

DESIGN AND ACCESS STATEMENT

IN SUPPORT OF AN APPLICATION FOR THE USE OF LAND AS A GYPSY AND TRAVELLER CARAVAN SITE

LAND AT SOUTDOWNS VIEW, LONG COPSE LANE, EMSWORTH, HAMPSHIRE

1. My name is Dr Angus Murdoch, Director of Murdoch Planning Ltd and I have been instructed as Agent by the Applicant in this matter to produce a Design and Access Statement in support of the application.

QUALIFICATIONS AND EXPERIENCE

I am a Chartered Town Planner. My qualifications include a BA with Honours (Goldsmith's College, London University, 1989), an MSc (Bristol University, 1996), a PhD (Bristol, 2000) and an MA in Town and Country Planning (University of the West of England, 2006). I am a Member of the Royal Town Planning Institute. Before setting up in private practice in August 2009, I had been employed as a Planning Advisor to Gypsies and Travellers by the Community Law Partnership solicitors for the previous 10 years where I was instructed in many planning cases for Gypsies and Travellers at local planning authority (LPA) level, on Appeal to the Secretary of State, to the High Court and Court of Appeal as well as to the House of Lords, including both *South Bucks DC v Porter* [2003] UKHL 26; [2003] 2 AC 558 and *South Bucks DC v Porter (No.2)* [2004] 1 WLR 1953. I have also been involved in training individuals as well as organisations in relation to matters relating to Gypsy and Traveller planning, including LPAs and other public bodies. I am widely published in the field, including in the *Journal of Planning and Environment Law* (2002 and 2008) and am co-author of the Planning Chapter in the lead textbook on the subject, *Gypsy and Traveller Law* (Commission for Racial Equality/Legal Action Group, 2008). I

have also been called to give evidence to the House of Commons Select Committee with respect to this area of planning law and policy.

PLANNING HISTORY

2. The Application site was granted planning permission on Appeal pursuant to reference APP/X1735/A/14/2220161 on 1st September 2014 for an extension to an existing stable block. That permission has now been implemented which means that the application site is to be considered as previously developed land [PDL] for the purposes of the Framework and Planning Policy for Traveller Sites, both of which suggest that the re-use of PDL is consistent with Government policy. The Framework defines PDL as:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings.”

Paragraph 24 of PPTS states:

“When considering applications, local planning authorities should attach weight to the following matters: effective use of previously developed (brownfield), untidy or derelict land.”

PLANNING POLICY AND NATIONAL GUIDANCE

3. By section 70(2) of the Town and Country Planning Act 1990, when dealing with an application for planning permission the LPA is required to have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations. By section 38(6) of the Planning and Compulsory Purchase Act 2004 planning determinations should be made in accordance with that Development Plan ‘*unless material considerations indicate otherwise*’.

4. The Development Plan for the purposes of s38(6) consists of the Havant Borough Council Core Strategy, Policy CS10 of which states:

The council will allocate sufficient sites in the Development Delivery (Allocations) Development Plan Document to accommodate the needs of Gypsies and Travellers and Travelling Showpeople based on the information contained in the Hampshire and Isle of Wight Gypsy and Traveller Accommodation Assessment updated as necessary and current government requirements.

Criteria for the location of such sites that are likely to be a mix of temporary and permanent sites dependant on need must take account of the following issues to ensure that:

1. There is no unacceptable adverse effect on the amenities of nearby residential and/or business uses.

By the imposition of suitable planning conditions no unacceptable effect on the amenities of nearby residences will occur. Criterion 1 is met.

2. The site has a satisfactory means of access and adequate parking provision and turning space to accommodate the occupants.

No issues in relation to the existing access was raised in the 2014 Appeal and plainly the access is suitable for the proposed use. Moreover the Appellant currently has to visit the site at least twice a day to tend his horses, vehicle movements that would cease were he to reside on the site. Criterion 2 is met.

3. The traffic from the site is not generated on a scale which is inappropriate to the locality and which is likely to cause a hazard to road safety.

Currently the site is access by horseboxes that are towed by vans/small lorries, a use that the LPA found to be suitable, which is very similar to the proposed use in caravans. Criterion 3 is met.

4. The site is capable of accessing utilities; and is located within a reasonable distance from local facilities such as schools, welfare and health services and is capable of being serviced by refuse collection and recycling services.

The site is within a reasonable distance of services and facilities and is capable of being serviced by refuse vehicles. Criterion 4 is met.

5. The site is not located in an area at high risk of flooding, does not damage the historic environment or nature conservation interests and suitable mitigation against any contamination can be carried out prior to occupation.

The site is not at risk of flooding and no other matters from Criterion 5 arise.

5. The Appellant is a Gypsy and Traveller within the meaning of Annex 1 PPTS in that he is a person of a nomadic habit of life; he is also an ethnic Romany Gypsy.

DESIGN PRINCIPLES AND CONCEPTS

6. Amount

The application concerns 2 no. pitches for Gypsies and Travellers.

7. Layout

The layout will be controlled by Condition.

8. Scale

The proposal is for 4 caravans accommodating an extended Gypsy and Traveller family.

9. Landscaping

The Applicants are agreeable to any reasonable landscaping conditions being imposed on a permission.

10. Access

Access to the site is via an existing access which affords adequate visibility for the proposed use.

11. Car parking

There will parking provision for up to 4 vehicles per pitch on the site.

CONCLUSIONS

12. As the proposal complies with the Development Plan then the application should be granted pursuant to s38(6) of the 2004 Act.

Murdoch Planning Limited

January 2015.