

Mrs A Heine
Heine Planning Consultancy
10 Whitehall Drive
Hartford, Northwich
Cheshire, CW8 1SJ

Case Officer: Lesley Wells
Direct Dial: 01730 234223
Fax no: 01730 234348
Our Ref: 51346/001
Your Ref:
Date: 11 September 2009
email: lesley.wells@easthants.gov.uk

Dear Mrs Heine

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 & CREATION OF NEW ACCESS ONTO LONGMOOR ROAD (AS AMENDED BY LETTERS DATED 13/7/09 & 7/9/09 & PLAN RECEIVED 3/9/09)

Site Address: Fern Farm, Longmoor Road, Greatham, Liss

I am pleased to enclose the Notice of the Council's formal decision in relation to the above application. **Before proceeding please read the following important information which affects this Notice.**

All the conditions of the Notice are legally binding. Failure to comply may invalidate the permission and result in the Council taking action against you. Some conditions may require further details or samples to be submitted to us for approval. Other conditions may contain timescales or stages against which compliance must be obtained and before works are commenced. Most categories of permission also require a fee for each request for approval of condition/s. If you are unclear about the procedures, the fee required or how to pay, then please contact us.

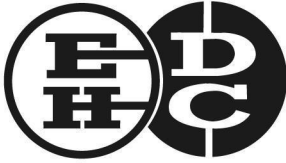
Before the development or change in the use is started please complete the tear-off section below. This should be returned to Planning Compliance who will then check the details of the consent. Failure to do so could result in difficulties or delays when the property is sold.

Yours sincerely

Daryl Phillips
Head of Planning Services

Return to: 51346/001
 Planning Compliance
 Planning Development Services Name: _____
 East Hampshire District Council Address: _____
 Penns Place, Petersfield _____
 Hants GU31 4EX Tel No: _____
 I anticipate that the works/use will begin on _____
 Signed: _____ Date: _____

EAST HAMPSHIRE



Partners

www.easthants.gov.uk

East Hampshire District Council

Penns Place, Petersfield,
Hampshire, GU31 4EX

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DX100403 Petersfield

info@easthants.gov.uk



2005-2006
Affordable Housing
2006-2007
Waste and Recycling

For: Mr D Shea

c/o Heine Planning Consultancy
10 Whitehall Drive
Hartford
Northwich
Cheshire
CW8 1SJ

TOWN & COUNTRY PLANNING ACT 1990 (as amended)

TOWN & COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

NOTICE OF TEMPORARY PERMISSION: 51346/001

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 & CREATION OF NEW ACCESS ONTO LONGMOOR ROAD (AS AMENDED BY LETTERS DATED 13/7/09 & 7/9/09 & PLAN RECEIVED 3/9/09)

Site Address: Fern Farm, Longmoor Road, Greatham, Liss (Greatham Parish)

The Planning Authority GRANTS Planning Permission in accordance with your application, plans and details submitted therewith, which was registered on 12 May, 2009, subject also 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 access onto Longmoor Road shall be permanently stopped up, 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 site hereby permitted for use by the occupiers of the mobile homes/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, construction waste/soils and commercial vehicles other than the one such vehicle permitted under condition 4 above 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 used for residential purposes on the site hereby permitted. The caravans and mobile homes when on the land shall be located in the positions shown on the block plan dated 3/9/09.
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 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.
- 9 **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.
- 10 **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.
- 11 The existing access from the site to Wolfmere Lane shall not be used for vehicular traffic for the duration of the temporary planning permission.
Reason In the interests of amenity of the area.
- 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.

The following plans and specifications were considered when making the above decision:

Supporting letter 12/05/2009

Letter dated 13/7/09

Design and access statement and supporting documentation

Appeal decision dated 25/9/07

15 no. photographs of site

Location plan 1:1250

Block plan (Rev A) 1:500

Floor plan, roof plan and elevations of utility block (Rev B)

Topographical survey



Daryl Phillips

Head of Planning Services

Date: 11 September 2009

Supplementary Information

These are advice notes to the applicant and are not part of the planning conditions.

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 3 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.

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

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.

For the applicant's information the Planning Authority considers the term 'resident dependants' at Condition 3, only covers the children, parents and grandparents of the named family in the condition, and such members of the family must be financially or emotionally depend on the named family for support.

The applicant is advised that there may be a need to comply with the requirements of the Party Wall etc Act 1996 before starting works on site. The Act relates to work which involves:

- work on an existing wall shared with another property
- building on the boundary with a neighbouring property
- work involving excavating near a boundary

The Party Wall etc Act is not enforced or administered by the Council but you should understand your obligations to notify adjoining owners and be aware of the circumstances under which a dispute can arise. For further information on the Party Wall Act 1996 there is an explanatory booklet available at the Planning Portal: www.planningportal.gov.uk

The following Planning Policies were considered when making the above decision:-

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

Building Regulations

This decision is not an approval under the Building Regulations. It is your responsibility to make any necessary applications. If in doubt, you are advised to contact the Council's Building Control Section on 01730 234207 or fax 01730 234210.

You are also advised that this decision does not imply that satisfactory access for the Fire Brigade can be provided, as required by the Hampshire Act 1983.

NOTIFICATION
Planning permission/refusals

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990.

1. If you want to appeal – For householder development you must appeal within three months of the date of this notice, for all other development you must appeal within six months of the date of this notice, using a form which you can get from **The Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN, telephone 0117 372 8000 or at www.planninginspectorate.gov.uk/forms.**
2. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use his power unless there are special circumstances that excuse the delay in giving notice of appeal.
3. The Secretary of State need not consider an appeal if it seems that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
4. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based their decisions on directions given by the Secretary of State.

Purchase Notice

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonable beneficial use in its existing state nor render the land capable of a reasonable beneficial use by the carrying out of any development which has been or would be permitted.

5. In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
6. The applicant is recommended to retain this form with the title deed of the property.

Notes Specific to any Grant of Planning Permission

Any grant of permission does not purport to convey any approval or consent which may be required under the Town and Country Planning Act 1990 otherwise than under Sections 69-76 or which may be required under any other Acts including any Bylaws, Orders or Regulations made under such other Acts.

7. Applicants are reminded that any grant of planning permission does not entitle them to obstruct a right of way and that, if it is necessary to stop up or divert a right of way in order to enable the development to be carried out, they should apply without delay:- a) in the case of a footpath or bridleway, for an Authority under Section 257 of the Town and Country Planning Act 1990; b) in any other case to the Secretary of State for an Order under Section 247 of the Town and Country Planning Act 1990.
8. Attention is drawn to the provisions of Section 12 of the Hampshire Act 1983 relating to access for the Fire Brigade.
9. If this permission relates to buildings or premises to which the public are to be admitted or to offices, shops and railways premises or factories then your attention is drawn to the relevant provisions of the Chronically Sick and Disabled Persons Act 1970, Disabled Persons Act 1981, Building Regulations Part M and the Disability Discriminations Act 1995.

IMPORTANT - Any failure to adhere to the details of any plans approved or to comply with any conditions detailed in this notice constitutes a contravention of the provision of the Town and Country Planning Act 1990 in respect of which enforcement action may be taken. If you want to depart in any way from approved development, you must seek the agreement of the Council before carrying out any work.