

Planning Application Response of Planning Policy

Application No:	APP/18/00929
Site Address:	Southdown View, Long Copse Lane, Emsworth
Development:	Siting of additional 1No mobile home to enable a total of 2No mobile homes on site for private Gypsy and Traveller. Provision of further 2 additional car parking spaces to allow a total of 4 car parking spaces on site and retention of touring caravan space.
Case Officer:	Mr L Oliver
Comments by:	Lewis Ford
Date of Comments:	7 th November 2018

Policy Status:

The Adopted Local Plan

The [Local Plan \(Core Strategy\)](#) and the [Local Plan \(Allocations\)](#), together with the Hampshire Minerals and Waste Plan, provide the development plan for Havant Borough. In addition, the [Local Plan Housing Statement](#) (LPHS) and its guiding principles, adopted December 2016, is also a material consideration. The following policies and documents are of relevance:

- CS10 Gypsies, Travellers and Travelling Showpeople
- 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
- DM8 Conservation, Protection and Enhancement of Existing Natural Features
- DM13 Car and Cycle Parking on Residential Development
- DM24 Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development
- AL2 Urban Areas Boundaries and Undeveloped Gaps between Settlements
- [National Planning Policy for Traveller Sites \(PPTS\)](#) (August 2015)
- [Havant Borough Parking SPD](#) (July 2016)

Havant Borough Local Plan 2036

The Council is preparing a new Local Plan and consulted on a Draft (Regulation 18) version of the [Havant Borough Local Plan 2036](#) (HBLP 2036) between 8 January to 16 February 2018. Whilst the Plan has limited weight in decision-making at this stage in the plan preparation, the Draft HBLP 2036, and particularly emerging Policy H5 (Gypsies, Travellers and Travelling Showpeople) is of relevance in setting out the Council's direction of travel.

Please note, Members informally considered a report setting out a summary of the responses to the consultation on the Draft HBLP 2036 and the proposed changes to the policies moving forward. This [Consultation Summary Report](#) was published on the Council's website on Friday 22nd June 2018. A summary of the comments received, and the Council's proposed way forward, for Policy H5 can be found on page 119 of the report.

The next key stage will be to consult on a Pre-Submission (Regulation 19) Local Plan. It is envisaged that the Pre-Submission HBLP 2036 will be subject to public consultation from February to mid-March 2019. At this stage, greater weight may be given to the plan in decision-taking. It is recommended that the applicant familiarises themselves with the

emerging policy requirements and standards accordingly, particularly bearing in mind the timescales for determining the application.

Principle of Development:

The site lies on the north side of Long Copse Lane between the communities of Emsworth and Westbourne (the latter of which lies within Chichester District). The site is outside of the urban area and, the proposal is, therefore, contrary to Policies CS17 and AL2 which seek to concentrate new development within the five-urban areas of Havant Borough. In addition, paragraph 25 of the PPTS (August 2015) states that:

“Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan”

Despite the above, planning permission for a single gypsy and traveller pitch on the proposed site was allowed at appeal in February 2018¹. The S78 appeal Inspector commented:

“Policy CS10.... Does not exclude locations in the countryside or Gaps, and given that these two designations cover the whole of the Borough outside the urban areas, it seem unlikely that suitable sites could be found anywhere else than within them”
(see paragraph 22)

As such, the use of the site as a gypsy and traveller pitch has been established in principle.

Gypsies, Travellers and Travelling Showpeople:

The Council, along with six other local authorities in Hampshire, commissioned the [Gypsy, Traveller and Travelling Showpeople Accommodation Assessment](#) (GTAA). The GTAA was published in May 2017 and stated in paragraph 1.19 (page 8) that:

“There is a need for 1 additional pitch in Havant as a result of the occupied pitch being unauthorised. There is no other current or future need” (emphasis added)

The granting of planning permission APP/X1735/W/3156978 in February 2018 means that Havant Borough’s need for one additional pitch has now been met. Therefore, in this instance, paragraph 11 of the PPTS is of relevance. This states that:

“Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward”

Paragraph 24 e) of the PPTS goes on to confirm that local planning authorities should determine applications for sites from any travellers and not just those with local connections.

Policy CS10 of the adopted Local Plan (Core Strategy) is a criteria-based policy. As the use of the site for gypsies and travellers has been established in principle through APP/X1735/W/3156978, criteria 1) - 3), along with the nature conservation interest element of criterion 5), will be appropriate in determining this proposal.

Emerging Policy H5 in the HBLP 2036 sets out a similar criteria-based policy. Please note, it is the Council’s intention to remove criterion a) which requires proposals to demonstrate they

¹APP/X1735/W/3156978 – Stables adjacent to Hollybank Cottage, Long Copse Lane, Emsworth, Hampshire, PO10 7UR.

meet an identified need in the forthcoming Pre-Submission HBLP 2036. This is so the policy is compliant with paragraph 24e of the PPTS. Please see the Consultation Summary Report (page 119) for further information.

As the Borough's need for one pitch has been met, it will be material to consider whether the applicant(s) meets the planning definition for gypsies and travellers as set out in Annex 1 of the PPTS. Paragraphs 24, 26 and 28 of the PPTS will also be of relevance. The Hampshire County Council Gypsy Liaison Officer will be able to provide further advice on these matters.

Providing that the applicant(s) meets the definition of the gypsies and traveller (see above), the proposal will need to comply with the following:

- Policy H (PPTS: Determining planning applications for traveller sites)
- Policy CS10 (Local Plan [Core Strategy]); and
- Policy H5 (Draft HBLP 2036).

High Quality Design:

To determine whether the proposal meets criterion 1) of Policy CS10, the proposal will need to accord with criteria 1), 2) and 6) of Policy CS16.

Natural Features:

The relocated parking area near to the entrance to the site is directly adjacent to a tree which is protected under a Tree Preservation Order (TPO). The protection of this tree will need to be secured for the proposal to be compliant with Policies CS11 and DM8. The Council's Arboricultural Officer will be able to provide further advice on the matter.

Parking:

Policy DM13 and the [Havant Borough Parking SPD](#) set out the parking standards for residential development in Havant Borough. The Parking SPD does not provide parking guidance for mobile homes, caravans nor pitches for gypsy and traveller sites. Therefore, in the absence of such guidance, it is recommended that the standards for a C3 dwelling house are used.

The vehicle and cycle parking standards for a C3 dwelling house are found on Tables 4A (page 9) and 4D (page 13) respectively. In accordance with these, 2 vehicle and 2 cycle parking spaces are required.

The proposal includes 2 vehicle spaces; however, 2 cycle parking spaces have not been identified. It is recommended that the applicant addresses this omission to ensure that the proposal meets criterion 2) of Policy CS10 accordingly.

The submitted planning information highlights the applicants' involvement in horse fairs around the country. As such, the layout will need to ensure adequate parking and turning space for horse trailers.

Flooding:

The [Environment Agency's Flood Map for Planning](#) confirms that the site is not in Flood Zones 2 and/or 3.

Developer Contributions:

The [Solent Recreation Mitigation Strategy \(SRMS\)](#) was approved, along with its implementation from 1st April 2018 onwards, by Havant Borough's Cabinet on 7th February 2018.

Paragraph 6.4 (page 16) of the SRMS confirms that the definition of a net new dwelling includes permanent accommodation for gypsies and travellers. As such, the applicant will need to pay the Solent Recreation Mitigation Strategy (SRMS) contribution in line with the strategy and Policy DM24. The Council's Community Infrastructure Officer will be able to provide further guidance on the scale of the financial contribution required.

Recommendation:

No objection in principle providing that:

- The applicant meets the planning definition for gypsies and travellers as set out in Annex 1 of the PPTS;
- The requirements of Policies CS10 and CS16 are met;
- The TPO onsite is retained and protected;
- The provision of two cycle spaces is sought; and
- The SRMS financial contribution is paid to the Council.