
Site Address: Land - Stables adjacent to Hollybank Cottage, Long Copse Lane, Emsworth

Proposal: 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).

Application No: APP/16/00021 Expiry Date: 29/04/2016

Applicant: Mr J Madgwick

Agent: Mr Phil Rowe Case Officer: Steve Weaver
PROwe Planning Solutions

Ward: Emsworth

Recommendation: **REFUSE PERMISSION**

1 Site Description

- 1.1 The application site comprises an area of land of 0.8ha, 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 Long Copse 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 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.
- 1.2 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 gravelled access off Long Copse Lane at the south western corner of the site, extending to an area of gravelled hardstanding within the southern part of the site which leads to a stable block within the south eastern corner of the land. The majority of the site is 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.
- 1.3 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.

- 1.4 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

10/74070/000

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

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. Not yet implemented.

- 2.2 Representations received in connection with the current planning application have questioned the validity of the permission granted under 10/74070/000 on grounds that the application site as outlined in red on the 10/74070/000 application documentation extended beyond the applicant's ownership to the east; consequently it has been asserted that the development the subject of that permission should not be regarded as lawful as the location of the stable block shown on the application drawings is not as exists on site (it lying some 25m closer to the western boundary of the site with Hollybank Cottage than suggested on the 10/74070/000 application drawings). These issues are being reviewed separately by the Council's Legal and Planning Enforcement teams.

3 Proposal

- 3.1 The application proposes a change of use of the land 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.
- 3.2 The provision of the pitches would involve the enclosure of an area of existing pasture measuring approximately 35m x 22m, and the subdivision of this area of land into two plots, each containing a separate static home and sharing a detached amenity block. The static homes will have dimensions of 12.4m x 6.6m (Van 1) and 11m x 6.1m (Van 2) and will each lie approximately 3m off the eastern boundary of the site. The indicative elevations submitted for the static vans suggest they are to be 4m in height, sited on raised brick plinths of up to 800mm in height. The combined amenity block lying between the static homes would be of rendered blockwork and slate construction and have a footprint of 6m x 6m with a pitched roof of 4m maximum height.
- 3.3 Each pitch would be provided with a gravelled area serving two parking spaces, accessed off the gravelled hardstanding serving the existing stable block, and a small area of grassed amenity space.
- 3.4 Along the southern boundary of the site, immediately west of the stable block, an

enclosed area would be provided to accommodate two touring caravans associated with the occupiers of the static homes; beyond that, and close to the TPO Ash tree, two further car parking spaces would be provided.

- 3.5 The application was submitted with a Design and Access Statement advising that the "appellant" is a Gypsy and Traveller within the meaning of Government policy in that he is a person of a nomadic habit of life, and is also an ethnic Romany Gypsy; and also a Tree Survey, Arboricultural Impact Assessment and Tree Method Statement.

4 Policy Considerations

National Planning Policy Framework 2012

DCLG Planning Policy for Traveller Sites August 2015

Havant Borough Local Plan (Core Strategy) March 2011

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)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS9	(Housing)
DM10	(Pollution)
DM11	(Planning for More Sustainable Travel)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Also note 'Update on Council approach to meeting the accommodation needs of travellers' - paragraphs 2.31-2.35

Havant Borough Townscape, Landscape and Seascape Character Assessment 2007

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Planning Policy

The site is isolated from the nearby communities of Emsworth and Westbourne. It is not within the existing urban area boundary and is therefore in land covered by adopted policy AL2. It is also relevant to recognise that the site is not adjacent to the existing urban area, instead it is adjacent to a single, already isolated dwelling and otherwise surrounded by open fields to the north, east and south. The existing built form and use

of the site is complementary to the rural surroundings of the site. This section of Long Copse lane is rural in character, lacking pavements and street lighting.

As the site is outside of the urban area new residential development should normally be restricted in accordance with Policy AL2. The NPPF confirms that LPAs should avoid new isolated homes in the countryside unless there are special circumstances. The Planning Policy for Traveller Sites (CLG Aug 2015) (PPTS) confirms that LPAs should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan.

The most recent traveller needs assessment, the Travellers Accommodation Assessment for Hampshire 2013, showed zero need in Havant borough for Traveller sites. As a result of this study no specific allocations for gypsy or traveller sites were made in the Council's adopted Local Plan (Allocations) 2014. The policy approach through the Local Plan has therefore been sound and justified - there is no need left unaddressed. This is different to the appeal case provided by the applicant where Fareham Borough Council had failed to address the needs assessment through their Local Plan allocations. This failure to address need acted as a material consideration in the Inspector's decision to allow that appeal.

One of our principle concerns at this time is that the application currently fails to demonstrate that the applicant and any further relevant occupants of the proposed units are travellers in accordance with the planning definition outlined in the PPTS. Without satisfactory confirmation of this then the principle of the proposal should simply be refused in line with Policy AL2 of the adopted Local Plan and the NPPF approach to new isolated homes in the countryside.

In the event that the applicant were to submit information that satisfied they were a Traveller and that the properties (e.g. two pitches) were also for Travellers as per the planning definition in the PPTS then our comments would be as follows:-

Local Plan (Core Strategy) Policy CS10 covers two aspects relating to provision of sites for gypsies and travellers. Firstly it envisages the Allocations plan making any necessary allocations depending on the needs assessment. Following adoption of the Core Strategy in 2011 and prior to the examination/adoption of the Local Plan (Allocations) in 2014 the Travellers Accommodation Assessment for Hampshire 2013 established no need for Traveller pitches in Havant borough. Therefore the adopted Allocations Plan does not include any further policies or allocations relating to Gypsies and Travellers.

The second part of Policy CS10 includes a criteria based approach for the location of gypsy and traveller sites. The case officer should consider points 1-5 of Policy CS10 in their assessment of the suitability of the site for gypsy and traveller pitches alongside the information contained in the PPTS.

In relation to 5 year supply there is no specific 5 year supply requirement for Travellers in Havant borough due to the zero need identified. In general terms the Council have a housing 5 year land supply as detailed in the 2015 Annual Monitoring Report. This includes flexibility in accordance with the NPPF requirements.

Even if the application included information to satisfactorily prove the Traveller status of the applicant and the relevant family members in order to justify the need and quantum of pitches proposed we would still have objections to the proposal.

Paragraph 25 of the PPTS states that LPAs 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. This is another key difference to the Fareham appeal case submitted with the application. In the Fareham case the site sat alongside a ribbon of development in an area even local people called a village. In this current Havant borough proposal we are of the view that this development is in open countryside away from existing settlements. This is materially relevant as there is a difference in whether a proposed site is in open countryside as opposed to being immediately adjacent to the existing built-up/urban area in terms of the impact and extent to which it is contrary to policy.

Another more detailed concern is the proposed extensive use of boundary treatments and gates within the site. This is contrary to PPTS para 26(c) which states applications should be 'well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness'. This issue seems even more prevalent bearing in mind the relative openness of the surroundings beyond the site.

We also have concerns as to the touring caravans and how these can be conditioned/restricted so that they don't become further residential use.

In our opinion it would be inappropriate to consider approval with conditions restricting the occupancy to Travellers. No need has been demonstrated and therefore we fail to see any reason why a proposal that is contrary to the NPPF, PPTS and Local Policies CS10 and AL2 should be considered favourably. Conditions relating to the occupancy would also be very difficult to monitor and/or enforce.

Conclusion (on the principle)

The application fails to demonstrate that the applicants are Travellers as per the planning definition of the PPTS.

The application fails to demonstrate a Traveller need for the two proposed pitches. Even had the traveller status and need been present/justified as part of the application then we would expect to see justification that any need could not be met elsewhere (in particular having regard to any provision of pitches available in adjacent Westbourne)

[The above points have regard to the PPTS Traveller definition and PPTS paragraph 24]

The application proposes new dwellings in the non-urban area/countryside which is contrary to the NPPF (paragraph 55) and Local Plan (Allocations) Policy AL2. The proposal does not constitute sustainable development due to its distance from local facilities and public transport. This is further emphasised by the lack of pavement and street lighting in the vicinity of the site.

The proposal includes an extensive and unnecessary provision of hard landscaping/enclosure/gates to the detriment of the existing landscape and potentially giving an impression contrary to the PPTS (paragraph 26)

In addition to the above, contributions to SDMP and CIL liability would apply.

In conclusion we object to the proposal.

Arboriculturalist

Satisfied that the development could be carried out without detriment to the health of the TPO trees, subject to a condition requiring compliance with the submitted Tree Survey, Arboricultural Impact Assessment and Tree Method Statement.

Crime Prevention -Minor Apps

No response received.

Landscape Team

Landscape objection to application APP/16/00021 based on the following:

Contrary to Policy CS11.1, the application proposals do not accord with the landscape character of the open countryside between Emsworth and Westbourne. Furthermore, CS11.9 requires that development should maintain the gap between Emsworth and Westbourne.

The application site is located within Landscape Character Area 21 'Southleigh Forest' from the Havant Borough Townscape, Landscape and Seascape Character Assessment (Feb 2007). The landscape is identified 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.'

In terms of openness / enclosure, prominence and visibility, there is particular reference to 'Views from the road out towards Westbourne across the open agricultural plain'. Furthermore, the 'Encroachment of urban character into adjacent rural areas' is regarded a key local issue for this landscape character area. Despite the 1.8m height close board fencing installed along part of the Long Copse Lane, open views exist from public highway northwards to Ancient Woodland associated with Southleigh Forest, north-eastwards to Monks Farm (Listed Building) and beyond to the South Downs National Park. These views are already constrained by a touring caravan and static caravan positioned within the site. I am concerned the proposed application will further obstruct these long-reaching views that epitomise the local landscape character.

If views are available beyond the site boundary, there is reasonable potential for the proposed application to have visual impact when viewed from surrounding landscape north and north-east of the site. The white / light coloured caravans are visually prominent and may impact upon mid distance views from Westbourne Lane. Longer distance views may also be afforded from the South Downs National Park. Whilst screen planting would seem an appropriate means of mitigation – this would be at the expense of long reaching views mentioned above that are deemed an inherent part of the local visual amenity enjoyed by those travelling along Long Copse Lane.

Recommended landscape strategy for LCA 21 is to conserve and enhance the local character and avoid urbanising trends. Previous applications for the site afford consent for horse grazing pasture, timber stable / store and an associated access track without any stated provision for vehicle parking. The proposed application will unacceptably increase building footprint by more than 3.5 times that currently permitted. This density increase, combined with 6no car parking spaces, 2no touring caravans, close board fencing and lighting columns (some already installed) are deemed inappropriate to the locality.

From a landscape management perspective, I am concerned the application proposals will cause over-intensification of the site to the detriment of landscape quality. The local soils are known to be slowly permeable, seasonally wet and vulnerable to over-compaction, which are not deemed appropriate for soak away drainage. This is already evident in the surrounding pasture that is heavily trampled with surface ponding

and substantial loss of grass cover. Accepting that the previous application justified the provision for three horses sharing only 0.53 acres (0.22 hectares) by being stabled, the proposed application will reduce this pasture to only 0.34 acres (0.14 hectares) – this is deemed likely to increase the site propensity for soil compaction, which will be compounded by the associated increase of impermeable building footprint.

Development Engineer

Initial consultation response:

The Highway Authority has no objection to this application provided a planning condition is imposed that the parking and turning area are set out as shown on the submitted layout plan to allow vehicles to turn on site and exit the development in a forward gear.

Response following receipt of additional information regarding the applicant's family's travelling background and intention to continue to travel:

Thank you for confirmation that the applicants continue to travel and intend to continue to travel from the application site and as such you don't consider that you could reasonably impose conditions restricting the amount of travel into and out of the site. As a result I would now like to make this revised comment and ask that it be added to my previous comment.

After consultation with the Planning Authority it has become clear that the number of trips (beyond its existing lawful use) can not be controlled by planning conditions and as result I now consider that the application should be refused for the reason that the towing of small and large caravans into and out of the site along the narrow Long Copse Lane would cause further deterioration of its verge edges, surface and foundations which would exacerbate the hazards to other road users.

Environmental Health

Brownfield land/contamination

Considers that no additional weight should be afforded to the proposals on the basis of the land being previously developed - the application does not seek to redevelop the stables and it does not necessarily follow that the field/paddock should be regarded as curtilage to the stables.

Contamination risks are considered to be sufficiently low as to be reasonably comfortable with no requirement for intrusive site investigation to be required.

Condition recommended to cover scenario whereby waste materials or other evidence of contamination is found on site during implementation.

Services (Drainage/Sewerage)

Application form's proposed use of soakaway for surface water is unlikely to be viable due to ground conditions (topsoil over London Clay); this could also hamper the intended use of a cess pit for foul sewage. By contrast, submitted plans show drainage pipes connecting to a chamber off-site; therefore intentions are unclear.

Condition recommended to confirm the situation.

Services (Potable Water/Heat)

No mention made of source of water supply and adequacy for drinking water.

Preference for metered supply, with no third party re-selling - confirmation should be sought from Portsmouth Water that they are able to supply the site.

Condition requested to confirm the situation.

Licencing

This property / site is not currently licenced for the purpose of running a park home site for the existing static caravan / park home, nor for the additional second unit

applied for under this application.

We would be minded to approve any licence application, if Planning permission were to be granted for this application, and if any licencing conditions stipulated thereafter could be met.

However the applicant should be made aware that a site licence application would not be considered, unless the site held prior Planning consent for this express purpose.

If this application is to be approved, I would ask that a condition be imposed, that no static caravans / park homes nor tourer / mobile caravans be used for human habitation on this site, until such time as a valid park home / caravan site licence is obtained.

Chichester District Council

No response received.

Gypsy Association

No response received.

Hampshire County Council - Gypsy Liaison Officer

No comment - there are no Hampshire County Council interests near to the application site

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: 3

Number of site notices: Three

Statutory advertisement: Yes

Number of representations received: 108

Summary of planning issues raised (with officer comments where issues are not addressed in Section 7 below):

Objections: 106, including Emsworth Residents Association and Westbourne Parish Council

- 6.1 Local Plan documents state that there is no assessed need for gypsy and traveller sites to come forward in the period up to 2027 and no explanation has been provided as to why the site should come forward.
- 6.2 The development will introduce an alien form of structures onto the site, visible from the nearby vicinity and wider viewpoints. It would be a further encroachment into the gap between Emsworth and Westbourne and be detrimental to the rural nature of Long Copse Lane.
- 6.3 The Allocations Plan defines the area within which the site lies as being an undeveloped gap - the proposed development does not accord with the exceptions

allowed for under planning policy for development within such locations, and no justification has been provided.

- 6.4 The noise nuisance experienced by the immediate neighbours to the site from the current use of the site will be exacerbated and affect other users of the Lane and other land in the vicinity; both as a result of more intensive occupation and the increased amount of traffic visiting the site.
- 6.5 The adjacent residential property would be subject to a degree of overlooking and loss of amenity as a result of the development.
- 6.6 A grant of planning permission would result in an unjustified interference with the human rights of the occupiers of the adjacent residential property.
- 6.7 The availability of facilities in Westbourne relies on access from Long Copse Lane which is narrow and without pavements - as such the development will increase reliance on the private car which is contrary to the National Planning Policy Framework and the criteria of Policy CS10 of the Core Strategy.
- 6.8 The existing use of the site should not be regarded as a 'brownfield site' or 'previously developed land' due to the location of the stable buildings being significantly at variance from the plans approved under 10/74070/000 and APP/14/00381. Furthermore it should not be assumed that the whole of the site constitutes a curtilage suitable for development.
- 6.9 The loss of further pasture land will adversely affect equine welfare on the site.
Officer comment: *The availability of pasture land was discussed in the APP/14/00381 appeal, with the Inspector reporting " I am also satisfied with the explanation of the relatively high horse density on the site compared with the guidance of the British Horse Association, which essentially is one of the horses living mainly in the stables rather than permanently outside".*
- 6.10 The application shows no indication of how the development has taken account of the land on the opposite side of Long Copse Lane, which is designated as a Site of Importance for Nature Conservation (SINC).
Officer comment: *The SINC has been designated on the basis of the land comprising "Semi-improved grasslands which retain a significant element of unimproved grassland" - this status is not considered to be prejudiced by the proposals the subject of this application, as they are wholly contained within the application site which lies on the other side of Long Copse Lane.*
- 6.11 As a residential development in open countryside the proposal fails to meet the test of the meaning of sustainable development.
- 6.12 Long Copse Lane is not a suitable location to accommodate the type and volume of traffic associated with the use, which includes large caravans and associated vehicles for towing. With no pavements in place the use will pose a danger to pedestrians and other road users - including horse riders and cyclists - as well as damaging the road and verges/ditches.
- 6.13 There are already a number of gypsy/traveller sites within the Westbourne area - further provision in the area would dominate the existing settled community leading to social tensions. It is not clear whether there is a need for further pitches - if so, these other sites might be capable of expansion.
- 6.14 The site will cause severe environmental damage to an area of outstanding natural beauty on the edge of South Downs National Park, and will involve the loss of wildlife habitat.
Officer comment: *The site does not lie within an AONB; the land principally the subject of the application is an intensively used paddock area and is not considered to involve the loss of wildlife habitat.*
- 6.15 Insufficient infrastructure (both physical and social) is in place to support the site.
- 6.16 Concern regarding generation and disposal of waste from the site.
- 6.17 Concern regarding management of the site.

Officer comment: Further information supplied by the applicant's agent indicates that the proposed accommodation is expressly for the Madgwick family.

- 6.18 Application may set precedent for further caravans to be proposed for the site.

Officer comment: The current application is for two pitches only; any further pitches would require a separate planning permission.

- 6.19 Proposals to deal with waste water and surface water run off are inadequate - risks of flooding of Long Copse Lane and contamination.

Officer comment: Foul and surface water arrangements could be reserved by condition for further analysis in the event that the application were recommended for approval.

- 6.20 An existing mobile home has already been placed on the land without permission, and a replacement hedge has not yet been provided.

Officer comment: The existing mobile home, which is understood to have been provided in connection with equine care arrangements, is the subject of a separate Planning Enforcement investigation.

- 6.21 Approval of this application to extend the use of the site should not be countenanced when there is doubt over the lawfulness of the current uses and buildings on the site.

Officer comment: See 2.2 above.

- 6.22 Character of buildings proposed is out of keeping with the majority of existing properties in Long Copse Lane.

- 6.23 The site is located within the 'zone of influence' of the Chichester and Langstone Harbours SPA where it has been identified that any net increase in residential development results in significant harm to the SPA due to increased recreational disturbance. The applicant has not made sufficient mitigation against such an impact.

Officer comment: See Section 7(v) below.

- 6.24 Traveller status of applicants disputed.

- 6.25 The number of vehicles proposed to be associated with the development appears excessive when compared to normal parking standards.

Support: 2

- 6.26 Site is kept clean and tidy.

- 6.27 Fly tipping is already an issue in Long Copse Lane and there is no proof that the proposed development will increase this.

- 6.28 Concerns regarding additional traffic using the Lane are unfounded as the applicant already uses the road to get to and from the site. Other yards in the Lane use large horse boxes.

7 Planning Considerations

- 7.1 In considering this application for a mixed use comprising equestrian yard and two pitch gypsy and traveller site, Human Rights considerations must be taken into account; in particular:

(a) Article 8 - right to respect for private and family life

8.1 Everyone has the right to respect for his private and family life, his home and his correspondence.

8.2 There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

(b) Article 14 - prohibition of discrimination

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

7.2 The Council must also have regard to Section 149 of the Equality Act 2010:

149 Public sector equality duty.

(1) A public authority must, in the exercise of its functions, have due regard to the need to— .

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; .

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; .

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7.3 In weighing the planning considerations arising from the proposal, and having regard to the relevant policies of the development plan and all other material considerations it is considered that the main issues arising from this application are:

- (i) Principle of development - including need for, and suitability of site
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity
- (iv) Highway considerations
- (v) Ecological considerations

(i) Principle of development - including need for, and suitability of site

7.4 Planning law requires that applications for planning permission must be determined in accordance with the development plan (the Core Strategy and the Allocations Plan), unless material considerations indicate otherwise. The application site lies outside of the built-up area as defined by the Allocations Plan, and as such is in an area where new development would normally be restricted in line with the criteria of Policy AL2. With regard to the first two of those criteria, the development is not a small scale householder development; nor does it represent a form of development which meets an overriding public need. With regard to the third criteria - the policies for exceptional development in 'rural areas' set out in the NPPF - this confirms that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the need for rural workers accommodation; retention of a heritage asset; the re-use of redundant or disused buildings leading to an enhancement of setting; or a particularly exceptional design. None of these special circumstances are met in this case, as the proposal is expressly for the creation of two pitches for members of the gypsy and traveller community in addition to the existing equestrian use. Furthermore the site is not adjacent to an existing urban area, but instead lies adjacent to a single, already isolated dwelling and otherwise is surrounded by open fields to the north, east and south.

7.5 With regard to the intended new use of the site, the Government's Planning Policy for Traveller Sites (PPTS) of August 2015 confirms 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. The PPTS

also requires authorities to attach weight to a number of further issues (paragraph 26) - the effective use of previously developed, untidy or derelict land; good planning of sites and the provision of soft landscaping to enhance the environment and increase its openness; promoting opportunities for healthy lifestyles; avoiding an excess of hard landscaping, high walls and fences. The latter three issues are addressed later in this report; on the former issue it is not considered that it can reasonably be argued that the site is either untidy or derelict, and the principal area of land affected by the development proposed - the paddock area which is to be used for the siting of the static vans and amenity block - exhibits a very different character from the stable yard itself and is not considered to lie within its curtilage for the purposes of identifying what area of the site is suitable for development in principle. The paddock area instead reads as part of the wider rural landscape that extends beyond the site to the fields beyond.

- 7.6 Paragraphs 2.31-2.35 of the Allocations Plan expressly address the most recent travellers needs assessment for the Borough, the Travellers Accommodation Assessment for Hampshire 2013, which has concluded that there is no identified need for permanent gypsy and traveller accommodation in Havant up to 2027. Further information was invited from the applicant's agent in the life of the application in an effort to understand the need for this site to come forward at this time, lying as it does outside of the built-up area and contrary to Policy AL2, and proposing a use of the site which the Allocations Plan would indicate is not required. The further submissions received in this regard, whilst providing an overview as to the applicant's family's travelling background and intention to continue to travel, is not considered to set out a compelling case for the need for permanent accommodation on this site - the implied desire for a 'settled base' is not considered to be site-specific; whilst the ability to 'keep the land in a good state and get to know their neighbours from the settled community' again is not considered to require the provision of permanent accommodation on the site. No evidence has been provided with the application to show that any other sites have been considered within the scope of the applicant's range of travels within or around the Portsmouth area, or further afield. The late submission of the information also means that it has not been possible to verify the submissions made in respect of the gypsy and traveller status of the applicants.
- 7.7 Were the status of the applicants to be confirmed, and the need for two permanent pitches within the Borough accepted (which is not currently the case) Policy CS10 of the Core Strategy would be engaged, which sets out five criteria against which the suitability of sites should be assessed - these reflecting impacts on amenity of neighbours; highway implications; the accessibility of the site to service providers and local facilities; and avoidance of flooding, conservation and contamination risks. The former two criteria are considered in more detail in the succeeding paragraphs of this report.
- 7.8 With regard to the accessibility of the site, Long Copse Lane is a narrow rural lane with no footways or street lighting present in the vicinity of the site. To the south, the site lies over 1km from the nearest local shop (currently closed for refurbishment) and over 800m from the nearest bus service (this assuming the use of the unmade Redlands Lane). To the east the site lies approximately 700m from the nearest local shop and almost 600m from the nearest bus stop in Westbourne - this relying on a journey of almost 0.5km along Long Copse Lane before reaching the outskirts of that settlement. The isolated nature of the site and its lack of connectivity with the settlements upon which it would rely for services and facilities is considered not to constitute a suitable or sustainable form of development, contrary not only to the Policy CS10 criteria but also the criterion as regards the promotion of healthy lifestyles set out in the PPTS.

- 7.9 With regard to site risks, the application site does not lie within a flood zone; nor is the land identified as having any natural or built conservation interest other than the TPO trees which lie on and adjacent to it - the Arboriculturalist has advised that the development can be carried out without detriment to the protected trees. The consultation response from the Environmental Health officer confirms that the risks of contamination are low.
- 7.10 With regard to the principle of development, therefore, it is considered that the use of this isolated site outside of the built-up area to provide a two-pitch gypsy and traveller site would be contrary to the Allocations Plan Policy AL2, the NPPF (in particular paragraph 55), and the PPTS. No evidence has been provided to justify a decision to the contrary, nor to counter the position set out in the Allocations Plan that there is no identified need for permanent gypsy and traveller accommodation in the Borough at this time. Furthermore the site does not lie in a sustainable location for such a use, given the nature of the lane and the distance from local facilities and transport, and thus the proposed use conflicts with the criteria set out in Policy CS10 of the Core Strategy.

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

- 7.11 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.
- 7.12 The application site comprises part of a paddock, situated in a part of Long Copse Lane which lies beyond the settlement boundary. 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.
- 7.13 Whilst the application site is screened from Long Copse Lane to some extent by the existing close boarded fencing on the southern boundary of the site, open views exist northwards from the site to the wider landscape of Southleigh Forest, Monks Farm and beyond to the South Downs National Park. The topography of the site is such that it lies at the top of a gentle rise from the landscape to the north, and thus any development on the site will be clearly discernible from these longer distance views, as well as by users of Long Copse Lane and, at closer quarters, the occupiers of the adjacent neighbouring

residential property.

- 7.14 It is considered that the proposed introduction of the two pitches and associated site requirements, over and above the existing equestrian uses which will be retained, will have a significantly harmful impact upon the character of the application site and its surroundings. The new static vans would be considerable in size (dimensions of 12.4m x 6.6m (Van 1) and 11m x 6.1m (Van 2) with a height of 4m) and exhibit an overtly residential character at odds with the rural context for the site. Furthermore, these would be supplemented by an amenity block of rendered blockwork and slate construction with a footprint of 6m x 6m and a pitched roof of 4m maximum height. Each pitch would also be provided with a gravelled area serving two parking spaces, accessed off the gravelled hardstanding serving the existing stable block, and a small area of grassed amenity space; whilst along the southern boundary of the site, immediately west of the stable block, an enclosed area would be provided to accommodate two touring caravans associated with the occupiers of the static homes and beyond that, and close to the TPO Ash tree, two further car parking spaces would be provided. With the requirement for boundary fencing between the pitches and for the hardstanding areas to be of an industry standard (as per the requirements of the CLG - Designing Gypsy and Traveller Sites Good Practice Guide 2008) and with the remaining paddock area likely to suffer from further soil compaction and loss of grass cover, the overall effect will be of a significant urbanisation of the existing site in an otherwise rural setting. This is considered to conflict with the objectives of Policies CS11 and CS16 of the Core Strategy, and also relevant criteria of Paragraph 26 of the PPTS as the development would not represent the effective use of previously developed land; would not positively enhance the environment or increase its openness; and would result in an excessive degree of hard landscaping and fencing. It is acknowledged that some new landscaping is proposed to the eastern boundary of the site - however this is unlikely to establish well due to the waterlogged clay soil conditions and is therefore unlikely to provide suitable screening of the site from the wider landscape to the north.

(iii) Impact upon residential amenity

- 7.15 As discussed above, the application site lies in a largely rural setting, with only one isolated residential property, Hollybank Cottage, adjoining the site to the west. Thus in terms of residential amenity it is only this property which is likely to be directly affected by the combined equestrian/two pitch gypsy and traveller site use applied for.
- 7.16 Hollybank Cottage is a two storey dwelling with a number of windows in its eastern elevation offering views over the application site. As such the distinct and harmful change in the character of the site described above will be fully appreciable to the occupiers of this property. At a more direct level, however, it must be acknowledged that the nearest static van would lie over 45m from the boundary with Hollybank Cottage and would be of a limited height (4m) in relation to this property. The curtilages of the static vans would also be separated from the boundary of Hollybank Cottage by the retained paddock area and area of grassland beyond. It is therefore not considered that there would be a harmful impact on Hollybank Cottage in terms of loss of privacy, overbearing impact or loss of light; nor need there be a significant loss of amenity through noise and disturbance arising from the residential occupation of the site given the separation distances and the fact that no business use is proposed in connection with the pitches.

(iv) Highway considerations

- 7.17 In considering the highway issues arising from the application it is considered that two aspects need to be taken into account - firstly the ability of the site to accommodate the parking and turning movements associated with the proposed uses; and secondly the appropriateness of the site's location in terms of the access to it from the wider highway network when having regard to the ongoing intention of the applicants to continue to travel.
- 7.18 On the first issue it is considered that the submitted site layout plan satisfactorily demonstrates that the car parking, touring van storage and turning requirements associated with the combined equestrian/gypsy and traveller pitches use of the site can be accommodated on the site without prejudicing highway safety.
- 7.19 On the second issue, Long Copse Lane exhibits a rural character in the vicinity of the site, and along its length is of limited width (4.2m-4.4m typically) with variable verge depths - in some places there are ditches alongside the carriageway, whilst towards Westbourne the boundary hedging directly adjoins the lane. Passing places are not clearly defined. The submissions made on behalf of the applicant which set out the family's travelling background reaffirms that it is their intention to continue to travel, and to that end provision is made in the application for two touring caravans to be stored within the site - which will have to be taken into and out of the site as the travelling lifestyle of the site occupiers requires. Such movements are not able to be restricted by planning condition as they would represent an unreasonable restriction on the use of the site for its intended purpose.
- 7.20 In this context the Development Engineer has reviewed the application and has advised that as the number of trips (beyond any existing lawful use of the site) can not be controlled by planning conditions it is considered that the application should be refused for the reason that the towing of small and large caravans into and out of the site along the narrow Long Copse Lane would not be appropriate and would cause further deterioration of its verge edges, surface and foundations and would exacerbate the hazards to other road users.
- 7.21 These concerns from the Development Engineer would indicate that the highways/access criteria of Policy CS10 of the Core Strategy are not met by the proposal and the development would conflict with the objectives of Policy CS20 also.

(v) Ecological considerations

- 7.22 The proposed introduction of a two-pitch gypsy and traveller site is considered to have an impact on the Solent's Chichester and Langstone Harbours Special Protection Area (SPA), as this development would increase the number of dwellings within the 5.6km zone identified as significant in potentially increasing recreational pressure on the SPA. Natural England's advice with regard to all new housing development within this zone is that it is likely to have a significant effect on the SPA. The measures of mitigation adopted by the local planning authority at the end of June 2014 requires a payment of £176 per dwelling (plus monitoring and administration fees) to the Solent Recreation Mitigation Partnership – this is to secure accordance with Policy DM24 of the Havant Borough Local Plan (Allocations) 2014.
- 7.23 The principle of securing developer contributions is set by policy CS21 of the Local Plan (Core Strategy) 2011 which states that:

Development will be permitted if on-site and/or off-site infrastructure requirements are met. Where new or improved infrastructure is essential for planning permission to be granted the council will require the on-site or off site provision and/or contributions through planning obligations, agreements or tariffs in accordance with the relevant legislation for off-site provision. The need for contributions will depend on information and advice from infrastructure providers on the expected impacts of the development on all the infrastructure types.

- 7.24 Policy DM24 of the Local Plan (Allocations) 2014 states that:
Planning permission will be granted for residential developments that avoid or mitigate a likely significant effect on the SPAs, caused by recreational disturbance through the in-combination effect of net additional dwellings. This mitigation can be provided through:
a) A financial contribution...

Where these measures cannot be provided development proposals will be refused, unless the applicant can show, subject to meeting the tests of the Habitats Regulations, that there would not be an adverse effect on the integrity of the SPAs.

- 7.25 Whilst the applicants have confirmed that they are willing to make the necessary contributions, as the proposal has been found to be unacceptable for the reasons set out above, the necessary planning obligation to secure payment has not been completed. In the absence of any binding arrangements to secure mitigation measures to offset the impacts of additional recreational pressure on the SPA, it must therefore be concluded that the scheme would be likely to lead to a significant effect on the SPA. As the development is not necessary for the management of the SPA it would not meet the provisions of the Habitats Regulations and must be refused.
- 7.26 With respect to other ecological matters, the application is supported by a Tree Survey, Arboricultural Impact Assessment and Tree Method Statement in light of the proximity of the development to TPO trees on the site. Having visited the site, the Arboriculturalist is satisfied that the development could be carried out without detriment to the health of the TPO trees, subject to a condition requiring compliance with the submitted Tree Survey, Arboricultural Impact Assessment and Tree Method Statement.

8 Conclusion

- 8.1 The application site lies outside of the built-up area in a location where new development is restricted by both the development plan and the NPPF. The form of development proposed, which incorporates the provision of a permanent two-pitch gypsy and traveller site, is not anticipated as being needed by the Allocations Plan, and it is not considered that a compelling justification has been made for this proposal which otherwise conflicts with policies set out in the development plan, NPPF and PPTS. Furthermore, the nature of the site and its poor accessibility mean that it is not a suitable location for the use proposed in terms of seeking to secure a sustainable form of development.
- 8.2 Beyond the principle of the land use, it can also be seen that the proposal would have a harmful impact on the character and appearance of the locality and the wider rural area; and the nature of the local highway network is such that Long Copse Lane is not considered a suitable location to accommodate a use which, due to the travelling

culture of any occupiers, would be likely to give rise to regular reliance on the Lane for the movement of touring caravans.

- 8.3 Whilst the internal layout of the site could secure a satisfactory arrangement for the living conditions of the occupiers and vehicles associated with the use, and could be carried out without detriment to the future health and vitality of protected trees on the site, the use of the site for residential accommodation would increase the potential for recreational pressure on the SPA, and binding arrangements are not in place to mitigate those impacts.
- 8.4 The NPPF sets out three dimensions to sustainable development: economic, social and environmental. In weighing these dimensions in relation to the current case, it is acknowledged that the achievement of a settled base in appropriate locations for the gypsy and traveller community can secure social and potentially economic benefits, as described in Paragraph 4 of the PPTS. However in this case these considerations are undermined by the inappropriate and unsustainable location of the site; the absence of clear evidence as to the applicant's needs; and the demonstrably harmful impact of the development on the environment in a number of respects. The application is therefore recommended for refusal.
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9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/16/00021 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.