
Site Address:	Southdown View, Long Copse Lane, Emsworth, PO10 7UR		
Proposal:	Retention of open sided lean-to located to rear (south) of stable building.		
Application No:	APP/19/00164	Expiry Date:	04/04/2019
Applicant:	Mr L Madgewick		
Agent:	Manorwood	Case Officer:	Lewis Oliver
Ward:	Emsworth		

Recommendation: **GRANT PERMISSION**

1 Site Description

The application site comprises an area of land of 0.5ha, lying on the northern side of Long Copse Lane, in the northern part of Emsworth. Long Copse Lane is a road of mixed character - at its western end, where it links with Hollybank Lane, the southern frontage of the road forms part of an established suburban area featuring a mix of dwellings with a density of approximately 18 dwellings per hectare, with open fields to the north. Approximately 300m east of the junction with Hollybank Lane, and beyond the junction with Redlands Lane, the character of the road changes on its southern frontage to feature a row of individual dwellings in larger plots, with a density of approximately 5.6 dwellings per hectare, before this gives way to open fields.

To the north, the land features a number of isolated dwellings and a sequence of stables/paddocks as part of a field system that extends further to the Borough boundary. The Havant Borough Townscape, Landscape and Seascape Character Assessment (Feb 2007) identifies the site as being located within Landscape Character Area 21 'Southleigh Forest' which is defined as 'The open area of farmland to the east, consists of medium sized fields of pasture in the north predominantly used for horse grazing with some hedgerow division leading to larger open arable fields to the south.' The Lane itself eventually leads beyond the Borough boundary into Chichester District, where it meets North Street, part of the settlement of Westbourne. Along its length, footways are generally absent from the Lane, and street lighting is only provided up to the junction with Redlands Lane. The carriageway width in the vicinity of the site is 4.2m - 4.4m; this typical for this part of the Lane.

The application site lies approximately 650m west of the junction of Long Copse Lane with Hollybank Lane, and at this point is beyond the last of the dwellings in Long Copse Lane which lie within the Borough boundary. The site features an existing graveled access off Long Copse Lane at the south western corner of the site, extending to an area of graveled hardstanding within the southern part of the site which leads to a stable block within the south eastern corner of the land. The site is currently occupied by an authorised mobile home, which was allowed on appeal under application APP/16/00021. This caravan, which is currently occupied by the applicant's son and his partner, is located to the north of the existing stables, and a cesspool has been installed between the mobile home and stable building. The remaining parts of the site are given over to an area of pasture used for horse grazing which is enclosed by post and rail fencing - a belt of well-maintained grass adjoins the pasture on its western and southern sides.

A two-storey dwelling, Hollybank Cottage, adjoins the application site to the west - the

western boundary of the site featuring some established hedging and a number of mature Oaks covered by TPO1974. The southern boundary of the site features 1.8m high close boarded fencing on top of a small bank rising up from the carriageway of Long Copse Lane; this bank features some reduced native hedging, with a mature Ash the subject of TPO1974 lying just within the site. The eastern and northern boundaries of the site comprise post and rail fencing as used for the enclosure of the pasture; no natural landscaping is in place.

The site occupies an elevated position relative to the land beyond it to the north, and as such benefits from wide-ranging views to the surrounding landscape and the South Downs National Park beyond.

2 Planning History

2.1 10/74070/00- Change of use of land and erection of stable block with tack room, entrance gate, landscaping and associated access/ground works (Part Retrospective).
- Permitted 21/07/10

2.2 APP/14/00381 - Extension to existing private stable block to provide feed / cart store for continued private use. Refused 04/06/14 on grounds of intensification of leisure development on the site and impact on the rural character of the area; however subsequently allowed on appeal under reference APP/X1735/A/2220161. The Inspector concluded that in summary, although the Council was correct to observe that an equine use does change the character of a rural area, he did not consider that the proposed extension would increase that change from the extent accepted by the Council in its original decision to approve the stables. The proposal would therefore have no adverse effect on the character and appearance of the area and there would be no conflict with Policies CS11 & CS17 of the Core Strategy or with the National Planning Policy Framework 2012. This development has now been implemented.

2.3 APP/16/00021 - Change of use from private equestrian yard to a mixed use comprising private equestrian yard and two pitch, private gypsy and traveller site (including amenity block and two touring caravan pitches) - This application was received on 6/1/16 however was not made a valid planning application until 4/3/16 due to the requirement for further information from the applicant. The application was then refused on 29/04/2016 for the following reasons:

1 The application site lies outside of the built up area and its proposed use as a two pitch private gypsy and traveller site with equestrian yard is not considered to represent a form of development which is appropriate in this location having regard to Policy AL2 and the 'Update on Council approach to meeting the accommodation needs of travellers' of the Havant Borough Local Plan (Allocations) 2014, the National Planning Policy Framework 2012 and the Planning Policy for Traveller Sites 2015. Furthermore the form and extent of the development would have a significant and harmful impact upon the character and appearance of the site and the wider landscape, and would thereby conflict with relevant provisions of Policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the National Planning Policy Framework 2012 and the Planning Policy for Traveller Sites 2015.

2 Notwithstanding Reason 1 above, the use of the site as a two pitch private gypsy and traveller site with equestrian yard is not considered to represent a sustainable or suitable form of development by virtue of the remoteness of the site from local facilities and public transport, and the rural character of Long Copse Lane which has an absence of footways and street lighting in the vicinity of the site. The proposed use

thereby conflicts with Policy CS10 of the Havant Borough Local Plan (Core Strategy) 2011 and the Planning Policy for Traveller Sites 2015.

3 Having due regard to the information submitted in respect of the intended occupiers of the site, it is considered that the proposed use of the site as a two pitch private gypsy and traveller site and equestrian yard would involve regular towing of small and large caravans into and out of the site along the narrow Long Copse Lane which would cause further deterioration of its verge edges, surface and foundations and would exacerbate the hazards to other road users. The use is therefore not considered appropriate for this location and would thereby conflict with Policies CS10 and CS20 of the Havant Borough Local Plan (Core Strategy) 2011.

4 The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Solent Recreation Mitigation Partnership, is contrary to the Council's Policy on contributions towards measures of mitigation adopted by the Local Planning Authority. These seek to ensure that provision is made from new development towards mitigating against increasing recreational pressure on the Solent SPA. The development is therefore contrary to policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy DM24 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework 2012.

- 2.4 An appeal was lodged on 7/11/16 with the Planning Inspectorate, this appeal was placed in abeyance on 1/2/17 pending the outcome of a subsequent revised planning application APP/16/01234.
- 2.5 APP/16/01234 - Change of use from private equestrian yard to a mixed use comprising private equestrian yard and single pitch, private gypsy and traveller site (including amenity block and one touring caravan pitch). This was a revised application from the previously refused application APP/16/00021; the main changes involved the reduction of number of pitches and reduction in size of the amenity block.
- 2.6 Application APP/16/01234 considered additional information provided by the appellant in a bid to overcome the four reasons detailed above, in paragraph 2.3. It was determined by officers that the appellant had overcome the refusal reasons listed, based on one gypsy pitch being provided instead of two. However, at the ensuing Development Management Committee members considered all of the information provided, along with consultation responses received and third-party representations and determined that the development would still remain harmful to the rural character and visual amenity of the area. The decision in effect retaining refusal 1 of application APP/16/00021. For the purposes of clarity, the reason for refusal of APP/16/01234 was:
The site lies within a rural area and the siting of the caravans in the countryside would be detrimental to the rural character and to the visual amenity of the area. The proposal is therefore contrary to policies CS11.1, CS 11.9, CS16, and CS17 of the Havant Borough Local Plan (Core Strategy) 2011, Policy AL2 of the Havant Borough Local Plan (Allocations) 2014, Paragraphs 25 and 26 of the Planning Policy for Traveller Sites 2015 and the National Planning Policy Framework 2012.
- 2.7 Following the refusal of APP/16/01234 the Planning Inspectorate brought the appeal for application APP/16/00021 out of abeyance. The appeal was determined on the basis of one single gypsy pitch, with all of the information considered under application APP/16/01234 being considered by the Inspector. The Local Planning Authority having considered the further information submitted in this application subsequently withdrew reasons for refusal 2 and 3 of application APP/16/00021. The

LPA therefore defended the appeal on the basis of the reason for refusal outlined above in paragraph 2.6.

- 2.8 The appeal was heard at an Informal Hearing on 6th February 2018. The appeal decision was issued on 28th February 2018. The Inspector allowed the appeal, and granted planning permission. The full appeal decision is attached at Appendix E. Regarding the impact of the proposal on the character and appearance of the area, the Inspector considered this in detail in paragraphs 27-31. The Inspectors summary of this consideration was:
I therefore conclude that the proposed development could be carried out with no more than a limited visual impact on views from public vantage points. As such, it would not materially affect the character or appearance of the landscape, or of the area generally. In this respect the scheme would not conflict with Policies CS11 or CS16.
- 2.9 APP/18/00929 - Change of use of the site to a mixed use comprising private equestrian yard and Siting of additional 1No mobile home to enable a total of 2No mobile homes on site for private gypsy and traveller site. Provision of a further 2 additional car parking spaces to allow a total of 4 car parking spaces on site and retention of touring caravan space. Refused by DMC for the following reason:

The site lies within a rural area where the stationing and use of additional individual caravans for residential purposes is contrary to the policies of the Local Planning Authority and represents a form of development which is likely to be detrimental to the rural character and to the visual amenity of the area and the amenities of conventional residential properties in the vicinity. The proposal is therefore contrary to policies CS11, CS16 and CS17 of the Havant Borough Local Plan (Core Strategy) 2011, policy AL2 of the Havant Borough Local Plan (Allocations) 2014, Paragraph 26 of the Planning Policy for Traveller Sites 2015 and the National Planning Policy Framework 2018.

3 Proposal

The proposal is for the retention of open sided lean-to located to rear (south) of stable building. The structure is attached to the existing stable building and is approximately 3.6 metres in depth, 9.3 m in width and is 2.1 metres in height. The materials that have been used is timber and profile sheeting for the roof.

The description of the proposal specifies the use of the lean-to to be for additional open storage of ancillary equipment to the existing stable building.

4 Policy Considerations

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS20	(Transport and Access Strategy)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)

AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 10

Number of site notices: 1.

Statutory advertisement: Not applicable.

Number of representations received: 4

Comment	Officer Comment
Objections received, highlight the following points:	
It increases the building footprint in the open countryside, further filling in the Emsworth-Westbourne Gap. It is also visible from Long Copse Lane, as admitted in the application form.	Addressed in paragraph 7.1 (ii)
Policy CS10 says that the site must cause "no unacceptable adverse effect on the amenities of nearby residences". However, a bigger stable will attract more people to the site, increasing traffic, and generating additional noise. Currently there are about 30 vehicles movements per day over the drive next to our house.	Addressed in paragraph 7.1 (iii)
Once again we are dealing with retrospective planning submission as	

the lean-to has already been built.	
The extension is right next to the boundary fence as should be dismantled as building regulations state no building is allowed within a metre of any boundary.	Addressed in paragraph 7.1 (iv)
Westbourne Parish Council objects to the planning application. From the number and types of vehicles seen parked at the property, including highway maintenance vehicles, it seems that it is being run as part of their business and the site may not be being used as a Gypsy pitch. There appears to be sufficient storage on the site for the everyday needs and horse welfare without the requirement for an additional lean-to. This development was originally allowed outside the settlement area because of the status of the occupier. It seems to be being developed into a business site where he lives permanently.	Conditions exist on application APP/16/00021, which was allowed at appeal, that no commercial activities would take place on the site. It is not considered that a small scale lean-to, used for storage ancillary to the lawful use of the site for private stabling, would constitute a material change of use of the application site. Any complaints to the contrary should be made to the Council, who will then investigate these matters that have been raised.

7 **Planning Considerations**

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity

(i) Principle of development

Section 70(2) of the Town and Country Planning Act 1990 (as amended) and Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) require a local planning authority determining a planning application to do so in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan for Havant Borough consists of the Havant Borough Local Plan (Core Strategy), the Havant Borough Local Plan (Allocations Plan) and the Hampshire Minerals and Waste Plan. The proposed development lies outside of the built up area and Policy CS17 sets out that development in non-urban areas should be consistent with the policies for the countryside set out in national policy. In this regard the NPPF 2019 looks to decisions to recognise the intrinsic character and beauty of the countryside (Para 170), but also allows for rural leisure developments which respect

the character of the countryside. These matters are discussed further at (ii) below.

A new local plan is currently being prepared and is a material consideration along with the National Planning Policy Framework. On 1st February 2018 the Council published the Pre-Submission Havant Borough Local Plan 2036 under Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). This is subject to the publication of further evidence base to clarify the mitigation package needed to accommodate development. However it is considered that such clarifications would not materially affect the scheme in question nor the infrastructure package proposed.

The NPPF (paragraph 48) sets out that weight can be given to relevant policies in emerging plans depending on, amongst other things, the stage of preparation of the emerging plan. At the current stage where the Local Plan has been published but not yet submitted, it can be afforded only limited weight. However it does contain an emerging policy E3 - Landscape and settlement boundaries. The objectives of this emerging policy are largely similar to the current adopted policies CS11 and CS16, which are considered in detail below. Point H of emerging policy E3 outlines that development will not usually be permitted outside of defined settlement boundaries, unless it specifically and demonstrably requires a location outside of a built-up area. The application outlines that a storage area is required to support the existing mixed gypsy/equestrian use of the site for the welfare of the horses. This is considered to be sufficient justification to support the permitted use of the site.

Emerging policy H7 relates to gypsies, travellers and travelling showpeople. This policy seeks to safeguard this permitted gypsy site for current and future need. This application does retain the existing permitted use, and only relates to a small extension onto the existing stables.

Subject to its particular impact upon the character of the area, the principle of extending the existing stable block to provide ancillary storage is considered acceptable.

(ii) Impact upon the character and appearance of the area

One of the core planning principles set out in the NPPF is to take account of the different roles and character of different areas by, amongst other matters, recognising the intrinsic character and beauty of the countryside. Policies CS11 and CS16 of the Core Strategy set out a range of criteria that new development should be able to demonstrate in order to protect the environment and heritage of the Borough and secure high quality and appropriate developments - chief amongst these is that new development should ensure that the key landscape and built form principles set out in the Havant Borough Townscape, Landscape and Seascape Character Assessment are protected, and to respond to and respect local context. Policy CS11 also expressly seeks to maintain the undeveloped gap between Emsworth and Westbourne.

The application site comprises part of a paddock, situated in a part of Long Copse Lane which lies beyond the settlement boundary. The current mobile home, allowed on appeal, is currently located just to the north of the existing stable block. Whilst an isolated dwelling lies adjacent to the site to the west, on all other sides the site adjoins open fields which are used for a variety of grazing and equestrian uses. Where buildings and structures appear in this landscape, these are related to these rural uses. The application site is located within Landscape Character Area 21 'Southleigh Forest' of the Havant Borough Townscape, Landscape and Seascape Character

Assessment which describes the landscape as ".....an open area of farmland.....consists of medium sized fields of pasture in the north predominantly used for horse grazing with some hedgerow division...." In terms of openness/enclosure, prominence and visibility there is a particular reference to "Views from the road out towards Westbourne across the open agricultural plain" and the "encroachment of urban character into adjacent rural areas" is regarded as a key local issue for the landscape character area, where the strategy is to conserve and enhance local character.

The lean-to as constructed is only visible from Long Copse Lane, immediately to the south of the stables, which are located behind a 2 metre high close boarded fence. Wider views of this development are largely screened from further to the east and west on Long Copse Lane by either mature trees and hedging. The development is of limited height, being 2.1m in height and from going along Long Copse Lane, the development is read within the context of the existing stables, to which it is attached. From this viewpoint the top of the structure is visible, however it is largely screened by the existing 2 metre high boundary fencing. It is accepted that this structure is not likely to be reflective of nearby permanent dwellings, but the site's local context also includes agricultural buildings in a variety of materials. It is therefore considered that the views of the development that are gained from Long Copse Lane are not unduly intrusive or harmful. Furthermore the proposed development does not encroach into the more sensitive landscape beyond the road frontage. As such it is not considered to materially erode the gap between settlements or threaten coalescence. The proposal is therefore not considered to have an adverse effect on the character and appearance of the area and there is no conflict with Policies CS11.1, CS11.9 & CS17 of the Core Strategy or with the National Planning Policy Framework.

(iii) Impact upon residential amenity

To the west of the application site is Hollybank Cottage, a large detached residential dwelling. The lean-to is sited in the south-east corner of the site and over 50m from this neighbouring residential property. The stables were sited in this location as it was the furthest point away from Hollybank Cottage. The access to the site remains in the south-west corner of the site, adjacent to Hollybank Cottage. It is considered that the extension of the stables with a store would not adversely affect the amenity of the occupants/occupiers of Hollybank Cottage.

(iv) Other matters

Concerns have been raised that the development does not comply with Building regulations, given its proximity to the boundary. Building regulation matters are not material planning considerations. As such a planning application cannot be refused if it fails to comply with other legislation. The applicant has been made aware that planning permission does not over-ride the need for Building Regulation approval, if required, and there is a risk that the development would not be approved by the competent Building Control Authority despite having planning permission.

8 Conclusion

The proposed development is considered acceptable in principle and does not have a significant adverse impact on the character and appearance of the area or residential amenity and therefore this application is recommended for permission.

9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/19/00164 subject to the following conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Block plan Drawing number: 001 Rev: 1
Proposed plans and elevations: 200 Rev 1

Reason: - To ensure provision of a satisfactory development.

- 2 The building hereby permitted shall be used only for purposes of additional open storage of ancillary equipment to the existing stable building, and shall not be used for any business, commercial or industrial purposes whatsoever.

Reason: In the interests of the amenity of the area and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2019.