

EAST HAMPSHIRE DISTRICT COUNCIL

SOUTH PLANNING COMMITTEE

REPORT OF THE HEAD OF PLANNING SERVICES

**PS.237/2009
3 September 2009**

SECTION I – SCHEDULE OF APPLICATION RECOMMENDATIONS

Items marked with an asterisk (*) will have been dealt with by the Head of Planning Services under Delegated Powers unless the local Member has asked for the application to be determined by Committee. There will therefore be no discussion on these items.

Item No.: 01

The information, recommendations and advice contained in this report are correct as at the date of preparation, which is more than two weeks in advance of the Committee meeting. Because of the time constraints some reports may have been prepared in advance of the final date given for consultee responses or neighbour comments. Any changes or necessary updates to the report will be made orally at the Committee meeting.

PROPOSAL	CONTINUED USE OF LAND AS CARAVAN SITE FOR SINGLE EXTENDED GYPSY FAMILY TO INCLUDE TWO MOBILE HOMES, TWO TOURING CARAVANS AND ASSOCIATED UTILITY ROOM (AS AMENDED BY LETTER DATED 13/7/09)
LOCATION:	Fern Farm, Longmoor Road, Greatham, Liss
REFERENCE :	51346/001 PARISH: Greatham
APPLICANT:	Mr D Shea
CONSULTATION EXPIRY :	27 August 2009
APPLICATION EXPIRY :	07 July 2009
COUNCILLOR(S):	Cllr Mrs J A Onslow
SUMMARY RECOMMENDATION:	TEMPORARY PERMISSION

Site and Development

The site lies on the south side of Longmoor Road, outside, but adjacent the Settlement Policy Boundary of Greatham. The site falls within the proposed South Downs National Park.

The land slopes down from north to south, away from Longmoor Road. The northern end of the site adjoins the gardens of houses on Longmoor Road and part of the site adjoins the garden of 35 Wolfmere Lane. The southern part of site is used as a paddock, which adjoins woodland and farmland used for the grazing of horses. Access to the site is via Wolfmere Lane.

The proposal is for continued use of the land as a permanent gypsy caravan site for a single, extended family with two mobile homes, two touring caravans and a shared utility room. The proposal is retrospective, with the exception of the utility room. The caravans are on lower ground towards the middle of the site, the area of which is approximately 0.8 hectares. The original proposal included an additional access from Longmoor Road, but this has been deleted. Permission is sought on behalf of Mrs Amy Shea, her son Daniel Shea (Snr), her grandson Daniel Shea (Jnr) the applicant, his partner Charlotte Murray and their child Kieane Bron.

Relevant Planning History

PRD 3286 - temporary use of the land for 3 residential caravans. Permitted 1961
PRD 3286/1 - continued siting of a caravan. Refused 1966
Enforcement notice 1999 - vehicle box body type container - land to the south of the site.
Enforcement notice 2001 - storage use - land to the south of the site.
Enforcement notice 2001 - earth bund - land to the south of the site.

Development Plan Policies and Proposals

East Hampshire District Local Plan: Second Review

P7 - Contaminated Land
GS1 - Sustainable Development
GS3 - Protecting the Countryside
GS4 - Making the Most of Existing Infrastructure, Services and Facilities
C2 - Nature Conservation - SPAs SSSIs
HE1 - Design
H18 - Accommodation for Gypsies

Planning Policy Constraints and Guidance

South Downs National Park

The application site falls within the area subject to the designation order. The two statutory purposes of the National Park designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas; and
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between the two, conservation takes precedence.

PPS3 - Housing

PPS7 - The Countryside

Circular 01/2006 "Planning for Gypsy and Traveller Caravan Sites" provides guidance on the planning aspects of sites for caravans which provide accommodation for gypsies and travellers.

The main intentions of the circular are:-

- to create sustainable, respectful and inclusive communities.
- to reduce the number of unauthorised encampments.
- to significantly increase the number of permitted gypsy and traveller sites over the next 3–5 years.
- to facilitate the traditional lifestyle of gypsies and travellers, while respecting the interests of the settled community.
- to assess the need for pitches.
- to identify and make provision for accommodation requirements, in appropriate locations.
- to ensure that Development Plan documents include fair, realistic and inclusive policies and need is dealt with fairly and effectively.
- to avoid gypsies and travellers becoming unintentionally homeless, through eviction from unauthorised sites without an alternative to move to.

Submission draft policy H7 of the South East Plan; Provision for Gypsies, Travellers and Travelling Show People.

Consultations and Town/Parish Council comments

Environmental Health - No objection subject to conditions.

Planning Policy - The proposal will need to satisfy the criteria of Policy H18 of the East Hampshire District Council Local Plan Second Review. In this respect criterion (a) states that permission for gypsy sites will only be permitted if; the council is satisfied that there is a genuine need for such a scheme in the locality.

Submission draft policy H7 of the South East Plan; Provision for Gypsies, Travellers and travelling Show People, identifies a requirement for 6 additional gypsy and traveller pitches between 2006 and 2016 within East Hampshire District.

ODPM circular 01/2006 (para 62) states; Local Planning authorities should not refuse private applications solely because the applicant has no local connection.

Policies GS1 and GS3 (LPR 2006) state that development should not have an adverse effect upon the countryside or landscape of the district and part (e) of Policy H18 (LPR 2006) states that permission for gypsy sites will only be permitted if; adequate provision is made for landscaping to blend the site into its surroundings.

ODPM circular 01/2006 (para 53) states; However, local landscape and nature conservation designations should not be used in themselves to refuse planning permission for gypsy and traveller sites. But the same circular also states in Annex F that; a number of measures may be introduced to overcome planning objections to particular proposals using planning conditions or planning obligations. This includes; 'ensuring adequate landscaping'.

Principal Landscape Officer - Objection

The site lies within the area of the now confirmed SDNP. The landscape setting of the site is therefore of national importance and in an area where the quality of the countryside should be protected for its own sake. The character of the landscape in the area is one arising from fairly steeply sloping ground and generally accompanied by significant tree cover. From the Longmoor Road frontage of the site fine long views to distant high ground (the South Downs and The Hangers) are a particular feature and provide a good opportunity to appreciate the quality of the landscape in the area

The present occupants of this site have undertaken significant earthmoving works in order to create level platforms for the siting of their caravans and other buildings. As a result the character of the site has been profoundly changed to the detriment of the locality. Furthermore in levelling the site the hill has been cut into and a cliff formed which given the sandy nature of the soil may need to be recontoured to a more gradual gradient; the exposed roots etc and presence of trees etc on the edge of the cliff appear to be a potential problem too.

Finally the boundaries of the whole site has been planted with quick growing Leylandii conifers. This species is wholly inappropriate and completely unacceptable. This area has been recognised nationally for the high quality of the landscape and it is an area in which every effort must be made to ensure that new planting is native and characteristic. The use of Leylandii species in an attempt to make this land use acceptable is misguided and displays no understanding or appreciation of the importance of the location of the site. Furthermore the barrier formed when they have grown will completely obliterate the fine views from Longmoor Road and this would be a loss to the wider community.

South Downs Joint Committee - No objection

The site has rather the appearance of a former quarry, although I note from the applicant's statement that it was at one time a pig farm. The caravans and structures are clearly visible from Longmoor Road, although I am not aware that they have any wider visual impact and I saw that a conifer hedge had been planted along the roadside boundary when I visited the site. In terms of landscape character, a pig farm is more characteristic of the area than a private caravan site, but may itself not have been particularly attractive and given rise to complaints about odour.

I have read the applicant's agent's supporting statement carefully. I am not in a position to comment on the applicant and his family's gypsy status but these following comments are made on the assumption that they do indeed enjoy that status. I am not aware either of the position regarding the availability of other pitches in the district.

I do, however, note the applicant's historic and family connections to this locality. I am also aware of the advice in ODPM Circular 01/2006 regarding gypsy sites in National Parks etc. I do not consider that the use of this site, subject to certain controls, would compromise the objectives of National Park designation. Those controls should be a restriction on the number of caravans, no business use and a landscaping scheme, which should use native species occurring naturally in the locality for the boundary hedging.

Therefore, subject to the permission, if granted, being subject to these conditions, I raise no objection to this application. I would, however, welcome the permission being additionally restricted to the Shea family and a temporary permission might be appropriate to allow the Council or a future National Park Authority to review the position in the future.

County Ecologist - No objection subject to removal of non-native hedge and suitable replacement.

Natural England - No objection

Assessment under the Conservation (Natural Habitats &c.) Regulations 1994 Advice under S281 of the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000). Based on the information provided, Natural England has no objection to the proposed development. It is our view that, either alone or in combination with other plans or projects, it would not be likely to have a significant effect on the interest features of the SPA or SAC, or any of the features of interest of the SSSI. The site falls within the boundary of the South Downs National Park. The current status of the South Downs National Park is "designated awaiting confirmation". This means that the designated boundary is a material consideration when preparing development plans and when reviewing or modifying existing development plans. The designated boundary is also a material consideration and may need to be considered when deliberating on development control cases. We therefore recommend that the Council has regard to the advice of the South Downs Joint Committee in relation to landscape issues.

County Highway Officer - No objection subject to conditions to amended proposal (no direct access to Longmoor Road)

Rights of Way Officer - Objection

A member of the public has registered a claim to have an unrecorded path running through the application site, added to the Definitive Map as a public footpath. There is a significant number of user evidence forms accompanying the claim, and whilst we cannot say for definite, until such time as the claim is investigated fully, that a public right of way does indeed exist, we must nevertheless, in the meantime, seek to protect the line of the path.

As some of the accommodation shown in the proposed site layout would appear to obstruct the line of the path, then we must object to the proposal in its current form.

Hampshire Constabulary - No objection

Greatham Parish Council - Objection

Councillor Bridgman invited Mr Shea, as applicant, to explain the application to the meeting. Mr Shea declined to do so, stating that all necessary information was in the written application submitted by his agent Alison Heine of Northwich, Cheshire. Councillor Bridgman confirmed that the application was made on behalf of Mr Danny Shea, his wife Deborah, his mother Amy, and his son Daniel James, and his partner Charlette Michelle Murray, as described in the written application part B. No other members of the family were present to speak.

The Parish Council must dispute the claim of the applicant to be a practicing gypsy, i.e. following an itinerant lifestyle.

Copies of Land Registry documents were read out to the meeting, which showed that Mrs Deborah Shea owns two properties at Bordon, Hampshire, namely 3, Royal Drive, purchased for £280,000 on 17th December, 2007, (title number SH25379), and 16, Royal Drive, purchased for £294,995 on 30th March, 2007 (title number SH23381). Daniel James Shea and Charlotte Michelle Murray are registered owners of 21, Royal Drive, purchased for £181,000 on 30th March, 2007 (title number SH23383).

Mr Shea was asked what need there was for these members of his extended family to live in a caravan at Fern Farm, and made no reply. He was also asked what plant or business machinery would be kept on site, since two large tractors were on site at 28th May, 2009. He made no comment.

It is further noted that the title deed for "land at Wolfmere Lane, Longmoor Road, Greatham, Liss" under title number SH26840, now known as Fern Farm, indicates that it was purchased for £100,000 on 27th June, 2008 by Daniel Shea of 3, Royal Drive, Bordon. This would appear to be Danny Shea senior, husband of Deborah Shea, in whose name the property is registered, though the only Daniel Shea listed is his son Daniel James Shea, of 21, Royal Drive, Bordon.

It is noted that paragraph 5 of section B of the application states that the Shea family moved from Thurstaton to a council house at Headley in approximately 1981, (namely 14, Larch Road, Headley Down), where they "overwintered" for some seven years, and then bought the property, before moving to 8, Woolmer Cottages, Petersfield Road, Blackmoor in approximately 1988. It is claimed that Danny and Deborah Shea lived in caravans in the garden of this house, but no evidence of this was produced. This property was sold on 24th October, 2008, as disclosed by form TR1 of title HP380660.

It is noted that at page 4 of the application it is stated that by the time D. Shea Junior bought Fern Farm on 27th June, 2008, "most of the trees had been removed by the former owner". This claim is hotly contested by residents of Wolfmere Lane, who state that no tree-felling occurred until after the acquisition by the applicants.

Page 5 of the application states that Criteria 7 of Policy H18 is satisfied since water, electricity and a cess pit are already in place on site. Local residents report that these facilities have only been present since the applicant purchased the property in June, 2008.

It is claimed at paragraph 6 on page 5 that “much of the land is already laid to hard standing”. Again, local residents dispute this, stating that the field has been under grass since 1968, and that no agricultural use has been made since that time. It would appear that any hard standing now present has been installed since June, 2008, when Daniel Shea allegedly purchased the site for £100,000.

At paragraph 2 on page 6 of the application it is stated that “there is a long cultural tradition of Gypsy-Travellers sites in the Whitehill-Bordon area” That fact is not disputed, but we can confidently state that Greatham parish is not in Whitehill, or Bordon, and has no history of casual traveller sites. All the properties in Greatham are formal brick or stone buildings, established with due planning permission, and no casual caravan sites exist within the parish.

Reference is made in the application at page 7 to the Appeal Decision at 23B, Dudmoor Farm Road, Christchurch, issued on 25th September, 2007. This refers to the application made by John Gaskin to park two caravans on a Greenfield site. However, the justification for that application, as explained at paragraph 29 of the decision, is that it would permit the applicant to be in easy reach of Bournemouth Hospital, where his wife was receiving regular medical treatment. There is no similar reason for occupation of the Fern Farm site by the extended Shea family, since the application states at the last line of item B that “There are no particular health or education needs for the family to be settled on this land”.

Given that the extended Shea family currently is shown as owning three houses at Bordon, and has been able to afford to purchase Fern Farm for the sum of £100,000, the Parish Council fails to see that the family is actually in need of a site for a residential caravan. Additionally, whilst recognising the clear evidence of ownership of houses in the nearby village of Bordon, we see no clear evidence of habitual travelling by any member of the applicant’s family.

In considering the summary at page 8 of the application, we must make the following points;

“The area has a long association with Gypsy families”. In fact, the applicant’s parents clearly rented a house at Fern Farm, from which they moved in 1979, i.e. 30 years ago. Since then they appear, from the details supplied in the application, to have lived in residential houses. There is no evidence supplied of any other gypsy family residing within the parish, other than in built houses.

“The site is within easy reach of essential facilities and services”. In fact, the only facilities in the village are currently the public house, and the primary school. The village’s only shop closed in March, 2009, and appears unlikely to reopen.

“The site is located at the edge of Greatham village, where there are other residential uses”. The site is in fact near the centre of the village, immediately adjacent to neighbouring houses in Longmoor Road and Wolfmere Lane. Access to the site can only be obtained by driving past those houses, the occupants of which have a right under the Human Rights Act to quiet enjoyment of their habitations. The District Council may be liable to proceedings under that Act should it grant permission to this application.

“Water, electricity and drainage are all provided”. As previously stated, these facilities appear to have been installed by the applicant since June, 2008.

After due consideration, the Parish Council feels obliged strenuously to **object** to the application.

There is no doubt that the bulk of the present residents object to it. We are informed that several residents have submitted objections anonymously, fearing retribution from associates of the applicant. We are unaware of the actual grounds for such fears, but would ask the Planning Committee to consider such objections from unnamed residents.

We have made enquiry of all the points listed in the application by the agent, and have strong grounds to query many of them.

Were this to appear as an application from a homeless family, we would be obliged to consider it sympathetically. We do however, find no evidence that the applicant family is homeless – quite the reverse. We therefore strongly object, and state that we would wish to speak against the application when it is considered by the Planning Committee. We supply copies of the Land Registry documents which we have quoted.

Representations

37 letters have been received raising the following concerns:

- a) Discrepancies in application documents – retrospective proposal, trees/vegetation removed from site – appeal decision irrelevant to application – new access created onto Longmoor Road – extensive ground works and excavations – dogs on site – utility room not mentioned;
- b) Wolfmere Lane unsuitable for heavy lorries which could cause significant damage to unmade surface – access into site unsafe - vulnerably of ancient land between 4 Sundale Cottages and 1 Pine Villas – at risk from heavy vehicles;
- c) Track onto Longmoor Road could have subsidence problems – evidence of damage to drains;
- d) Highway safety problems with unlawful access onto Longmoor Road – damage to footpath/kerb - two separate accesses for site;
- e) Proposal has significant adverse impact on traffic along Longmoor Road, which will get worse, causing further noise – road regularly used by horse riders, possible conflict;

- f) Question applicant's gypsy status – no clear evidence of travelling by family – status should be rigorously investigated - number of vehicles on land overnight suggests a greater number of people than those listed – accommodation supports this – no history of casual traveller's sites in Greatham – no evidence of prior occupation of land, or use of land as pig farm;
- g) Applicant and family own three houses in Bordon – family lived in housing since 1979 well-established in the settled community – no genuine need for gypsy site – supported by applicant seeking to buy adjacent house - no attempt to find alternative site - family would not be homeless if refused – land available for gypsies in Whitehill/Bordon - real agenda property speculation – pressure to re-zone land for development in the future;
- h) No need for external shower block – strict limit on number of caravans on site – any temporary permission from date of occupation – i.e. 11/5/09 – dangerous precedent for future development – unfair nature of retrospective application - blatant disregard of planning process;
- i) Water, electricity, hard-surfacing and cesspit only present on land since applicant purchased it in June 2008;
- j) Not a sustainable location - lack of facilities in village-- only a public house and primary school, little public transport, no shops or medical facilities;
- k) Site located adjacent to conventional housing, in a densely-populated area – access is past these houses - excessive noise, disturbance and nuisance to the detriment of neighbours' residential amenity – loss of privacy due to extensive clearance – concerned about future applications and overlooking – proposal could affect property prices - site arranged into 2 plots;
- l) Settled community has rights under the Human Rights Act - quiet enjoyment of property and life – residential views should be considered;
- m) Greenfield site before occupation – trees and hedgerows removed, flora and fauna destroyed – conifers planted – inappropriate planting in this rural area;
- n) Designated as a site of importance for nature conservation – within 1 km of an SPA and SAC - significant and detrimental impact on wildlife – many endangered species destroyed by the development;
- o) Land outside settlement policy boundary - significant and detrimental impact on landscape, village and AONB – out-of-keeping with existing streetscene - site visible in the landscape and from footpath on opposite side of the road – application for a right of way across site pending – now blocked off;
- p) Land outside settlement policy boundary – wholly inappropriate development in area and the SDNP – permission should not be granted for any development prejudicial to the NP and its purpose, PA should be mindful of objective of NP- harmful impact on the rural and undeveloped character of the land/village;
- q) Contrary to policies GS3, HE1, T9, P1, P2, H18 and C1 of the Local Plan and Circular 1/2006 – C1, presumption against development in or adjacent AONB, unless essential for its economic or social well-being – does not satisfy this test - integration with the settled community unlikely - disregard of planning process - application should be refused, enforcement action taken and land reinstated;
- r) Business already run from site – has lead to increase in heavy vehicles, noise and safety issues – inappropriate use so close to private residences; and

- s) Air pollution - bonfires and black smoke - land contamination from site – could flow into the River Rother - public health issues due to animals and risk of rat infestations – concerns about waste management and animals.

Determining Issues

- 1) Circular 1/2006: Planning for Gypsy and Traveller Caravan Sites
- 2) Impact on the area
- 3) Impact on neighbouring properties
- 4) Highways considerations
- 5) Special Protection Area, Special Area for Conservation, Site of Special Scientific Interest
- 6) Human rights
- 7) Other matters

Planning Considerations

- 1) Circular 1/2006: Planning for Gypsy and Traveller Caravan Sites

A very important consideration is the advice of Circular 1/2006, a statement of Government advice. The intention of the Circular is to significantly increase gypsy and traveller sites in appropriate locations, (both private and public provision) and *"...to help to avoid gypsies and travellers becoming homeless through eviction from unauthorised sites without an alternative to move to."*

Gypsies are defined in Circular 1/2006 as *"Persons of nomadic habit of life, whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised groups of travelling show people or circus people travelling together as such"*.

Policy H18 in the East Hampshire District Local Plan: Second Review makes provision for the consideration of applications for gypsy sites. However, the criteria in this policy are only relevant where in accordance with the advice in Circular 1/2006, which post dates the Local Plan and is current Government policy on the provision of sites for gypsies and travellers.

The relevant criteria in Policy H18 are:

- a) the Council is satisfied that there is a genuine need for such a scheme in the locality;**

Circular 01/2006 states: *"Local Planning authorities should not refuse private applications solely because the applicant has no local connection"*. The gypsy status of the family has however, been challenged by the Parish Council and third parties. It has also been raised that the family, until recently, lived in conventional housing and that they own 3 houses, and would not be homeless if they had to move off the land.

The applicant Daniel Shea (Jnr) and his former partner own 21 Royal Drive, Bordon. Mrs Deborah Shea, Mr Shea's (Snr) former wife owns 3 & 16 Royal Drive, Bordon. The applicant's agent has been asked in these circumstances to explain why there is a need for the site, when the family has access to their own accommodation. The agent has advised that Mr Shea Senior's former wife lives at 16 Royal Drive and also owns no 3; he is separated from his former wife and has no say over her lifestyle choices. The applicant and his former partner own 21 Royal Drive, where the latter still lives.

The agent also advised that "*Many Gypsy-Travellers own property. They are no different to other sectors in the population. That is not a bar to site provision and does not mean they have abandoned their traditional way of life. Some own property as a rental investment. They do not choose to live in that property.*" The agent also advised that the applicant "*... is presently separated from his wife and away travelling. He has been unable to live in the house and for some time now has been stopping in a caravan at other premises. He is now stopping in a caravan on Fern Farm with his father when not travelling. The family is hoping to be reconciled but the stress of having to live in housing has created difficulties for their marriage.*" The applicant's stated aversion to conventional housing and the desire of the family to live in traditional accommodation, is material to the consideration of the application.

The agent has provided information on the gypsy status of the family. To summarise, Mrs Shea (Snr) is an English Romany Gypsy, she and her husband lived in trailers on the land from 1961 -1970. They then purchased an adjacent farm house, which they moved into with their son Daniel. Three of their children continued to live on the land in caravans. They sold the property in 1979 and went back on the road. They moved back to the area in 1989 and purchased 8 Woolmer Cottages. Mr Shea Snr, his wife and family, lived in caravans on the land in association with the house. Approximately 2 years ago the house was sold. Throughout this period the family travelled for work, with the exception of Mrs Shea who retired in 1989.

Hampshire County Council's Gypsy Liaison Officer has been consulted on the application. He interviewed Mr Shea Snr and whilst having no personal knowledge of this family, from evidence provided and from discussing gypsy and travellers issues, he was of the opinion that Mr Shea "*...can be defined as a Gypsy in compliance with National Guidance contained within Circular 1/2006.*" In these circumstances, there is no doubt that the applicant and his family are defined as gypsies for the purposes of Circular 1/2006.

Having regard to the need for such sites, a Gypsy and Travellers' Accommodation Assessment (GTAA) was undertaken by Consultants on behalf of Hampshire County Council, acting in partnership with East Hampshire District Council and all other authorities within the County. The final report was published in 2007 and did not identify a need for pitches in East Hampshire. However, the robustness of the GTAA has been challenged across Hampshire. It would appear that the GTAA did not take full account of the information available and may have underestimated the level of information on unauthorised sites. In particular, statistics prepared by the Council at the time of the GTAA showed that there were a number of unauthorised gypsy sites yet this was not reflected in the GTAA's final conclusions. The GTAA may therefore underestimate the need for future gypsy provision.

Another factor, albeit of limited weight at this stage, is submission draft policy H7 of the South East Plan; Provision for Gypsies, Travellers and Travelling Show People, which identifies a requirement for 6 additional gypsy and traveller pitches between 2006 and 2016 within East Hampshire. Whilst an objection has been raised by the Council over this figure, it supports the contention of a small unmet need for gypsy/traveller sites within the East Hampshire.

Since 2006, planning permission has been granted for 2 new gypsy sites within the district; albeit 1 is for a temporary, 3 year permission. There are no vacancies on the 4 public sites in Hampshire, all of which, the Gypsy Liaison Officer has confirmed, have waiting lists. The private sites within the district are fully occupied.

In accordance with the advice at paragraph 45 in Circular 1/2006, the Committee should give due weight to an unmet need within the district and that there is no alternative site for the occupiers to move onto.

b) the site is situated within or close to a settlement and is within a reasonable distance of schools, medical services, shops and other facilities;

Paragraph 64 of Circular 01/06 says that (in terms of assessing site suitability) *'issues of sustainability are important and should not only be considered in terms of transport mode and distances from services, but also other matters including: (a) the promotion of peaceful and integrated co-existence between the site and the local community; (b) the wider benefits of easier access to GP and other health services; (c) children attending school on a regular basis; (d) the provision of a settled base that reduces the need for long distance travelling and possible environmental damage caused by unauthorised encampment; and (e) not locating sites in areas at high risk of flooding.'*

In terms of transport mode and distances from services any assessment must take into account earlier parts of the Circular which accept that gypsy sites are likely to be found in rural areas. *'Rural settings, where not subject to special planning constraints, are acceptable in principle and that in assessing the suitability of such sites, local planning authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services. Sites should respect the scale of, and not dominate the nearest settled community. They should also avoid placing an undue pressure on the local infrastructure'* (paragraph 54).

The site is outside, but adjacent the defined Settlement Policy Boundary (SPB) for Greatham. The facilities within the village are limited to a public house and primary school, with limited public transport and no shops or medical facilities. Access to the site can only realistically be achieved by the use of private motor vehicles and is not readily accessible by other means of transport. There are however, other facilities available nearby in Bordon, Liss and Liphook, which are within reasonable distance. The occupiers of the site would have the same access to facilities in the village and those provided in other settlements, as local residents.

Concerning the other matters in paragraph 64 of Circular 01/2006, with the exception of (a) the site scores reasonably well in terms of its sustainability.

Regarding (a) - the promotion of peaceful and integrated co-existence between the site and the local community, concerns over this point have been raised by the Parish Council and by local residents and it is fair to say that there has been, and continues to be, some ill feeling over the unauthorised encampment and activities on the site. How widespread this is, it is difficult to quantify or qualify, but from letters of representations, it is considered unlikely, in the short term, that any potential grant of planning permission would promote the peaceful and integrated co-existence between the site and the local community. However, this needs to be balanced against the lack of alternative provision for such sites and whether a temporary permission is appropriate, whilst other sites are allocated via the Local Development Framework (LDF) process, in accordance with the advice in Circular 1/2006.

A small, unmet need for gypsy/traveller pitches has been identified in East Hampshire and in the South East Plan (ie 6 pitches). The pitches must be translated into specific site allocations as part of the LDF process. There are no available alternative gypsy and traveller sites in the area and work on finding specific allocations for pitches is at an early stage. Realistically, it is likely to be 3 years before such allocations are forthcoming.

In these circumstances, the advice of Circular 1/2006 is quite clear: "*Where there is unmet need but no available alternative gypsy and traveller site provision in an area but there is a reasonable expectation that new sites are likely to become available at the end of that period in the area which will meet that need, local planning authorities should give consideration to granting a temporary permission*". The Circular goes on to state that "*The fact that temporary permission has been granted on this basis should not be regarded as setting a precedent for the determination of any future applications for full permission for use of the land as a caravan site.*"

Due to the apparent unmet need within East Hampshire and, in accordance with the advice in Circular 1/2006, a temporary permission under the transitional provisions of Circular 1/2006 should be given due weight by the Committee. As it is likely to be 3 years before allocations are forthcoming, it is recommended, that if the Committee is minded to grant planning permission, it is temporary permission for 3 years only.

c) adequate provision can be made for access, parking, turning and servicing;

There is a Good Practice Guide, published in 2008 by the Government that gives advice on Designing Gypsy and Travellers sites. It is intended to provide potential developers and existing site owners with an understanding of the design features needed to help ensure a site is successful, easy to manage and maintain, including site location, layout, size and the services and facilities need to make it operate effectively. In particular, the Guide deals with pitch sizes. Whilst it is intended for permanent provision the advice is just as relevant for temporary sites.

In terms of hardstandings the advice is that each pitch must include a hard standing area constructed of concrete or a similar suitable hard wearing material which extends over the whole area to be occupied by a trailer, touring caravan or other vehicle. These standings must project a sufficient distance outwards to enable occupants to enter and leave safely. The base must be sufficient to bear the load placed on it by the home or vehicle and its contents, and the anticipated level of vehicle movement.

The site as currently laid out meets the objectives of this Design Guidance.

d) the site is capable of accommodating the number of caravans/mobile homes proposed together with any proposed equipment for business activities;

Travellers often have larger than average families, for instance where members of an extended family live together. For this reason there is likely to be much greater demand amongst these communities for large family units, and small pitches may become quickly overcrowded. Larger than average family sizes, alongside the need for vehicles for towing trailers and for employment also creates particular requirements for parking. It nevertheless accepts that there is no one-size-fits-all measurement of a pitch as, in the case of the settled community, this depends on the size of individual families and their particular needs. As a general guide, it is possible to specify that an average family pitch must be capable of accommodating an amenity building, a large trailer and touring caravan, (or two trailers, drying space for clothes, a lockable shed (for bicycles, wheelchair storage etc), parking space for two vehicles and a small garden area. Smaller pitches must be able to accommodate at least an amenity building, a large trailer, drying space for clothes and parking for at least one vehicle).

The Good Practice Design Guidance makes clear that it is essential for an amenity building to be provided on each pitch, although this can be provided across two pitches as two separate and entirely self contained semi-detached units. The amenity building must include, as a minimum: hot and cold water supply; electricity supply; a separate toilet and hand wash basin; a bath/shower room; a kitchen and dining area. The access to the toilet should be through a lobbied area or by separate access direct from the pitch.

The application meets these objectives.

In terms of business activity, it is not intended that there should be a full commercial use of the land. However, it is inevitable that given the nature of gypsy and traveller use there will be some form of incidental business activity associated with gypsy/traveller occupation. This is why the Government's Design Guide seeks to ensure that pitches can accommodate parking for larger vehicles and towing trailers. The potential scale of any incidental business activity can be controlled through the use of a model planning condition often used by the Planning Inspectorate that seeks to limit the size of vehicle that can be parked on the land.

e) adequate provision is made for landscaping to blend the site into its surroundings and to provide privacy;

The site is visible from Longmoor Road, as the site slopes down from the road and is also visible from adjacent properties. The proposal is not materially visible from longer views into the site. Planting, in the form of Leylandii, has been undertaken, which is inappropriate and out-of-character with the area. Landscaping and planting with appropriate trees and shrubs would help blend the site into its surroundings, give structure and privacy and maintain visual amenity. This could be secured through a suitably worded planning conditions.

f) the site will be clearly defined by physical features;

Fencing and some planting, albeit inappropriate, define the site. A more appropriate landscape scheme could help blend the proposal into the landscape and define the site. However, as advised in Circular 1/2006 *"Enclosing a site with too much hard landscaping, high walls or fences can give the impression of deliberately isolating the site and its occupants from the rest of the community, and should be avoided."*

g) the site is capable of being provided with essential services.

The applicant has advised that the site has been provided with essential services, albeit that they have been installed relatively recently.

2) Impact on the area

Circular 1/2006 advises that, when deciding to provide for gypsy/traveller sites, planning authorities should first consider locations in or near existing settlements. Therefore, there is an acceptance that such sites may be provided in more rural locations.

The proposal is visible from Longmoor Road (at the north of the site) and from adjacent properties. It has, however, a limited impact on the surrounding countryside due to the changes in levels between the site and the road, land to the east and residential development to the west. Also long views from the south into the site are restricted by woodland. However, the Council's Landscape Officer has raised objections to the development and this objection must carry some weight.

The site is within the proposal South Downs National Park, therefore, regard has to be given to conserving and enhancing the natural beauty, wildlife and cultural heritage of the area; and the promotion of the public understanding and enjoyment of the special qualities of the area. In areas with nationally recognised designations, Circular 1/2006 advises that *"... as with any other form of development, planning permission for gypsy and traveller sites should only be granted where it can be demonstrated that the objectives of the designation will not be compromised by the development."*

The advice of the South Downs Joint Committee has therefore been sought. They comment that the site has rather the appearance of a former quarry, although it is noted from the applicant's statement that it was at one time a pig farm. The caravans and structures are clearly visible from Longmoor Road, although the Joint Committee is not aware that they have any wider visual impact. In terms of landscape character, a pig farm is more characteristic of the area than a private caravan site, but may itself not have been particularly attractive and given rise to complaints about odour.

The Officers of the Joint Committee are not in a position to comment on the applicant and his family's gypsy status but the Joint Committee's comments are made on the assumption that they do indeed enjoy that status. Nor are the officers aware of the position regarding the availability of other pitches in the district.

The Officers of the Joint Committee note the applicant's historic and family connections to this locality and they are also aware of Circular 01/2006 regarding gypsy sites in National Parks etc. However, the Officers of the Joint Committee do not consider that the use of this site, subject to certain controls, would compromise the objectives of National Park designation. Those controls should be a restriction on the number of caravans, no business use and a landscaping scheme, which should use native species occurring naturally in the locality for the boundary hedging. Therefore, subject to the permission, if granted, being subject to these conditions, the South Downs Joint Committee raise no objections.

In the short term, the proposal is not considered to compromise the objectives of the National Park designation. However, in granting a temporary permission, it would enable the National Park Authority to carry out a full sustainability appraisal of the site, (and other sites identified via the LDF process), which would include whether the grant of a permanent permission would compromise the objectives of the National Park.

3) Impact on neighbouring properties

The proposal has raised considerable objections from third parties who consider, amongst other matters, that their amenity, privacy and well being has been adversely affected by the unauthorised occupation of the land. Representations have also been raised about the unlikelihood of integration with the local community, which is one of the aims of Circular 1/2006. The proposal has had an impact on properties in the immediate locality and concerns, including noise and disturbance and the possible loss in property values, have been raised, albeit the latter is not a material planning consideration.

Some of these concerns may relate to the activities associated with the setting-up of the encampment and the use of the land to the rear for the grazing of horses. That being said, some of the concerns appear to be associated with the proposal.

Concerning the development, the caravans and utility room are on lower ground towards the middle of the site, the residential caravans having been sited along the eastern boundary, away from the boundaries of residential properties. The western and eastern boundaries are either fenced or screened with vegetation/trees, limiting the impact of the proposal on neighbouring properties. On balance, the use of the land as a gypsy site, for one extended family, should not materially affect the amenities of immediate neighbours, subject to conditions restricting the use of the land for business activities, a limit on the number of caravans on the site and an appropriate landscaping scheme.

4) Highway considerations

Various concerns have been raised by third parties about highway matters, including the proposed access to the site being unsafe, damage to the highway and the adverse impact on traffic along Longmoor Road. Hampshire County Council was consulted and initially raised an objection regarding the additional access onto Longmoor Road. This has been deleted from the proposal and no objection is now raised.

Concerns have also been raised about the use of Wolfmere Lane to gain access to the site. Wolfmere Lane is a public highway from its junction with Longmoor Road, to 26 Wolfmere Lane. (The exception to this is a slither of land on the southern side, which is in the ownership of the applicant). From that point, the land is owned by the applicant, including the track between 4 Sundale Cottages and 1 Pine Villas. There is no objection to this existing entrance being used as the site access.

5) Special Protection Area, Special Area for Conservation, Site of Special Scientific Interest

Representations have been received from third parties about the detrimental impact on the Special Protection Area (SPA), on nature conservation, wildlife, loss of trees vegetation, excavations and the removal of hedgerow. The Hampshire County Council's Ecologist and Natural England have been consulted over the proposal. Natural England is of the view (with which the County Ecologist concurs) that the proposal alone, or in combination with other plans or projects, would not be likely to have a significant effect on the features of the SPA, SAC or SSSI. Therefore, no objection is raised by Natural England

The County Ecologist has raised no objection to the proposal, subject to an enhancement proposal, the removal of the fast-growing conifers and their replacement with native species. This may be achieved via conditions.

6) Human rights

The human rights of the applicant and his family have to be balanced against the human rights of third parties, the protection of the environment and other planning considerations. The recommendation to grant temporary planning permission is considered to comply with advice in Circular 1/2006, to which considerable weight should be given. The proposal is also considered to be in general accordance with policies in the development plan, which have undergone the statutory process. The intended objectives of Circular 1/2006 and the development plan are to provide for the housing needs of different groups of people, as well as for protection of the environment and the countryside from inappropriate and damaging development. In this case, harm caused to the countryside, the environment and to third party rights have to be balanced against the individual needs of the applicant and his family and the fact that there is no alternative site provision. On balance, these factors outweigh other material considerations and the human rights of third parties.

7) Other matters

An objection to the proposal has been raised by the Rights of Way Officer at Hampshire County Council, on the grounds that a member of the public has registered a claim to have an unrecorded path running through the site added to the Definitive Map as a public footpath. This is not material to the application as the claim for a right of way has not been confirmed. If such a claim is subsequently established, it is for the Highway Authority to ensure the footpath is made available for use by members of the public.

Conclusion

The proposal is in general conformity with the advice in Circular 1/2006 and policies in the development plan. There is a small, unmet need in the district for gypsy/traveller sites and there are no alternative sites in the area that the occupiers could move to. Therefore, a temporary 3 year conditional planning permission is recommended, under the transitional provisions of Circular 1/2006.

RECOMMENDATION TEMPORARY PERMISSION subject to the following conditions:

- 1 The use hereby permitted shall be for a limited period being the period of 3 years from the date of this decision. At the end of this period the use hereby permitted shall cease, all caravans, materials, utility room, vehicles and equipment brought on to the land in connection with the use shall be removed, and the land restored in accordance with a scheme previously submitted to and approved in writing by the local planning authority.

Reason A temporary permission has been granted under the transitional provisions of Circular 1/2006, Planning for Gypsy and Traveller Caravan Sites, and to ensure that the site is properly restored to its former condition at the expiry of the permission.

- 2 The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 15 of ODPM Circular 01/2006.
Reason The site lies in a locality where permission would not normally be granted for residential development.
- 3 The occupation of the site hereby permitted shall be carried on only by the following and their resident dependants:
Amy Shea, Daniel Shea (Snr), Daniel Shea (Jnr), Charlotte Murray
Reason The application was granted due to the specific circumstances of the applicant and his family.
- 4 No more than one commercial vehicle shall be kept on the land for use by the occupiers of the caravans hereby permitted, and the vehicle shall not exceed 3.5 tonnes in weight.
Reason In the interest of the amenity of the area.
- 5 No commercial activities shall take place on the land, including the storage of materials, without the prior written consent of the local planning authority.
Reason In the interest of the amenity of the area.
- 6 The residential use hereby permitted shall be restricted to the stationing of no more than four caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, at any time (of which no more than two shall be a static caravan or mobile home).
Reason To control the level of residential use on the land, and in the interests of amenity.
- 7 **Within 2 months of the grant of permission** a detailed landscape and planting scheme for the site, which includes the removal of the Leylandii planting from the land shall be submitted in writing to the Planning Authority for approval. The works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. The approved landscaping and planting scheme, shall be carried out in the **first planting season following the approval of the scheme**. Any trees or plants which, within a **period of 3 years** after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless otherwise first agreed in writing by the Planning Authority.
Reason - In the interests of the visual amenities of the locality.

- 8 **Within 2 months of the grant of planning permission** the unauthorised access from the site to Longmoor Road shall be permanently stopped up and effectively closed with the footway provided or verge reinstated, in accordance with details which have been submitted to and approved by the Planning Authority.
Reason - In the interests of highway safety.
- 9 **Within 6 months of the grant of permission** a biodiversity enhancement scheme shall be submitted in writing to the Planning Authority, which shall include a fenced off area to the south of the site (furthest from the caravans) and a reptile hibernacula/logpile with association/basking opportunities, linked to the existing adjacent woodland edge habitat, as per published guidelines. The works shall be carried out in accordance with the approved details and in accordance with published guidelines or other recognised codes of good practice. The approved works shall be carried out within 2 months of the approval of details and thereafter retained and maintained
Reason To ensure that adequate measures are undertaken to mitigate the development.
- 10 **Within 2 months of the grant of planning permission** provision for the loading, unloading and the parking of vehicles shall have been made within the site in accordance with the approved details and shall be retained thereafter.
Reason - In the interests of highway safety.
- 11 **Within 2 months of the grant of planning permission** plans and particulars showing details that enable vehicles to enter and leave in a forward gear shall be submitted in writing for approval to the Planning Authority. Within 2 months of the approval of the details the development shall be carried out in accordance with the approved details and shall be retained thereafter.
Reason - In the interests of highway safety.
- 12 **Within 2 months of the grant of planning permission** the following details shall be submitted in writing to the Planning Authority:-
(a) a scheme outlining a site investigation and risk assessments designed to assess the nature and extent of any contamination on the site.

(b) a written report of the findings which includes a description of the extent, scale and nature of contamination, an assessment of all potential risks to known receptors, an update of the conceptual site model (devised in the desktop study), identification of all pollutant linkages and unless otherwise agreed in writing by the Planning Authority and identified as unnecessary in the written report, an appraisal of remediation options and proposal of the preferred option(s) identified as appropriate for the type of contamination found on site.

and (unless otherwise first agreed in writing by the Planning Authority)

(c) a detailed remediation scheme designed to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The scheme should include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and a verification plan outlining details of the data to be collected in order to demonstrate the completion of the remediation works and any arrangements for the continued monitoring of identified pollutant linkages.

The above site works and details submitted shall be in accordance with the approved scheme and undertaken by a competent person in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason - To ensure that risks from land contamination to the users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy P7 of the East Hampshire District Local Plan: Second Review.

13

Within 6 months of the grant of planning permission (unless otherwise first agreed in writing by the Planning Authority) a verification report demonstrating the effectiveness of the remediation works carried out and a completion certificate confirming that the approved remediation scheme has been implemented in full shall both have been submitted to and approved in writing by the Planning Authority.

The verification report and completion certificate shall be submitted in accordance with the approved scheme and undertaken by a competent person in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy P7 of the East Hampshire District Local Plan: Second Review.

14

The residential use of the land shall stop immediately in the event that contamination not previously identified is found to be present on the development site and details of the contamination shall be reported immediately in writing to the Planning Authority.

The residential use shall not re-commence on site until the following details have been submitted to and approved in writing by the Planning Authority:-

(a) a scheme outlining a site investigation and risk assessments designed to assess the nature and extent of any contamination on the site.

(b) a written report of the findings which includes, a description of the extent, scale and nature of contamination, an assessment of all potential risks to known receptors, an update of the conceptual site model (devised in the desktop study), identification of all pollutant linkages and unless otherwise agreed in writing by the Planning Authority and identified as unnecessary in the written report, an appraisal of remediation options and proposal of the preferred option(s) identified as appropriate for the type of contamination found on site

and (unless otherwise first agreed in writing by the Planning Authority)

(c) a detailed remediation scheme designed to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The scheme should include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and a verification plan outlining details of the data to be collected in order to demonstrate the completion of the remediation works and any arrangements for the continued monitoring of identified pollutant linkages;

and before any part of the development is re-occupied or used

(unless otherwise first agreed in writing by the Planning Authority) a verification report demonstrating the effectiveness of the remediation works carried out and a completion certificate confirming that the approved remediation scheme has been implemented in full shall both have been submitted to and approved in writing by the Planning Authority.

The above site works, details and certification submitted shall be in accordance with the approved scheme and undertaken by a competent person in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy P7 of the East Hampshire District Local Plan: Second Review.

- 15 **Within 2 months of the grant of planning permission**, samples/details including manufacturers details of all the materials to be used for external facing and roofing of the utility block shall be submitted to the Planning Authority. The development works shall be carried out in accordance with the approved details.

Reason - To ensure that the materials used in the construction of the approved development harmonise with the surroundings.

Informative Notes to Applicant:

- 1 The Council has granted permission because:

The proposal is in general conformity with the advice in Circular 1/2006, and policies in the development plan. There is a small unmet need in the District for gypsy/traveller sites, and there are no alternative sites in the area that the occupiers could move to. Therefore a temporary 5 year conditional planning permission is recommended, under the transitional provisions of Circular 1/2006.

It is therefore considered that subject to compliance with the attached conditions and taking into account all other material planning considerations, including the provisions of the development plan, the proposal would be acceptable. This also includes a consideration of whether the decision to grant permission is compatible with the Human Rights Act 1998.

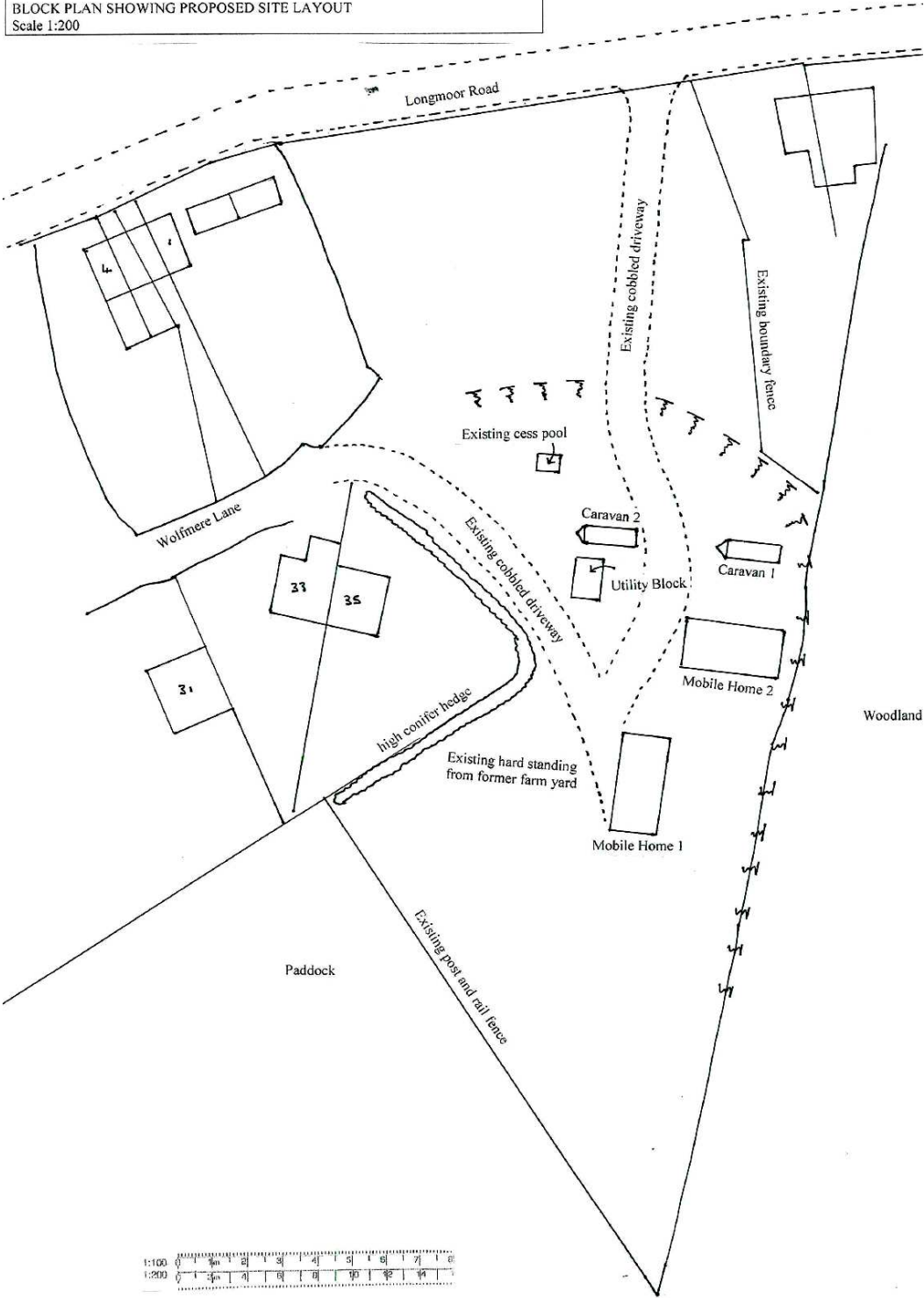
- 2
1. Environmental Health recommends that developers follow the risk management framework provided in CLR 11 – Model procedures for the Management of Land Contamination when dealing with land affected by contamination and Planning Policy Statement 23 – Planning and Pollution Control.
 2. "Development on Potentially Contaminated Land" leaflet is available on East Hampshire District Council website under

- 3 The Rights of Way Officer at Hampshire County Council has advised that a member of the public has registered a claim to have an unrecorded path running through the application site added to the Definitive Map as a public footpath. If the applicant has any queries over this claim they should contact the Rights of Way Officer at Hampshire County Council on 01962 846040.

CASE OFFICER: Lesley Wells 01730 234223

SECTION 1 Item 01 Fern Farm, Longmoor Road, Greatham, Liss

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.
 BLOCK PLAN SHOWING PROPOSED SITE LAYOUT
 Scale 1:200



Block plan