

Heine Planning Consultancy

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7 May 2009
L1-J167-04-EHDC

Planning Dept.
EHDC
Penns Place
Petersfield
Hampshire GU31 4EX

Dear Sir/ Madam

Re: Planning application

Applicant: Mr D Shea

Proposal: Change of use of land to caravan site for single extended family to include 2 mobile homes, two touring caravans and associated day room with associated alterations to site access.

Site: Fern Farm, land south of Longmoor Road and off Wolfmere Lane, Greatham, Liss GU33 6AB

I am instructed to make this application on behalf of Mr Shea. This application is submitted on line with

- Location plan scale 1:1250
- Block Plan showing site layout scale 1:500
- Elevation plan and floorplan for utility block scale 1:100.
- Appeal decision 2007 Dudmoor Lane, Christchurch

Introduction

In this statement I describe

- a) design and access statement
- b) applicant's Gypsy status
- c) relevant policy
- d) other material considerations.

The development may well attract the need for an off site payment for transport and public open space improvements in accordance with policy R3 Public Open Space Requirements and the Council is asked to notify myself of the amount required and how this should be paid..Whilst I note that it is not a specific requirement of Policy H18 that such payments be made and there is no cross reference to Policies T2 and R3 in the policy or justification to policy, the justification to policy does make reference to other policies where considered appropriate. Policy T2 only concerns applications for development likely to generate a significant level of travel demand. Clearly that is not applicable to the scheme before you. However Policy R3 may be applicable as planning permission is sought for new residential development for a single extended family

A. Design and Access Statement

Use: Permission is sought for change of use of land off Wolfmere Lane as a caravan site for occupation by an extended Gypsy family. No business use is proposed. The proposal adjoins other residential uses.

Use would be made of an existing access, hard standing and cess pit. Permission is sought to site two mobile homes and two touring vans on the land with a shared utility building.

The local plan fails to identify suitable locations for Gypsy-Traveller sites in this district nor does it provide any guidance or layout criteria for Gypsy-Travellers sites. Regard must therefore be had to the requirements of standard Caravan Site Licences and CLG Guidance on the design of sites for Gypsies and Travellers. There is a need for

- access from properly surfaced roads
- hardstandings for caravans and 6m separation distance between occupied caravans
- parking space for cars
- electricity and drinking water supplies
- washing facilities
- sewerage disposal
- refuse collections
- fire extinguishers
- boundary treatment

The site already has electricity, water, a cess pool, access and hard standing.

Layout: The holding extends to about 2 acres and is an elongated triangular shape. It has a short site frontage to Longmoor Road and a second access off Wolfmere Lane. There are two mobile stables on skids used in association with grazing on adjoining land. The land slopes gently from north to south away from Longmoor Road. The northern end of the site adjoins the gardens of houses on Wolfmere Lane and a houses on Longmoor Road. The southern half of the site adjoins woodland and farmland used for the grazing of horses. The caravans would be sited on lower ground towards the middle of the site where the bases of the former pig sheds remain.

Appearance: The family choose live in their caravans. The design and appearance of touring and static vans can not be prescribed as these can be changed just like a motor vehicle. The caravans occupied by the applicants on this site are typical of most Gypsy-Traveller sites. These are low level structures which provide compact living accommodation. The touring caravan is of design commonly seen in the drives of many residential properties. Static vans or mobile homes are commonly used to accommodate farm workers on farms in this part of Hampshire or are also the choice of those living on mobile home parks.

The utility block would be constructed from brick with a tiled roof in materials to be agreed. It would have a footprint measuring 5m x 4m and would extend to 3.56m in height. It would provide space for a toilet, small bathroom and utility room for washing machines etc.

Landscaping: All existing hedgerows and hedgerow trees would be retained. Little can be seen of the site from the road. Conifers were planted last year (2008) around the site boundary. There is a high conifer hedge on the boundary of No 35 Wolfemere Lane

Access: Use would be made of an existing gateway off Longmoor Lane itself but the site can also be accessed past housing on Wolfmere Lane – a short no through road which takes its access off Longmoor Road and serves about 30 houses on both sides of the lane. The field access off Longmoor Lane would be surfaced with tarmac or similar for the first 10m back from the road to a specification agreed with the County Council highways. Longmoor Lane is subject to a 30mph speed limit and traffic appears to observe this restriction. Traffic is light in westerly

direction as there is no access off the A3 onto Longmoor Lane. Traffic can join the A3 off the road. Regard should be had to guidance in Manual for Streets and a sightline of around 40-45m can be achieved on account of the grass verge.

B. Gypsy status

The applicant and his family rely on their Gypsy status. Permission is sought on a permanent basis but the family would accept a temporary consent based on guidance on transitional arrangements in C 1/2006.

Permission is sought on behalf of

Mrs Shea (79)

Her son Daniel Shea (44)

Her Grandson Daniel Shea (21) , his partner Charlotte Murray and their child Kieane born early 2009.

Mrs Shea Snr (nee Brazil) is aged 79 and was born and brought up in Farnham. She is an English Romany Gypsy. Her parents were Jack and May Brazil. Her father was a rag and bone man. Her Grandmother had a piece of land called The Hatches by the river in Farnham where the family could stop in caravans in a field. Mrs Shea's husband was born in Cork and came over to Liverpool when he was aged 4. Little is known of his early years. He joined the army and met his wife when based in Farnham. They lived and travelled in this area

The couple actually lived in trailers on the land from 1961- 1970. They then bought the farm house off the owner and lived at 35 Wolfsmere Road where they moved with their son Daniel. Three of their children continued to live on the land in caravans. They were Helen – married to a Mr Gatrover who now lived in a house in Bentley, Susie who was single and now lives in a house in Bordon and Tommy who was married and subsequently got permission on appeal in 1999 for a site at Hollybank Farm, Passfield but now lives in a house. Fern Farm was then in use as a pig farm and haulage yard. The site had a large number of brick built pig pens. The family still went away travelling for work. There were problems with neighbours and the family sold up in 1979 and went back to living on the road.

Mr and Mrs Shea moved up to Merseyside where for some two years they stopped on a holiday touring park next to Wirral Country Park at Thurston. Mr Shea Snr had other brothers who still lived in Liverpool. The family then moved back to Headley where they overwintered in a Council house for 7-8 years which they bought. The family then moved to 8 Woolmer Cottage in Blackmoor. Mr Shea Snr died shortly afterwards in 1989. By this stage Mrs Shea Snr was a pensioner and no longer actively travelling for work. She lived in the house but the family kept several trailers in the garden for family members to live in and her children still travelled for work and overwintered in the yard area attached with the house. The family lived here until about 2 years ago when they had to sell the property for financial reasons. The Council (Mr Bill Young and Mr Dane Swallow) had to investigate a number of complaints over the keeping of caravans in the grounds and have rightly confirmed that consent was not required if they are occupied ancillary to the dwelling. For some 12-13 years her son Mr Daniel Shea and his wife and children lived in a static and a touring caravan in association with the house. Mr Shea married a non traveller and has three children. His wife finally tired of living in a caravan in the grounds of her mother in law's house and recently moved with the two younger children in a house in Bordon. But Mr Shea and his eldest son continued to follow a travelling way of life and lived at Woolmer Cottage until it was sold two years ago. Mr D Shea Jnr bought a house locally where he stops with partner when they are not away travelling. His partner's mother family (Searle) are

a Romany family from Bordon and her mother now lives locally in Headley. Mr Shea Snr stops in his caravan at the house of friend when not away travelling.

Mr D Shea jnr bought the land in 2008. By this time most of the trees had been removed by the former owner

Mr Shea and his son have various business interests. Through out the summer they are subcontracted to deliver and operate food units to a huge variety of shows and events throughout the summer months eg horse events at Blenheim, Burleigh and Badminton, events such as Glastonbury and the RHS flower show at Tatton Park Knutsford, Isle of Wight festival, Cheltenham festival and racecourse, events at the Three Counties show ground in Malvern. They are away for most of the summer months often travelling over night from one show to the next. Mr Shea Snr usually tows two units and his son follows with a freezer wagon and caravan.

The family also breed and sell cob horses and attend many of the traditional Gypsy fairs for this purpose (eg Appleby, Priddy, Stow and Wickham). Miss Murray has event horses which she shows. During the winter they do ground work including tarmacing and block paving and this can take them all over the country. Last year they did a lot of work in the Kent area.

There are no particular health of education needs for the family to be settled on this land.

C. Site and policy background

The site lies in a rural area outside the AONB. The western boundary of the site adjoins the settlement boundary of Greatham . In accordance with the Proposals Map of the Local Plan Second Review adopted March 2006 the site lies in open countryside not otherwise designated. Several policies are saved post April 1 2009. They include Policy H18 of the East Hampshire District Local Plan – 2nd Review which concerns Gypsy sites. In so far as Policy H18 states that Gypsy sites will be permitted if

Criteria 1 There is a genuine need.

Little to no weight can be attached to the biannual returns in Hampshire as they have historically been incorrectly assessed. Similarly little weight can be attached to the GTAA results for East Hampshire as this failed to have regard to all known sites in the district and failed to find and interview a single family. In January 2009 the SE Regional Assembly published a report recommending a regional redistribution of need which would require a need for 143 additional pitches for Gypsy-Travellers in Hampshire / Isle of Wight for the period 206-2016 of which 6 should be found within East Hampshire. Hampshire and Oxfordshire are to pick up more pitches, whilst Kent, Surrey and West Sussex will be required to provide fewer pitches. It is concluded that there is a small but immediate need for more sites in East Hampshire.

Criteria 2 Sited within or close to a settlement and within reasonable distance of schools, medical services, shops etc

There are limited services in Greatham. There is a small primary school, pub and limited bus service. The local store and post office closed March 2009. All essential facilities can be found in Liss and Bordon which are a short drive away.

Criteria 3-6 Adequate provision can be made for access, parking, turning and servicing, the site is capable of accommodating the proposal, there is adequate provision for landscaping, the site is clearly defined physical features

This is as shown on the site plan. Use is made of existing hardstanding. Much of the land is already laid to hardstanding comprising internal access roads and the old concrete base to former agricultural buildings. There is a well established evergreen screen to the boundary of No 35

Wolfsmere Lane, and panel fencing to other domestic boundaries. There are 2m high conifers along the B 2131 Longmoor Road frontage and to the eastern boundary alongside Treetops. The remainder of the site adjoins wooded areas.

Criteria 7. Capable of being provided with essential service

This site is already connected to a water and electricity supply and there is an existing cess pit

The supporting justification goes on to say that regard should be had to guidance in C 1/94 and PPG7. Although the Second review was adopted March 2006 there is no regard to C 1/2006 or discussions leading up to the revised circular. Policy was not informed by any needs assessment. Para 5.194 states that sites should also have a satisfactory access and should not be sited in areas of open land where development is severely restricted ie AONB, SSSI or best and most versatile farmland. However policy states that where such sites are permitted conditions should be imposed to exercise a degree of control over the use made of the land.

The application is within the designated National Park boundary and it is understood from conversations with Council Officers that since 2002 the Council has been mindful of this designation when considering applications within the proposed National Park area though this is not apparent when looking at other applications for development on the Council web site in Greatham and it is not apparent from reading the countryside chapters of the Second Review Local Plan 2006. I am told that whilst regard must be had to national park policy, even though the National Park has not formally been designated and there are no national park policies in the local plan.

Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites contains qualified acceptance of the principle of gypsy and traveller sites in National Parks: planning permission should only be granted where it can be demonstrated that the objectives of the designation will not be compromised by the development. By "objectives" it is considered the circular means, in relation to National Parks, the statutory National Park purposes: to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Parks; and to promote opportunities for the understanding and enjoyment of the special qualities of the parks by the public.

The appeal site is a former pig farm currently used for keeping of horses. There is much hard standing remaining from where the former brick pig sheds stood and the old roadway. The proposed development would undoubtedly change the site's appearance, with the siting of four caravans and a day room, but much of the land is already laid to hard standing and the nearby presence of the A3, army camps, industrial buildings and development along Longmoor Road impinge on the naturalness and tranquility of the wider areas. Public views of the site would be limited by existing planting including the woodland to the east, and the siting of the development on lower ground. Glimpses would be possible but these could be mitigated by additional planting. The development and its urban style of appearance would contrast adversely with the surrounding fields but the site has to be considered within its wider context which includes adjoining residential development. The site has a vehicular right of way off Wolfsmere Lane.

It is a long established principle of planning policy that it is desirable to preserve open countryside for its own sake, irrespective of particular visibility or visual impact. Planning Policy Statement (PPS) 7: Sustainable Development in Rural Areas states the Government's aim to protect the countryside for the sake of its intrinsic character. However C 1/2006 accepts that Gypsy-Traveller sites may be appropriate uses of land not otherwise designated and until April 2009 this was ordinary open countryside not even designated AONB. The policy position

regarding the National Park remains unclear. Despite claiming to know of designation there appears to be no policy position statement on this on the Council website.

An impact need not be adverse. In this particular case, I consider the proposed development is not necessarily unacceptable in landscape terms given its siting, former use of the land and scale. Furthermore, there is a long cultural tradition of Gypsy-Travellers sites in the Whitehill-Bordon area.

Regard must however also be had to the proximity of the site to protected habitats and the advice in PPS9 (2005). Policy C2 of the adopted local plan is no longer saved.. The site lies approximately 600m to the west of the nearest part of the Woolmer Pond SPA and SAC and is separated by the Woolmer Road and A3 from Woolmer Pond and the Woolmer Forest SPA which lies within 0.5km to the south. The proposed use is not directly connected with or necessary to the management of this land. The Woolmer Pond and Forest area predominantly comprises heathland, wet heath/ peat bog with large ponds and woodland. It is designated as the habitat for a number of protected reptiles/ amphibian and endangered bird species including the nightjar, woodlark, and Dartford warbler. Natural England is concerned about disturbance being caused to the rare bird populations within heathland SPAs generally from increased recreational use and the impact of cats and dogs frequenting the heathland. Regard must be had to the approach set out in Circular 06/2005. Guidance on how to deal with Appropriate Assessments is also provided on the Planning Inspectorate website and by Natural England In determining the impact on the SPA it is important to have regard to a number of issues and not just the proximity of a site to the SPA. In March 2009 UE Associates produced an interim report on the implications of the Habitats Directive in connection with the Eco Town proposals for Whitehill and Bordon where 5500 new homes are proposed.

i) The recreational use already made of the SPA.

The area is actively promoted for visitor recreation. The public are encouraged to visit, with their dogs.

ii) Whether or not the intended occupiers of the site are likely to use the SPA for recreational purposes and the likelihood that they would have cats and/ or dogs.

In this case the family do not have a cat or dog and have never owned a cat or dog. They do not go for walks and there is no reason to believe their habits would change if permitted to live here. But even if they were to go for walks, the site adjoins an area which already enjoys public access and the Council actively encourage visitors to the heathland.

iii) Weight to be attached to the fact the family have previously lived in the area and the difference it would make to any assessment if it were already residing and resorting to the an area within 5km of the same SPA.

As noted above, the family have long and close ties to the area and have continued to stop in this area since selling the land in 1979.

iv) What conditions or restrictions would enable the development to go ahead without adversely affecting the integrity of the site.

As noted above it would be possible to restrict occupation to Travellers, to named travellers and/ or for a temporary period. This would respect the fact the Shea family are local to the area and have stopped in this area for a great many years. This option that would be difficult to apply to any bricks and mortar housing scheme but it does weigh in favour of Gypsy-Traveller sites as they are standard conditions for such developments. This approach has been accepted in other appeal decisions including most recently a case for a site at Dudmoor farm Road, Christchurch,

Dorset September 2007. This decision is of relevance due to the findings in para 18-25 on the impact of a Gypsy site on the Dorset Heath SPA/ SAC and Dorset Heathlands Ramsar Site. The site was also in the Green Belt. The application site was 165m linear distance from Town Common which is one of the largest of the 150 heathland fragments in Dorset. Natural England concluded that the harmful effect of a single Gypsy site was likely to be small but could set a precedent with potential for a large number of similar applications within 400m of the SPA. The Inspector had already identified material considerations of a personal nature to outweigh harm to the Green Belt and concluded that it was 'extremely unlikely' that similar applications with the same justification would be forthcoming. He concluded that the case was quite different to a proposal for an additional permanent dwelling. He found the site to be somewhat divorced from the Common and having regard to its size he did not consider that an additional domestic cat would have a significant impact on wildlife. Even though the site was within 165m of the Common the Inspector concluded that a single Gypsy site would not have a significant effect, either alone or in combination with other plans and projects, upon the protected European sites and there was no need to undertake a Regulation 48 Assessment. A temporary permission for 5 years was granted. This case is significant because the appeal site was within 200m of the edge of the SPA. There is no evidence to suggest that a small Gypsy-Traveller site in the buffer zone would, in itself, be harmful to the SPA. As such there is no need for an appropriate assessment.

The applicants are already living in the district. They are likely to continue to travel and stop in and around this area in the future. The implications of the EcoTown are being assessed separately. Having regard to C 1/2006 the Council could grant a temporary permission so that the 'in combination' effect could be reassessed in 3-4 years time by which time it is hoped that the Site Specific DPD will be adopted and locations for other sites identified and mitigation measures will be in place. Unlike a new dwelling, permission could be granted on a temporary basis as there is no need for any permanent, operational development.

The Core Strategy for East Hampshire has not been adopted and I can see no discussion of Gypsy-Traveller issues in the Core Strategy Housing paper.

D. Other Material Considerations

Circular 1/2006 reminds local authorities of the resources available to find and provide sites. Paras 44 and 69 details the material considerations to be taken into account when determining planning applications. Approval would satisfy the aims of C 1/06 to increase provision within 3-5 years. We are now in year 3. The unmet need for sites, the lack of suitable alternative accommodation together with the personal needs of these families to have somewhere to live in their caravans are capable of amounting to very special circumstances. Circular 1/2006 recognises the need for interim measures. It urges local authorities to adopt a more positive attitude to the provision of Gypsy-Traveller sites. PPS 3 states that where local authorities do not have a 5 year supply of housing favourable consideration should be given to planning applications.

If the proposal is found to be contrary to policy I rely on the following material considerations

1. the need for more Gypsy –Traveller sites in Hampshire
2. the long tradition of Gypsy-Traveller sites in the Bordon-Whitehill-Liphook area
3. the personal need of the family to be settled on land where they can live in accordance with their Gypsy tradition and where they can live as an extended family in their caravans
4. the absence of any suitable alternative provision that is available and accessible.
5. the extent of designated countryside in the district. About 40% is in the AONB, over 50% is part of the South Downs National Park. Much of the district is high grade agricultural land and much is also of nature conservation interest with 15 SSSIs. A SPA and 4 SACs.

6. the outcome of other appeal decisions
7. the concerns of the Council are capable of being addressed by condition which could restrict occupation to persons with Gypsy status, to no more than 4 caravans and for a temporary period if considered necessary until the a site allocation DPD is adopted..

Summary

Permission is sought for a Gypsy-Traveller site on land in the open countryside on the edge of Greatham village. Fern Farm is a former pig farm. The Shea family used to live here during the 1970's and have remained in the area ever since. The proposed development accords with guidance in C 1/2006 and saved Policy H18. However regard must also be had to the fact the site lies within the proposed South Downs National Park and within 1km of a SPA/SAC.

In many respects this site is considered an appropriate location for a caravan site for Gypsy-Traveller families for the following reasons

- i) The area has a long association with Gypsy families.
- ii) The site is within easy reach of essential facilities and services
- iii) The site is located on the edge of the Greatham village where there are other residential uses
- iv) Water, electricity and drainage are all provided.

The applicants have a genuine need for a site. They have strong local connections to the area, They previously lived on this land and were able to purchase the land again in 2008. The applicant's Gypsy-Traveller status adds a very special dimension to this case . It permits exceptions to be considered on account of the need to facilitate this way of life, because they are a special housing need for which provision has not been made, and because local authorities appear to struggle to find and identify sites within settlement boundaries.

There are other material considerations in support of this development. In my opinion there exists very strong justification in support of this application, especially for temporary approval

If you require any further information or wish to discuss any aspect of this case, please do not hesitate to contact me.

Yours faithfully

Mrs Alison Heine