
APPLICATION NO.	18/03139/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	03.12.2018
APPLICANT	Mr and Mrs G Powell
SITE	Mobile Home Wellow Wood Paddock, Wellow Wood Road, West Wellow, SO51 6EP, WELLOW
PROPOSAL	Retention of utility and shower room buildings and erection of day room
AMENDMENTS	None
CASE OFFICER	Ms Astrid Lynn

Background paper (Local Government Act 1972 Section 100D)

1.0 INTRODUCTION

1.1 The application is presented to Southern Area Planning Committee at the request of a Member.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The 0.01 hectare site lies in the countryside within the Parish of Wellow as defined by the Test Valley Borough Revised Local Plan (TVBRLP) (2016) policy COM2. The site is surrounded on all sides by countryside in the form of paddocks and is accessed directly from Wellow Wood Road on the southern boundary of the site. Post and rail fencing provides existing site boundaries, with a brick pillared entrance with close board gates.

2.2 Steplake Cottage lies to the west of the site, separated from the site by scrub land.

2.3 The application site contains one of two pitches, each with a mobile home and caravan. The applicant's home comprises a double unit with a separate touring caravan. The mobile home with a porch extension has planning permission. In addition, a utility and shower room is located to the rear of the mobile home. This building comprises the retrospective element of this application.

3.0 PROPOSAL

3.1 The application is for the retention of the utility and shower room building, and for the erection of a day room.

3.2 The shower room/utility structure to the north of the existing double mobile application comprises a single skin outbuilding. The Day Room aspect of the application is shown on the submitted plans to comprise a living space including a kitchen, with a separate bathroom. The proposed Day Room plans indicate a single storey building of permanent construction including cavity walls.

4.0 **HISTORY**

- 4.1 **17/01055/FULLS** Retention of porch extension to lawful mobile home. **Permission subject to conditions 23.06.2017.**
- 4.2 **15/01814/VARS** - Variation of Condition 02 of planning permission 14/01282/FULLS (Continuation of use of land as a single gypsy plot and retention of shed) to allow for 2 no. additional caravans to be placed on site. **Appeal allowed 13.01.2017.**
- 4.3 **14/01282/FULLS** - Continuation of use of land as a single gypsy plot and retention of shed. **Permission 08.08.2014.**
- 4.4 **12/01993/FULLS** – Erection of stable block. **Appeal Allowed 13 June 2013.**
- 4.5 **12/00160/FULLS** – Erection of stable block. **Refused 05 April 2012.**
- 4.6 **09/02695/FULLS** – Use of land as 2no private gypsy plots. Appeal allowed 09.06.2011. **Temporary Permission. Expiry 9th June 2014.**

5.0 **CONSULTATIONS**

5.1 **Landscape Officer** - Comment. (Summarised):

The site is within the countryside but not a designated landscape. Wellow Wood road is a rural lane with hedgerows and trees, with some dwellings in large plots set from it on both sides but with open countryside paddock areas breaking up development.

The site has become more suburbanised over recent years with brick pillars at the entrance, excessive close board fencing at the entrance and boundaries, formal timber gates and extensive and detailed ornamental hard surfacing inside which can be seen from the road. To the rear there remains the hedgerow, though in winter it has a level of permeability, and it is not taller than the existing units.

A formal LV Appraisal has not been undertaken. The D&A says public views of the building will be limited to immediate views when travelling along Wellow Wood Road and from more distant views along the public footpath. Indeed, there are views from the PROW which runs approx. 110 metres to the north on an east-west direction.

Previous units added were transient, i.e. caravans/ mobile units, however these are more permanent structures proposed. The utility room now adds to the massing of units seen and the new day room roof would further add to the extent of built units seen upon the site. The roof of the day room would be seen above the existing unit from the lane.

Mitigation planting could be considered along the existing hedgerow(s) if appropriate. Planting should be considered along the interior north edge adjacent the hedgerow to try to mitigate the rooflines and massing. Interior soft landscaping may also be possible. Trees will require ample rooting space.

An appropriate LV appraisal would assess the impacts and inform any mitigation. A hard and soft landscape plan and implementation details would be required through conditions to show all boundaries, edgings, hard surfacing, tree pits and details, hedging. Maintenance and management required.

6.0 **REPRESENTATIONS** Expired 03.01.2019

6.1 **Melchet Park & Plaitford Parish Council.** Objection (Summarised):

- The site is just over the parish boundary.
- The Parish Council is concerned at the incremental retrospective nature of development of this site. It is located in the open countryside.
- Why is another shower needed?
- This is not an industrial site, though a construction type business is operated from it. The new TVBC Development Plan requires travelling to be a requirement for gypsy status which clearly conflicts with running an established business as is the case at this location.
- The Parish Council is concerned that the TVBC Planning Dept seems impotent to control the ongoing ad hoc development on this site.

6.2 **Sherfield English Parish Council** – Objection (Summarised):

- Considered to be overdevelopment of the site.
- Importance of limiting development size due to the recent purchase by TVBC of the Mill Lane site for a green open space.
- Existing storm water effluent in the ditch contains dirty foul smelling water alongside the site which gives cause for concern.

6.3 **Wellow Parish Council** – ‘Decision deferred to TVBC’. (Summarised):

- The Parish Council wishes to defer the decision to Test Valley Borough Council for decision.
- Wellow Parish Council understanding is that Gypsy sites are normally allowed one static caravan and a touring caravan. There is no justification for this additional development which constitutes over development of the site.

6.4 **Further letters of representation:** - Two objections from occupants of Ivy Cottage and a further property on Wellow Wood Road. (Summarised)

- Lack of information submitted;
- Lack of scaled dimensions;
- Lack of drainage details;
- Query in relation to Day Room – increase in Mobile home size or an additional separate dwelling;
- The Inspector 2017 decision limited the site to two pitches to two named persons only.
- Appears to be a duplication of facilities;
- Lack of justification for an additional storage building in addition to that acquired by appeal in 2017.
- Additional outbuildings are harmful to the countryside.

- A permanent structure is not consistent with the 2017 Inspectors decision.
- The gypsy status of the occupants of both pitches is questionable;
- The occupants run substantial businesses from these pitches and never travel.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Planning Policy for Travellers Sites. August 2015

Gypsies and travellers: planning provisions. Briefing Paper 07005, 13 October 2017.

7.2 Test Valley Borough Revised Local Plan (2016)(TVBRLP)

COM2: Settlement Hierarchy

COM13: Gypsies, Travellers and Travelling Showpeople

E2: Protect, Conserve and Enhance the Landscape Character of the Borough

E5: Biodiversity

LHW4: Amenity

7.3 Supplementary Planning Documents (SPD)

Wellow Village Design Statement 2010

7.4 Other Planning Documents.

Sustainability Appraisal Scoping Report for Gypsies, Travellers and Travelling Showpeople. December 2018.

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- the principle of development,
- the impact on the appearance of the site,
- the character of the surrounding countryside area;
- amenity of neighbouring properties.

8.2 **The principle of development.**

The site is situated in the countryside, where according to Test Valley Borough Revised Local Plan, (TVBRLP) policy COM2, there is a presumption against new development unless there is an overriding need for it, or it is of a type appropriate for a countryside location. TVBRLP policy COM13 is identified as such an exception policy.

8.3 TVBRLP policy COM13 states that:

Development to accommodate gypsies, travellers and travelling showpeople will be permitted provided that:-

- 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. Existing permanent authorised gypsy, traveller and travelling showpeople sites should be retained for the use of these groups unless it has been established that the sites are no longer required.*

- 8.4 The application site benefits from permission 14/01282/FULLS, for the continued use of the land for a single plot. 15/01814/VARS granted further permission for the use of the land for 2 no. caravans on site. This latter permission was allowed at appeal in 2017 and includes the restrictions with regards occupation by persons meeting the definition of a gypsy. The proposed development is considered in principle compliant with the existing use of the land. As a proposal to provide on-site ancillary accommodation within the existing permitted plot, relevant facilities exist on site, in compliance with TVBRLP policy COM13 a) – c). It is considered that TVBRLP policy COM 13 d) to e) were all agreed with the former permission for the land use.
- 8.5 The proposal is for two buildings. One exists in the form of a utility and shower room. The other is proposed as a Day Room. These are proposed in addition to the existing permitted double Mobile Home on Pitch 1.
- 8.6 The DCLG publication of Planning Policy for Travellers Sites, August 2015, (PPG 2015), replaces the earlier March 2012 document and requires Local Planning Authorities should *'ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community'*.
- 8.7 The provision of a 'Day Room' for Gypsy pitches is considered fair and equal treatment for travellers as reasonable domestic accommodation provision, and is therefore acceptable in principle. Concerns raised by third parties in respect of the need for this additional facility are noted. In this instance there is an existing double mobile home on the pitch, which, according to supplementary information submitted by the applicants, provides the sleeping accommodation for the applicant's family. It is considered fair and equal treatment in accordance with Planning Policy for Travellers Sites 2015 that the proposed facilities are in principle acceptable and thereby compliant with TVBRLP policies COM2 and COM13.
- 8.8 **The character of the surrounding countryside area**
The landscape character of the immediate area is rural paddock, grass pasture with post and wire, or post and rail divisions. Landscape impacts are addressed within TVBRLP policy E2: Protect, conserve and enhance the landscape character of the Borough. This requires development proposals to protect, conserve and enhance landscape.

- 8.9 Comments have been received that the site has become suburbanised, with brick entrance pillars, close board fencing and hard surfacing within the site. It is considered that the wider site is visible from the road side through the gateway. However, the application site is behind the existing double mobile home unit which obscures all sight of the utility room already, and is considered would also obscure the proposed day room from road side view. This case only assesses the application for the proposed day room and utility shower room. The utility room already exists and is not considered prominent in the landscape from any public view, including the Public Right of Way.
- 8.10 It is considered that the proposed addition of the day room would be seen as an aspect of the existing and glimpsed views of the mobile home roof line from the same Public Right of Way. This impact exists and was considered acceptable by the Inspector in the 2017 appeal decision. The additional day room would be seen in the context of this mobile home, and is not considered of any additional landscape visual impact. Mitigation proposed in terms of the rear northern boundary, is therefore considered unreasonable.
- 8.11 It is not considered reasonable to require landscaping of the wider site or the rear northern boundary. The landscape of the wider site was addressed separately in the 2017 appeal decision. The development is considered in accordance with TVBRLP policy E2.
- 8.12 **Amenity of neighbouring properties**
The application site enjoys an isolated location with the nearest neighbouring property, other than the second mobile home granted permission, situated approximately 100m west of the existing Mobile Home. Given the nature of the proposed development, its distance from neighbouring properties, the boundary treatment and intervening landscape features it is not considered that the proposed development will result in any detriment to neighbouring amenity in terms of any significant increase in overlooking or overshadowing. The proposed works are not considered to have any significantly detrimental overbearing impact on the neighbouring properties or represent an overdevelopment of the plot. The proposal therefore accords with policy LHW4.
- 8.13 **Other matters.**
Drainage concerns were addressed in the previous appeal decision, and were found acceptable, (15/01814/VARS Inspectors appeal decision paragraph 14). Concerns raised in respect employment use on site are not an aspect of this application, which is for a utility and a day room.
- 8.14 Concerns have been raised by third parties with regards the applicants gypsy status. In the above mentioned Inspectors appeal decision, 13.01.2017, the Inspector stated that the applicant 'is a gypsy'. The agent adds to this in the submitted Design and Access Statement that the land is for 'occupation by persons qualifying as gypsies'. Notwithstanding the concerns raised, it is therefore considered that the applicants are compliant with the requirements that they are persons qualifying as gypsies.

9.0 **CONCLUSION**

9.1 The application is considered in accordance with all relevant guidance and policy. The proposal is considered to have no adverse effect on the character and appearance of the site, the street scene, and the amenities of the occupants of adjacent properties. The application is therefore considered acceptable.

10.0 **RECOMMENDATION**

PERMISSION subject to:

1. **The development of the proposed Day Room 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 buildings the subject of this permission shall be used only for purposes incidental to the enjoyment of the existing Mobile Homes of the site and shall not be used for a separate unit of accommodation or for any business, commercial or industrial purposes whatsoever.
Reason: In the interests of the amenity of the area in accordance with Test Valley Borough Revised Local Plan 2016 policies COM2, E2 and LHW4.**
 3. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans: Block Plan; Site Plan; Proposed elevations and floor plan received 03.12.2018.
Reason: For the avoidance of doubt and in the interests of proper planning.**
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