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<b>APPLICATION NO.</b>	18/02007/FULLS
<b>APPLICATION TYPE</b>	FULL APPLICATION - SOUTH
<b>REGISTERED</b>	29.08.2018
<b>APPLICANT</b>	Mr James Ward
<b>SITE</b>	Land South of Wellow Way, Scallows Lane, West Wellow, <b>WELLOW</b>
<b>PROPOSAL</b>	Change use of land to residential caravan site with four caravans, two ancillary utility buildings, hardstanding and sewage treatment plant
<b>AMENDMENTS</b>	Additional information received 17.12.18, 05.09.19 and 18.12.20.
<b>CASE OFFICER</b>	Mr Paul Goodman

Background paper (Local Government Act 1972 Section 100D)

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## 1.0 INTRODUCTION

- 1.1 The application is presented to SAPC at the request of a local ward member as it raises issues of more than local public interest.

## 2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site is situated in the countryside area of Wellow Parish and to the eastern side of Scallows Lane. The site is accessed via the site to the north known as Wellow Way.

## 3.0 PROPOSAL

- 3.1 The application proposes the change use of land to residential caravan site with four caravans, two ancillary utility buildings, hardstanding and sewage treatment plant.

## 4.0 RELEVANT HISTORY

- 4.0 There is no planning history of the land which forms the main body of the application site. However the site is accessed through an existing and adjacent site which has been the subject of extensive relevant planning history.

- 4.1 **13/02305/FULLS** - Continuation of use of land as a 4 plot private gypsy plot and retention of ancillary operational development - outbuildings (excluding building 4); hard surfacing and means of enclosure (Retrospective). Refused 30.04.2014;

- 1) The proposed development fails to make provision in the form of a contribution towards public open space provision as mitigation against an identified deficiency in the quality of existing public open space in the locality which is necessary to make the development acceptable in planning terms. It is therefore considered to be contrary to Test Valley Borough Local Plan (June 2006) Policy ESN22 (Public Recreational Open Space Provision) and the Test Valley Infrastructure and Developer Contributions Supplementary Planning Document (2009).

- 2) The submitted plans entitled 'Operational Development Plan' (Sheet 3A) and 'Ancillary Buildings 3 and 5' (Sheet 5) do not accurately represent the operational development present on site. It is therefore not possible to assess the impact of the development upon the character and appearance of the site and its countryside location and is therefore contrary to policies DES01 (Landscape Character), DES05 (Layout and Siting), DES06 (Scale, Height and Massing) and DES07 (Appearance, Details and Materials) of the Test Valley Borough Local Plan.
- 4.2 **13/00249/FULLS** - Retrospective application – Use of land as a 4 private gypsy pitches and retention of ancillary operational development – outbuildings; hard surfacing and means of enclosure. Closed Invalid
- 4.3 **12/00173/FULLS** – Retrospective application for continuation of use of land as a 4 plot private gypsy plot and retention of ancillary operational development – outbuildings; hard surfacing and means of enclosure. Closed as invalid.
- 4.4 **10/03006/FULLS** – Continuation of use of land as a 4 plot private gypsy plot and retention of ancillary operational development – outbuildings; hard surfacing and means of enclosure. Refused – 09 December 2011.
- 4.5 **07/02111/RNEWS** - Renewal of temporary permission TVS.07429/2 to retain the operational development in association with the use of the land as a gypsy caravan site. Temporary permission granted 13 September 2007.
- 4.6 **07/02108/RNEWS** - Renewal of temporary planning permission TVS.07429/1 for use of land as a gypsy caravan site for four families. Temporary permission 13 September 2007.
- 4.7 **TVS.07429/2** - Renewal of temporary permission to retain the operational development in association with the use of the land as a gypsy caravan site. Temporary permission 21 July 2004.
- 4.8 **TVS.07429/1** - Renewal of temporary permission for use of land as a gypsy caravan site for four families. Temporary permission – 21 July 2004.
- 4.9 **TVS.07429** - Retention of land for use as private gypsy caravan site for five residential families. Permission refused on the 06 January 1995 but allowed upon appeal in 1998 following the serving of two enforcement notices for a temporary period of three years. Refused 06.01.1995.
- 5.0 **CONSULTATIONS**
- 5.1 **Planning Policy & Transport (Policy)** – Comment;
- COM2 – the site lies outside the defined settlement boundaries, therefore is within the countryside. On this basis the proposal would be considered against criteria a) and b) of this policy. On the basis of the proposal, policy COM13, which is listed under criterion a) would be relevant.
  - COM13 sets out five criteria that would need to be complied with.

- The Gypsy and Traveller Accommodation Assessment (GTAA) was completed in 2017, with a base date of September 2016. It covers 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. Based on the information provided, it would appear that the applicant would not have been considered through the assessment of need within the GTAA.
- Criterion d) sets out that evidence is required to justify the reason for the proposal to be located within the Borough, with additional information of what this could comprise being set out within the supporting text (paragraphs 5.136 and 5.137).
- Should the application be considered favourably, it would be appropriate to apply a planning condition restricting the occupancy of the site to gypsies or travellers that comply with the definition within Annex 1 of the Planning Policy for Traveller Sites.

**5.2 Planning & Building (Landscape) – Comment;**

- As the site is development within the open countryside, it is essential that a high quality landscaping scheme is delivered to minimise any impact. Species could include evergreens such as holly, yew and privet to give year round screening along with deciduous species. Details to be submitted and agreed with TVBC within a landscaping plan. Any planting should be undertaken in the first available planting season.
- A management plan will also need to be submitted to ensure the successful establishment of any new planting for the first 5 years. These details can be dealt with through condition if required.

**5.3 Planning & Building (Ecology) – No objection.**

**5.4 HCC Highways – No objection**

**5.5 Natural England – No objection, subject to securing nitrate mitigation.**

**5.6 Housing and Environmental Health (Environmental Protection) – No objection subject to condition.**

**5.7 Gypsy Liaison Officer**

- The applicant has a cultural lifestyle of living in a traditional caravan and a history of travelling for economic purpose but would like to settle down to establish a more stable lifestyle. Conclude that after consideration of all the facts, GLO's balanced view is that James Ward is of Gypsy and Traveller status as required for current planning purposes.

**5.8 Crime Prevention Officer – Comments awaited at the time of reporting.**

**6.0 REPRESENTATIONS Expired 17.02.2021**

**6.1 Wellow Parish Council – Objection;**

- Outside the settlement boundary and on good agricultural land.
- Increased traffic generation in conjunction with neighbouring agricultural and commercial sites.

- Concern that the sewage treatment and hard standing may not be provided. Known issues with sewage at the site.

## 6.2 **3 representations of Objection received;**

- Overdevelopment in conjunction with the neighbouring site.
- Proposals do not comply with Policy COM13.
- Loss of agricultural land and impact on wildlife.
- Impact on highways safety from shared driveway
- Impact on highways safety from vehicle movements in conjunction with other developments on Scallows Lane.
- Impact of additional occupants on sewage treatment and refuse.
- Lack of compliance or regulation of the existing site.
- Increased crime and anti-social behaviour.

## 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 Traveller Development Plan Document [emerging]

## 8.0 **PLANNING CONSIDERATIONS**

The main planning considerations are

- The principle of the use;
- Gypsy status of the family;
- The need for such sites in the district;
- The availability of alternative sites;
- Impact on the visual amenities of the area;
- Ecology and Protected Species;

- Amenities of neighbouring properties and the occupiers of the site; and
- Highway implications.

#### 8.1 **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.

8.2 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.

8.3 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. COM13 allows for the placing and development of single or groups of gypsy caravans subject to a range of criteria (a-e);

- a) it is located where services and facilities are accessible; and
- b) the potential occupants are recognised as gypsies, travellers or travelling showpeople; and
- c) the proposal helps meet the identified need; and
- d) evidence is provided to justify the reason for the proposal to be located in the Borough; and
- e) the site is of sufficient size to provide for accommodation; parking; turning and, where relevant, the servicing and storage of vehicles and equipment.

8.4 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.

#### 8.5 **COM13**

##### Criteria a)- Accessibility to services and facilities

Whilst the application site is situated outside of the defined settlement boundary it is well related to existing services. Wellow benefits from a number of local facilities including a schools, food stores and public houses. The proposed site is situated as close to those facilities as many of the nearby residential properties and all are within walking distance. As a result the site is considered to be sustainable and accessible in relation to local facilities.

#### 8.6 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.

- 8.7 The Gypsy Liaison Officer has visit the site and had detailed discussions with the applicant. The Liaison Officers advice indicates that the applicant’s family roots are in the local area having been born in Southampton in 1996 and that the Ward family is a very strong Hampshire Irish Traveller family. Whilst the Ward family generally have well established Irish Traveller roots there are certain members of the Ward families who were born in the United Kingdom and have lived all their lives in the local area.
- 8.8 The Liaison Officer has also ascertained that Mr James Ward was born in Southampton Hospital and spent most of his early years on land adjacent to the land subject of this application, living with his father Anthony and mother Janet Ward nee Lee on the land (Five Wellow Way) owned by his Grandparents Mr John Lee and Mrs Janet Lee. His Aunt Julie Lee and Uncle Rocky Lee also live on the land off Wellow Way and adjacent to the applicant’s land and have done so for many years.
- 8.9 It is the conclusion of the Liaison Officer that there is no doubt the applicant is of Romany Gypsy ethnicity. Furthermore the Liaison Officer concludes that the applicant has a cultural lifestyle of living in a traditional caravan and a history of travelling for economic purpose but would like to settle down to establish a more stable lifestyle and is of Gypsy and Traveller status as required for current planning purposes.
- 8.10 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.

- 8.11 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.
- 8.12 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. Based on the information provided, it would appear that the applicant would not have been considered through the assessment of need within the GTAA.
- 8.13 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.
- 8.14 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.
- 8.15 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.
- 8.16 The Council's Local Development Scheme (LDS) was most recently updated in June 2018. 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.

- 8.17 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)
- 8.18 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.
- 8.19 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 current and historic local family connection with close relations in the area and adjacent site, and having previously lived on the adjacent site himself.
- 8.20 A longstanding link to the local area is evidenced in the Liaison Officers advice. 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).
- 8.21 Criteria e)- Site Size  
The site is considered to be large enough to accommodate a suitable layout and provide for any ancillary facilities common to sites in this use. In this respect the proposal complies with criteria e).
- 8.22 Planning Status of the Adjacent Site  
As is detailed in paragraphs 4.1 – 4.9 the adjacent site has been a long standing use for the provision of up to 5 gypsy plots. At some stages the site has benefited from temporary planning permissions which have since lapsed. The most recent application (13/02305/FULLS) was refused but for reasons limited to the lack of a legal agreement being completed to secure financial contributions and the accuracy of the submitted plans. However the existing unauthorised site was subsequently a proposed allocation in the Regulation 18 version of the Council's Gypsy & Traveller DPD (2015).
- 8.23 **Character and Visual Amenity**  
Given the location of the site development of the site will not be highly visible from public vantage points on Scallows Lane. The application site is set back approximately 21m from Scallows Lane at the nearest point. As vehicular access is taken through the Wellow Way site to the north no new access is required onto Scallows Lane. It is proposed that the site be enclosed by a post and rail fencing with new hedgerow outside. In addition, as part of the requirements to secure nitrate neutrality at the site, the applicants wider land ownership to the west and south will be planted with new woodland further limiting any public views in the long term.



8.24 The proposals also include two detached ancillary buildings to serve each plot. The relationship with the proposed caravans and extent of accommodation proposed is not considered to be out of scale with the proposed use of the site. The proposed buildings are of a modest size (8m length, 4m width and 4.3m height). Overall the proposed development is considered to have no significant detrimental impact on the character of the area and complies with policies E1 and E2 and of the TVBLP 2016.

8.25 **Ecology & Protected Species**

8.26 Solent and Southampton Water SPA – Solent Neutrality

There is existing evidence of high levels of nitrogen and phosphorus in the water environment across the Solent, with evidence of eutrophication at some designated sites. An Integrated Water Management Study for South Hampshire was commissioned by the Partnership for Urban South Hampshire (PUSH) Authorities to examine the delivery of development growth in relation to legislative and government policy requirements for designated sites and wider biodiversity. This work has identified that there is uncertainty regarding whether any new housing development does not contribute to net increases in nutrients entering these designated sites.

8.27 As such, the advice from Natural England is that the applicants for development proposals resulting in a net increase in dwellings are required to submit the nitrogen budget for the development to demonstrate no likely significant effect on the European designated sites due to the increase in waste water from the new housing.

8.28 With respect to the current application, the applicant has submitted information that the nutrient budget for the proposal. In support of the proposed development the applicant has submitted a proposed mitigation strategy. The proposed strategy comprises the removal of land within the wider agricultural holding and measuring 0.29ha, from future agricultural production. The use of this land has been for grazing during the preceding 10 years up until the present day. It is therefore accepted on a precautionary basis that lowland grazing represents an accurate classification. To secure the future use of the land in perpetuity a legal agreement will be implemented preventing the use of the land for agricultural production.

8.29 Through securing the implementation of this off-site mitigation the applicant has the projected nutrient budget will be negative. Subject to the required legal agreement, which is now complete, the development will therefore not result in adverse effects on the Solent designated site through water quality impacts arising from nitrate generation.

8.30 New Forest SPA

The development will result in a net increase in residential dwellings within 13.6km of the New Forest SPA. This distance defines the zone identified by recent research where new residents would be considered likely to visit the New Forest. The New Forest SPA supports a range of bird species that are vulnerable to impacts arising from increases in recreational use of the Forest 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 or small numbers of dwellings) would have a likely significant effect on the SPA when considered in combination with other plans and projects.

8.31 To address this issue, Test Valley Borough Council has adopted a strategy whereby a scale of developer contributions has been agreed that would fund the delivery of measures to address these issues. With respect to the New Forest, a new strategic area of alternative recreational open space is being delivered that would offer the same sort of recreational opportunities as those offered by the New Forest. Therefore it is considered necessary and reasonable to secure the appropriate contributions by s106 legal agreement.

8.32 Protected Species

Following some initial concern by the Ecology Officer the application is now supported by a formal Ecological Appraisal (Ecology Co-op, December 2018). The Ecology Officer has advised that this presents an accurate picture of the ecological conditions at the site. In summary, the site was found to present limited ecological interest and no evidence of protected species was found. The existing gated access into the field will be used and no additional hedge clearance is required. The proposals also include planting of new boundary native species hedging and the additional woodland, which is a welcome biodiversity enhancement. The proposed development is not likely to result in a loss of priority habitat or have any adverse impact on protected species and therefore complies with Policy E5 of the Revised Test Valley Local Plan.

8.33 **Highways**

The Highways Officer has raised no objection to the proposed development which will utilise the existing access from Scallows lane to the Wellow Way site to the north. The Highways Officer has commented that the level of additional traffic to be generated by this proposal is immaterial in traffic impact terms and, with regards to internal layout, it is considered that sufficient room exists for the parking and manoeuvring of vehicles.

8.34 Representations have raised concern in relation to the impact on highways safety of large vehicles associated with nearby businesses. However consideration of the current proposals must be limited to the proposed uses and any other off site highways impacts would not be a material consideration.

8.35 The proposed development is considered to have no significant adverse impact on highways or pedestrian safety and complies with the relevant T policies of the TVBRLP.

8.36 **Amenity**

The proposed pitch, whilst in a countryside location, additionally sits adjacent and in close proximity to residential properties, albeit unauthorised. However given the separation distances between the site and the nearest residential dwellings the proposed development would not result in an adverse impact on the amenities of other residential properties as a result of overshadowing, overlooking or overbearing impact.

8.37 Noise

Representations have raised concern with regard to the impact of noise associated with commercial use of the site. However the submitted application proposes no commercial uses and any unauthorised uses cannot be considered as part of the application. Whilst some degree of disturbance is inevitable during and construction work they would be temporary. Subject to a condition restricting commercial use without further permission, the proposed development is considered to have no significant adverse impact on amenity and complies with TVBRLP Policies LHW4 and E8.

8.38 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.*

8.39 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
Pending (occupied)	Land Adjacent to The Orchard, Wellow Wood Road	19/01831/FULLS	1
Pending – SAPC resolution to grant permission (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
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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.

- 8.40 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 currently authorised.
- 8.41 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%.
- 8.42 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.

8.43 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)

- 8.44 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.

8.45 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.

8.46 **Planning Balance**

The applicant meets the definition 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. The need therefore is a significant material factor in determining the application.

8.47 The PPTS states 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 planning permission.

8.48 Any potential impacts on the special interest of the Solent and Southampton Water SPA and New Forest SPA have been mitigated and the mitigation secured by the completed legal agreement.

8.49 On balance the benefit of addressing an existing need for gypsy site provision, is considered to represent a significant material consideration in favour of granting permission. No significant adverse impacts have been identified in the other materials consideration that would outweigh the benefit of providing the needed provision.

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**

**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 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.**

3. **No more than four 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 two static and two touring caravans.**

**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.**

4. **No 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.**

5. **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.**

6. **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 boundary features in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 & E2.**

7. **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.**

8. The utility buildings hereby permitted 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.

9. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:

- Site Layout Plan
- Side Elevation
- Side Elevation (2)
- Rear Elevation
- Front Elevation
- Floor Plan
- Post and Rail Fence

Reason: For the avoidance of doubt and in the interests of proper planning.

**Notes to applicant:**

1. The development hereby permitted shall be carried out and completed strictly in accordance with the submitted plans, specifications and written particulars for which permission is hereby granted or which are subsequently submitted to, and approved in writing by, the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.
  2. 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.
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