Further ecological survey work is not deemed necessary. The proposed development is considered to accord with policy E5 of the RLP.

8.39 Trees

Initial concerns were raised with regards to the proximity of the caravan to a large tree adjacent to the site. The application has been revised and the caravan moved to allow greater separation between the tree and caravan, Subject to the imposition of a condition requiring tree protection details to be installed during the development phase of the project, no objection is raised.

8.40 Dominating the settled community

Paragraph 14 of the PPTS states:

*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.*

It is acknowledged that there are authorised, unauthorised and pending applications for Gypsy & Traveller pitches within the Blackwater Ward of Test Valley and there is also one pitch immediately adjacent to the Ward Boundary. These sites are listed in the table below.

Within Ward:

Status	Address	Reference	Pitches
Authorised Permanent	The Orchard, Wellow Wood Road, West Wellow	15/01639/FULLS	1
Authorised Permanent	Little Acorns, Goddard Close, West Wellow	15/02958/FULLS	1
Authorised Permanent	Woodview Farm, Salisbury Road	14/01373/FULLS	1
Authorised Permanent	Wellow Wood Paddock, Wellow Wood Road	14/01282/FULLS 15/01814/VARS	2
Authorised Permanent	Love Acre, Newtown Road, Awbridge	09/02118/FULLS	1
Authorised Permanent	Jactar, Newton Road, Newton, Awbridge	09/01938/FULLS	1
Authorised Permanent	Treetops, The Frenches, East Wellow, Romsey	TVS.00684/11	1
Unauthorised (occupied)	Wellow Way Scallows Lane, West Wellow	n/a	4 (tbc)

Pending (occupied)	Land Adjacent to The Orchard, Wellow Wood Road	19/01831/FULLS	1
Pending (unoccupied)	Land South Hazelwood Farm, Flowers Lane, Plaitford	19/01765/FULLS	1
Pending (occupied)	Land Adjacent Greenwood Cottages, Woodington Road	18/02797/FULLS	1
Pending (unoccupied)	Land south of Wellow Way, Scallows Lane, West Wellow	18/02007/FULLS	2

Outside Ward:

Status	Address	Reference	Pitches
Authorised Permanent	Furb, Newtown Road, Awbridge	10/00404/FULLS	1

It is not clear from Government Guidance whether the use of the term 'scale' reflects a single large encampment or the cumulative number of individual sites in an area.

- 8.41 The table confirms that within the Ward there are 17 pitches (including the application site) of which only 8 are authorised. Within 750m of the application site there are a total of 11 pitches (including the application site) of which only 3 are authorised.
- 8.42 According to the April 2019 Blackwater Ward Profile there are a total of 2580 properties in the Ward. Based on this figure and the information contained in the table above, the authorised pitches make up 0.3% of the total number of residential units in the ward. If all pitches (authorised, unauthorised and pending) were included this would rise to 0.66%.
- 8.43 The PPTS does not define 'dominate'. It is therefore useful to have regard to the dictionary definition which states:

*to be the most powerful or important person or thing in it.*

Taking into consideration the above it is considered that there would be difficulty in arguing that one additional pitch within the local population would dominate the nearest settled community. It is considered that there would be no conflict with the PPTS in this regard.

#### 8.44 Appeal Decisions

The two most recent appeal decisions relating to Gypsy & Traveller accommodation in the Ward relate to the following applications:

1. 15/01639/FULLS- Jays Orchard, Wellow Wood Road (Appeal Allowed)
2. 15/01814/VARS- Wellow Wood Paddock, Wellow Wood Road (Appeal Allowed)

- 8.45 Both appeal Inspectors considered the issue of whether the individual proposals would dominate the settled community. In application 15/01639/FULLS the Inspector was of the view that granting planning permission would not result in the settled community being dominated and allowed the appeal.
- 8.46 When assessing the appeal for 15/01814/VARS the Inspector took a different view and concluded that there was some potential for a cumulative impact and this could undermine the first criteria of Para 13 of the PPTS. However, the inspector only afforded this some weight in the planning balance. In this appeal the Inspector concluded that despite this possible conflict with the PPTS and the Council not having a shortage of Gypsy sites in the Borough, the appeal should be allowed.
- 8.47 The appeal decisions indicate that the consideration of whether a development would or would not dominate the local settled community is one of planning judgement. In this circumstance, the fact that the application is for one plot and some distance from the next nearest pitch would, on the balance of the evidence, indicate that permission would not result in the local settled community being dominated.
- 8.48 Existing Gypsy & Traveller Sites  
At the committee meeting on 16 March 2021 concern was expressed by members that officers had not considered and identified a Gypsy and Traveller site on Sherfield English Road. As such, the item was deferred to allow officers time to consider the lawful use of the site in the context of Policy COM13.
- 8.49 It is assumed that the site referred to is Plaitford Green, Sherfield English Road. On a review of the planning history it can be confirmed that planning permission was refused in 1949 for the use of the site as a gypsy encampment. In 1961 planning permission was however granted for the erection of a prefabricated dwelling to replace a caravan. This planning permission was not subject to any conditions restricting the occupation of the dwelling and would appear to have been implemented.
- 8.50 In 1961 planning permission was granted for a new vehicular and pedestrian access. This planning permission appears to have been implemented.
- 8.51 In 2006 planning permission was granted for the continuous use of land for residential use and replacement of existing mobile home with 3 bedroom dwelling. This planning permission was not subject to any conditions restricting the occupation of the dwelling. The planning permission did also allow for an existing building on site to be retained for habitable accommodation ancillary to the main dwelling.
- 8.52 In 2006 a further planning application was received seeking amendments to the previous permission granted in 2006. The revision sought planning permission for a smaller dwelling. The application also sought permission to retain an existing building on site for habitable accommodation ancillary to the main dwelling. This planning permission was not subject to any conditions restricting the occupation of the dwelling and would appear to have been implemented.

Given the sites recent planning history and the lack of restrictions linking the occupation to gypsies the site has not been incorporated in the list of sites referred to earlier in the report. On the evidence it is considered that the site is not a Gypsy & Traveller site.

8.53 Taking into consideration all of the available evidence it is considered that the site is not a Gypsy & Traveller site and is offered no protection under Policy COM13 of the TVLP. Furthermore no planning permissions have been granted that reserved for occupation and use of the land or buildings for gypsies and travellers as defined in Annex 1: Glossary of the PPTS.

## 9.0 **CONCLUSION**

9.1 The applicant meets the definition of a Gypsy in the PPTS 2015, there is an identified need for pitches in the Borough and The Local Planning Authority is not currently in a position to identify or offer an alternative site for this family to move to.

9.2 The proposals comply with the requirements of TVBRLP Policy COM13 and the PPTS 2015. In this case the unmet need is considered a strong material consideration in favour of granting permission and there are no material planning considerations that would outweigh such a conclusion.

## 10.0 **RECOMMENDATION**

**Delegate to Head of Planning and Building for the following:**

**The completion of a legal agreement to secure:**

- 1. The retention (in perpetuity) of the off setting land together with measure for it suitable management, to ensure the scheme is nitrate neutral on the effect on the Solent and Southampton water SPA,**
- 2. The provision of a financial contribution towards the New Forest Special Protection Area (SPA)**
- 3. The provision of a financial contribution towards the Southampton Water SPA**

**then PERMISSION subject to:**

- 1. The development hereby permitted shall be begun within three years from the date of this permission.  
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**
- 2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:  
Drawing 1 - Location Plan  
Drawing 2 - Block Plan  
Drawing 3F - Proposed Site Plan  
21023 01- Swept Path Analysis  
Reason: For the avoidance of doubt and in the interests of proper planning.**
- 3. The site shall not be occupied by any persons other than gypsies**

and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (or any subsequent definition that supersedes that document).

Reason: It is necessary to keep the site available to meet that need in accordance with Test Valley Borough Revised Local Plan (2016) Policy COM13.

4. No more than two caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended, shall be stationed on the site at any one time, comprising no more than one static and one touring caravan.

Reason: To accord with the terms of the application and to ensure satisfactory planning of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policy COM13.

5. With the exception of the buying and selling of horses and ponies, no other commercial, industrial or business activities shall take place on any part of the site, including the storage of materials and goods.

Reason: In the interests of neighbouring amenity and to ensure the protection of this countryside location in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1, E2 & LHW4.

6. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.

Reason: To accord with the terms of the permission and in the interests of protection of this countryside location in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1, E2 & LHW4.

7. The existing stable building shall be used for purposes ancillary to the use of the land as a gypsy and traveller site and shall not be occupied as a permanent means of habitable accommodation at any time or used for any commercial activities.

Reason: To comply with the terms of the application and to protect the amenities and character of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policy COM13.

8. No development shall take place (including site clearance and any other preparatory works) until a scheme for the protection of trees to be retained has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location and specification of tree protective barriers. Such barriers shall be erected prior to any other site operations and at least three working days' notice shall be given to the Local Planning Authority that it has been erected.

Note: The protective barriers shall be as specified at Chapter 6.2 and detailed in figure 2 of B.S.5837:2012 unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2 (2016).

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure shall be erected within the or on the site.

Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities and to ensure the protection of important trees and boundary features in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 & E2.

10. No development shall take place until full details of hard and soft landscape works have been submitted and approved. Details shall include:

- 1) Hard surfacing materials;
- 2) Planting plans;
- 3) Written specifications (including cultivation and other operations associated with plant and grass establishment);
- 4) Schedules of plants, noting species, plant sizes and proposed numbers/densities;

The landscape works shall be carried out in accordance with the approved details.

Reason: To enable the development to respect, complement and positively integrate into the character of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policies E1 and E2.

11. No caravan shall be brought onto the site until a schedule of landscape implementation and maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for the phasing of the implementation and ongoing maintenance during that period in accordance with appropriate British Standards or other recognised codes of practise.

Development shall be carried out in accordance with the approved schedule. Any trees or planting that are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within this period, shall be replaced before the end of the current or first available planting season following the failure, removal or damage of the planting.

Reason: To enable the development to respect, complement and positively integrate into the character of the area in accordance with Test Valley Borough.

Note to applicant:

1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.