

**TOWN AND COUNTRY PLANNING
ACT 1990 (AS AMENDED)**

**STATEMENT OF COMMON GROUND
BETWEEN
HAVANT BOROUGH COUNCIL
AND
MR L. MADGWICK**

**SITE: Southdown View, Long Copse Lane,
Emsworth, PO10 7UR**

PROPOSAL: 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.

**Local Planning Authority Reference:
APP/18/00929**

**Planning Inspectorate Reference:
APP/X1735/W/19/3227101**

THE PLANNING HISTORY OF THE APPEAL SITE

1. The Appeal 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 had itself been granted planning permission by the LPA on 21st July 2010 for the *"change of use of land and erection of stable block with tack room, entrance gate, landscaping and associated access/groundworks."* Those permissions have now been implemented
2. On 28th February 2018 an Appeal was allowed by Inspector Felgate which authorised the *"change of use from a private equestrian yard to a mixed use comprising private equestrian yard and a single pitch private Gypsy and Traveller site, including mobile home and single touring caravan."* The 2018 DL is a material consideration and sets a baseline for the use of the site
3. This Appeal seeks to increase the number of residential caravans from one mobile home to two mobile homes. When considering the application now under Appeal the LPA's own Planning Officer recommended that permanent planning permission be granted.

PLANNING POLICY AND NATIONAL GUIDANCE

4. 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'*.
5. The Development Plan for the purposes of s38(6) consists of the Havant Borough Council Core Strategy within which there is a specific criteria based Gypsy sites policy

CS10. The RFR does not allege a breach of CS10 from which it can be reasonably deduced that it is common ground that the proposal is consistent with that policy, a matter that attracts further significant weight. CS10 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.

6. The planning application that is currently under Appeal was refused planning permission for the following reason (singular):

"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."

7. Firstly, whilst the RFR refers to *the stationing and use of additional individual caravans for residential purposes* the application in fact only relates to a single additional

residential caravan. The Landscape Officer did not object to the application under Appeal; nor did the Arboricultural or Policy Officers.

8. The site is adjacent to an identified area of land for housing development in the Emerging Havant Borough Local Plan 2036, under policy H8 - Land north of Long Copse Lane namely the development of about 260 houses

"...it must be recognised that the Local Plan Housing Statement (adopted in December 2016) and Draft Local Plan 2036 (published in January 2018) propose an area of development to the north of Long Copse Lane that will extend the settlement of Emsworth to the north and west of the application site. The identification of this neighbouring site for substantial residential development is a significant and material change since the determination of application APP/16/00021, which was originally for 2 pitches. It is considered that there is a difference in impact depending on whether a proposed site is in open countryside as opposed to being immediately adjacent to an existing built-up/urban area."

9. The LPA does not allege that the site is in an unsustainable location.

10. If the Inspector concludes that there is some conflict with the Development Plan then pursuant to the second limb of s38 (6), the other considerations include, but are not limited to, the following:

- i. The Gypsy and Traveller status of the Appellants;
- ii. the issue of need for more Gypsy and Traveller sites a) nationally b) regionally c) at county level and d) within the District,
- iii. the unavailability of suitable, available, acceptable alternative site(s);
- iv. the family's personal circumstances and needs
- v. the sustainability of the Appeal site;
- vi. the progress the Council has made in respect of its emerging Local Plan 2036;
- vii. the deficiencies with Development Plan policies with respect to Gypsy caravan sites which goes back many years;
- viii. matters of discrimination and inequality in provision
- ix. Human Rights considerations.

- 3 The impact on the amenities of conventional residential properties in the vicinity.

SIGNED (APPELLANT) [REDACTED]

SIGNED (ON BEHALF OF HAVANT BOROUGH COUNCIL) PP LEWIS OLIVER

GYPSY AND TRAVELLER STATUS

11. The Appellants and their family are Travellers in terms of Annex 1 PPTS as well as ethnic Romany Gypsies for the purposes of the Equality Act 2010.

12. Paragraph 3 PPTS states:

"The Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community."

13. Part of the traditional way of life of Travellers is living in extended family groups for mutual support. This is given effect by Article 8 of the Human Rights Act 1998, as recognised in the case of *Chapman v the UK*. This purpose of this Appeal is so that the Appellant can move back into caravans and bring his extended family back together on a Gypsy caravan site. This factor attracts great weight.

NATIONAL, LOCAL AND REGIONAL NEED

14. The Officer's Report accepts that there is an unmet need for one further pitch. The Appellant considers that need is far in excess of that.

MATTERS STILL IN DISPUTE:

- 1 The impact the development would have on the landscape character of the area.
- 2 The site being referred to as previously developed land.