

Report to **Planning Committee**

Date **14 December 2017**

By **Director of Planning**

Local Authority **East Hampshire District Council**

Application Number **SDNP/17/00873/CND & SDNP/17/01406/FUL**

Applicant **Ms Penny Amer**

Application **Application SDNP/17/00873/CND: Variation of conditions 1 and 2 of SDNP/13/04731/CND to make the temporary permission permanent and;**  
**Application SDNP/17/01406/FUL: The construction of a utility dayroom.**

Address **Mobile Home, 1 Half Acre, Hawkley Road, Liss, Hampshire, GU33 6JS**

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**Recommendation:**

- 1) **That planning permission be granted for application reference SDNP/17/00873/CND subject to the conditions set out in Paragraph 10.1 of this report, and;**
- 2) **That planning permission be granted for application reference SDNP/17/01406/FUL subject to the conditions set out in Paragraph 10.2 of this report.**

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**Executive Summary**

The application site currently has temporary planning permission (ref: SDNP/13/04731/CND) for a caravan site (for 5 caravans comprising of 2 static caravans and 3 tourers), for two Gypsy and Traveller families until January 2019. The extant permission is a personal permission to allow the Burrows family to reside at the site on a temporary basis due to the exceptional personal circumstances of the family and the lack of any alternative provision or an up to date five year supply of deliverable sites at the time of granting permission.

Since the initial grant of temporary planning permission in 2007, two further temporary permissions (including the temporary permission under aforementioned permission SDNP/13/04731/CND) have been granted for the same exceptional reasons pending the allocation of traveller sites by the SDNPA via the emerging Pre-Submission Local Plan, due for adoption in 2018. Following the sale of the site to the applicant, EHDC acting on behalf of the SDNPA obtained an injunction in the High Court on 11 June, 2015. This forbids the land from being used for residential purposes by anyone else except those permitted through the extant planning permission. The injunction also prohibits any development of the land without the express grant of planning permission.

The landowner (applicant), Ms Amer, is a close friend of the Burrows family, who currently lives with her own family on a site at Headley Down, Hampshire. However, given the on-going personal circumstances of the Burrows family, the current applications have been submitted by the applicant

to allow them to continue to reside on the site on a permanent basis. The variation of condition application seeks permission for a total of two households, which would result in the provision of 2no. mobile homes on two permanent pitches. The concurrent application for the construction of a utility dayroom would be ancillary to the use of the land as a Gypsy and Traveller site, which would help to support the increasing health needs of Mrs Susan Burrows and Ann Burrows (the daughter of Susan Burrows).

It has previously been established by an appeal Inspector in 2007 that the development and use of the site causes visual harm to the South Downs National Park, contrary to the first Purpose of a National Park to conserve and enhance the natural beauty of the landscape and the countryside. The concerns about the risks to highway safety were also a matter of significant weight for the Inspector. However, having visited the site and notwithstanding the Inspector's decision, Officers are of the view that the development would have a very limited and localised effect on the landscape character and the Highway Authority have not objected to the current proposals.

The site in question is put forward as an allocation for a permanent Gypsy and Traveller site within the emerging South Downs Local Plan: Pre-Submission version. However, only some weight can be placed on this fact at this stage in line with Paragraph 216 of the National Planning Policy Framework (2012), however the recently adopted East Hampshire Core Strategy (2014) should be afforded greater weight, particularly in light of its relatively recent adoption.

In this respect, the site is located in the countryside. The visual harm and highway safety concerns previously raised by the Inspector have to be balanced against the accommodation needs of the Burrows family, the health and medical needs of some of the occupiers, particularly Mrs Burrows whose health has deteriorated considerably, the educational needs of the children and the lack of any alternative site provision or an up to date five-year supply of deliverable sites.

Having due regard to all material considerations, a personal permission is recommended for two pitches and the erection of a detached utility dayroom.

### **I. Site Description**

- I.1 Half Acre lies on the eastern side of Hawkley Road, Liss, within a fairly flat open field that is sited to the north-east of Prouts Farm. Prouts Farm is a residential property located on the opposite side of Hawkley Road. The surrounding land consists mainly of fairly flat open countryside. The site lies between Liss to the east and Hawkley to the west.
- I.2 The site abuts woodland to the north and is screened by dense hedging/trees along much of Hawkley Road along the western boundary. To the east lies an open field/grass paddock and to the south is a converted farm building used as offices. Immediately to the north of the site there is also a public right of way (PRoW) that is used as a byway. The byway connects with Hawkley Road and runs in an easterly direction parallel with the northern site boundary.
- I.3 The site is well screened from Hawkley Road to the west and the site entrance is very discrete. However, it is possible to have views into the site from the byway to the north, despite the presence of mature trees and hedgerows. Development within the site is sited close to the northern boundary, which does detract locally from the character and amenity of the byway. Development close to this boundary includes a mobile home, a stable building and fencing. Longer distance views are possible from the PRoW to the east, which is sited approximately 280 metres away. However, some planting has been undertaken along the eastern site boundary, which does provide some visual containment at present.
- I.4 The site is accessed from Hawkley Road. The internal access road runs in a north-westerly direction, which bends round to the east to lead into the northern part of the site, which currently contains 2no. mobile homes and a caravan in a yard area. The yard area is screened by 1.8 - 2m close boarded wooden fencing, which also contains a timber framed shed/stable building along the northern boundary.
- I.5 The land immediately to the south of the yard area and to the east of the internal access road, which is also within the applicant's ownership, is currently used as a paddock area.
- I.6 Surface water mapping indicates a concentrated flow pathway towards the site along Hawkley Road from the north-west.

1.7 Farewell Hanger is sited approximately 360 metres to the north-west of the site, which is designated Ancient Woodland, a Site of Importance for Nature Conservation (SINC) a Special Area of Conservation (SAC) and a Site of Special Scientific Interest (SSSI).

**2. Relevant Planning History**

2.1 20245/016: Enforcement notice for the erection of 2 bay field shelter without the benefit of planning permission. The appeal was dismissed on 12.02.1998.

2.2 20245/023: Retrospective change of use of land from agricultural land to a private gypsy site for two families, the creation of a new access and associated hardstanding. Planning permission was refused. The appeal was allowed on 03.07.2007, resulting in a temporary planning permission being granted for three years.

2.3 20245/024: Enforcement notices required the cessation of the residential use and the removal of the caravans, hard surface areas/tracks and the formation of a new access. The appeals were allowed on 03.07.2007, resulting in a temporary planning permission being granted for three years.

2.4 20245/027: Retention of wooden stables and tack room. Temporary permission was granted on 01.10.2008.

2.5 20245/029: Variation of condition 1 and 2 on permission 20245/023 to retain the use of the land as a gypsy caravan site for two families on a permanent basis, retention of vehicular access and associated hardstanding. Temporary planning permission was granted on 12.10.2010 for three years.

2.6 SDNP/13/04731/CND: Variation of conditions 1, 2 and 3 of 20245/029 to retain the site on a permanent basis for two additional families and increase the number of caravans on site from 4 to 5 to include one additional caravan (as amended by letter dated 15.11.2013). Temporary planning permission was granted on 06.02.2014 for five years.

2.7 SDNP/13/04733/CND: Variation/removal of condition 1 to 20245/031 relating to the stable block to renew the permission for a further temporary period or to make it permanent. Temporary planning permission was granted on 06.02.2014 for five years.

2.8 SDNP/16/02380/CND: Variation of conditions 1, 2 and 3 of application SDNP/13/04731/CND to change some of the named occupiers and to reduce the number of caravans from 5 to 4. Planning permission was refused on 17.10.2016 for the following reasons:

- The site is located in open countryside and falls within the South Downs National Park. The existing use of the land as a travellers' site has been found to be severely intrusive in the landscape, which is significantly detrimental to and out of keeping with this rural area. Temporary planning permissions have only been granted for the use of the land as a travellers' site due to the exceptional personal circumstances of the occupiers covered by the existing conditions, pending the allocation of such sites via the South Downs Local Plan. Such circumstances are not considered to be present with the current proposal and to permit the family, to occupy the site without sound justification, would be seen to endorse and perpetuate the adverse impact this significantly harmful development has on this sensitive rural location. The development would be contrary to policies CPI, CPI5, CPI9, CP20 and CP29 of the East Hampshire District Local Plan: Joint Core Strategy, the National Planning Policy Framework when read as a whole and the first statutory purpose of National Park.
- From the information available it cannot be shown that the occupiers of the land travel for economic purposes and therefore they fail the definition of Gypsies and Travellers as defined in Government Planning Policy for Travellers 2015. The development would be contrary to policy CPI5, CPI9, C20 and CP29 of the East Hampshire District Local Plan: Joint Core Strategy, the Planning Policy for Travellers 2015, the National Planning Policy Framework when read as a whole and the first statutory purpose of National Park.

- 2.9 SDNP/16/03758/FUL: Construction of utility dayroom. Planning permission was refused on 25.10.2016 for the following reason:

The site is located in open countryside and falls within the South Downs National Park. The proposal would be significantly harmful and intrusive to the character and appearance of this sensitive rural location, for which no overriding justification has been provided, contrary to adopted policies CPI, CPI5, CPI9, CP20 and CP29 in the East Hampshire District Local Plan: Joint Core Strategy, the NPPF and the first statutory purpose of National Parks.

- 2.10 It is also important to note that following the sale of the land to the applicant, EHDC acting on behalf of the SDNPA obtained an injunction in the High Court on 11.06.2015. This forbids the land from being used for residential purposes by anyone else except those permitted through the extant planning permission. The injunction also prohibits any development of the land without the express grant of planning permission.
- 2.11 The application site currently has temporary permission (ref: SDNP/13/04731/CND) for a caravan site (for 5 caravans comprising of 2 static caravans and 3 tourers), for two Gypsy and Traveller families until January 2019.

### **3. Proposal**

- 3.1 Under application reference SDNP/17/00873/CND the applicant seeks to vary conditions 1 and 2 of application SDNP/13/04731/CND, which is currently extant, to make the temporary planning permission permanent.
- 3.2 The landowner, Ms Amer, who is not related to the Burrows family but is a close friend, has applied to vary the aforementioned conditions to allow the Burrows family to continue to reside on the site on a permanent basis. The application seeks permission for the following two households:
- Michael and Susan Burrows, their son Michael (aged 13) and their adult daughter Ann. Susan and Ann both suffer from medical problems.
  - Joseph Burrows (son of Michael and Susan Burrows), his partner Kelly Branford and their two school aged children.
- 3.3 Mr Alan Burrows (brother of Michael Burrows) and John Burrows (son of Michael and Susan Burrows) who were given permission to temporarily occupy the site alongside Michael Burrows under application ref: SDNP/13/04731/CND have since vacated the site.
- 3.4 The variation of condition application would result in the provision of 2no. mobile homes on two permanent pitches and a detached utility dayroom under a separate application, which will be referred to in more detail below. If planning permission is granted for a permanent use of the site the 2no. existing mobile homes on the site would be replaced with new mobile homes.
- 3.5 Condition 1 of application reference SDNP/13/04731/CND stipulates:

The occupation of the site hereby permitted shall be carried on only by Mr Michael Burrows, Mrs Susan Burrows, Mr Alan Burrows, Mrs Sharlyn Burrows, Mr John Burrows, Ms Tina Mason, Joseph Burrows, Ms Kelly Branford and their resident dependants, and shall be for a limited period being the period of five years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter.

Reason: The application was granted due to the specific circumstances of the applicant and his and his brother's family.

- 3.6 Condition 2 of application reference SDNP/13/04731/CND stipulates:

When the premises cease to be occupied by Mr Michael Burrows, Mrs Susan Burrows, Mr Alan Burrows, Mrs Sharlyn Burrows, Mr John Burrows, Ms Tina Mason, Joseph Burrows, Ms Kelly Branford and their resident dependants, or at the end of 5 years, whichever shall first occur, the use hereby permitted shall cease, all caravans, vehicles, materials and equipment brought on to the premises in connection with the use shall be removed and the land restored to its former condition.

Reason: A temporary permission has been granted under the provisions of the Planning Policy for Traveller Sites March 2015 and to ensure that the site is properly restored to its former condition at the expiry of the permission.

- 3.7 Following the vacation of the site by Mr Alan Burrows and his family in 2015 and its sale to the applicant, EHDC acting on behalf of the SDNPA obtained an injunction in the High Court on 11 June 2015. This forbids the land from being used for residential purposes by anyone else except those permitted through the extant planning permission. The injunction also prohibits any development of the land without the express grant of planning permission. One of the reasons this was sought was because there were legitimate concerns that the site would be occupied, other than that provided for by the conditions of extant planning permission reference SDNP/13/04731/CND.
- 3.8 This is because when temporary planning permission was initially granted at appeal in 2007, the Inspector concurred with the Local Planning Authority's (LPA) view that the development was "...severely intrusive in the local landscape", which fell within an Area of Outstanding National Beauty (now the SDNP). The concerns about the risks to highway safety were also a matter of significant weight. However, in allowing the appeal the Inspector balanced these material considerations against the applicants' and their families' accommodation needs, the health of the occupiers and of one child in particular, the educational needs of the children and the lack of any alternative site provision or an up-to-date five year supply of deliverable sites. Since the initial grant of temporary planning permission, two further temporary permissions have been granted for the same exceptional reasons pending the allocation of traveller sites by the SDNPA via the emerging Pre-Submission Local Plan, due for adoption in 2018.
- 3.9 From information provided, the applicant and her partner and some of their children currently occupy a Travellers' site elsewhere. It must be noted however that this application is for the continued use of the site by those persons named above (excluding Alan Burrows and his wife, John Burrows and his partner and their respective dependants, who have vacated the site), and not the applicant.
- 3.10 Planning application reference SDNP/17/01406/FUL for the construction of a utility dayroom is linked to the current variation of condition application to help support the increasing health needs of Susan and Ann Burrows. The utility dayroom would be ancillary to the use of the land as a Gypsy and Traveller site.
- 3.11 The application is for the erection of an 'L' shaped single-storey building measuring 12 metres wide, 5 metres deep and 4 metres high to the ridge. The proposal would incorporate two separate day rooms, with each incorporating a kitchen and wet room. There would also be a covered storage/boot room, with access to this area from both day rooms.
- 3.12 There is an existing stable block on the land along the northern site boundary. This also has temporary planning permission until 2019 for the storage of horses.
- 3.13 To summarise, the principle differences between the current applications and those refused in 2016 to make the temporary planning permission permanent and for the provision of a utility day room are as follows:
- The current variation of condition application is solely for the benefit of the Burrow's family whereas the previous variation of condition application also concerned Ms Amer and Mr Searle. Four caravans were applied for under the previous variation of condition application (no more than two of which would be mobile homes/static caravans) and a utility day room. The current proposal is for two caravans (two mobile homes) and a utility day room.
  - The medical needs of Mrs Burrows have deteriorated considerably. She is a chronically ill woman and needs her family around to provide for her care needs;
  - The most recent Travellers Accommodation Assessment for Hampshire (2013) shows that there is a current need for 11 pitches within the East Hampshire part of the South Downs National Park;

- The application site is a draft allocation in the emerging South Downs Local Plan: Pre-Submission version. If all of the sites within the Pre-Submission version of the emerging Local Plan are ultimately allocated, this would only provide 8 permanent pitches within the East Hampshire part of the South Downs National Park and would therefore not meet the need of 11 (as currently identified);
- Evidence now demonstrates that there are no suitable alternative sites for the Burrows family to relocate to;
- The Burrows family have been resident on the site for over 10 years, relying heavily on local medical and educational facilities.

#### 4. Consultations

##### 4.1 **Hawkey Parish Council:** Objection to variation of condition application as well as concurrent application for a utility **dayroom** building.

- The Landscape Design Statement is a duplicate of the material submitted in March 2016 in support of the application for a utility day room (SDNP/16/03758/FUL), for which permission was refused.
- There is no supporting narrative explaining why the applicant (Ms Penny Amer) thinks the application is a reasonable proposition.
- Concerns that Ms Amer intends to build an 'eco home' on the site.
- The site is located in open countryside and falls within the South Downs National Park. The existing use of the land as a Traveller site has been found to be severely intrusive in the landscape and significantly detrimental to and out of keeping with this rural area.
- Original permission in 2007 was granted by the Inspector as personal to the Burrows family specific to the special circumstances of the family. The Inspector concluded that the onus must rest with the Burrows family to make the necessary long term arrangements to deal with this problem and given the strong objections to the development the site should revert to the former use at the end of this period. No evident actions have been taken other than to extend the period of the permission to occupy the site and to transfer ownership of the land to Ms Amer.
- The needs of the family to reside at the site have become far less compelling.
- For any Traveller to seek personal permission to occupy a site permanently is an admission that they intend to occupy the site permanently.
- To permit the family to occupy the site permanently would endorse and perpetuate the adverse impact the development has on the sensitive rural location. The Inspector found that landscaping would not provide any overriding benefit.
- To allow this application would prejudge the outcome of the site allocation process presently being conducted via the emerging South Downs Local Plan, which should be allowed to run its full course.
- On the evidence available, there is only one family living on the site. When the SDNPA last considered the proposed Utility Day Room it concluded that there is no requirement for a utility building to provide facilities for two families or for a structure of this size. It was concluded that the proposal, due to its size and scale, for which no proven need had been shown, would introduce an intrusive feature to the detriment of the character and appearance of this sensitive rural location. The Parish Council agrees with these comments and continues to object to the proposed utility room.

##### 4.2 **Highways:** No objection to either of the submitted applications. No conditions recommended.

- SDNP/17/00873/CND: The Highway Authority previously responded to application SDNP/13/04731/CND raising no objections on the 8th January 2014.
- SDNP/17/01406/FUL: The utility building itself would not create off site vehicle movements and therefore would not generate additional trips on the local highway network.

##### 4.3 **Rights of Way:** No comments received.

- 4.4 **Flood and Water Management:** No comments due to the small scale of the development.
- 4.5 **Ecology:** No comments to make for application reference SDNP/17/00873/CND. For application reference SDNP/17/01406/FUL the Ecology Officer has advised that no areas of existing vegetation likely to be of ecological value would be removed.
- 4.6 **Gypsy Liaison Officer:** Comments.
- With regards to the family resident on the land at Half Acre, I have been dealing with the Burrows family for some time now with respect to various planning applications that have been submitted over the years.
  - From previous enquiries I can verify that both Mr Michael Burrows and his wife Mrs Susan Burrows are of Romany Gypsy ethnicity. During my last visit on the 2<sup>nd</sup> August 2016 I established that Mrs Burrows is very much wheel chair bound and finds it very difficult to use the toilet and kitchen facilities in the mobile home they currently occupy.
  - In addition, their daughter is seriously disabled.
  - It is in my opinion that any provision of a utility/dayroom on site would be of great benefit to Mrs Burrows and her daughter from an access and usability perspective due to their current physical ailments and medical requirements.
  - The Gypsy Liaison Officer at Surrey County Council has also confirmed that he has known the applicant (Penny Amer) for the last nineteen years and she is of Romany Gypsy ethnicity. Her family are well known in the local area.
- 4.7 **Environmental Health:** Comments.
- In accordance with Caravan Sites Licensing, spacing between caravans and buildings should be a minimum of 6m and spacing between caravans and boundaries should be a minimum of 3m.
- 4.8 **Environmental Health Pollution:** No objection.
- SDNP/17/00873/CND: No comments.
  - SDNP/17/01406/FUL: No objections on noise and nuisance issues but a condition relating to details of any external lighting may be appropriate. The electrical supply should also be conditioned to control potential noise from generators.
- 4.9 **Drainage:** No objection.
- SDNP/17/00873/CND: No comments.
  - SDNP/17/01406/FUL: No objections in principle subject to satisfactory drainage systems for both foul and surface water to be covered by condition. Details will be required showing a detailed drainage layout, drainage calculations and site percolation test to BRE 365.
- 4.10 **Landscape:** No objection to either of the submitted applications subject to conditions.
- 4.11 **Planning Policy:** Comments.
- In the Hampshire area of the National Park there are currently 4 Gypsy and Traveller sites, one of which is Half Acre near Hawkley. The site has temporary permission to 2019.
  - The most recent Travellers Accommodation Assessment for Hampshire (2013) identifies a need for 11 pitches within the Hampshire area of the National Park in the period to 2027. Included in this calculation is a level of need generated by residents on temporary sites such as Half Acre.
  - If the draft allocation sites for Gypsy and Traveller sites within the emerging South Downs Local Plan: Pre Submission version are all allocated, this would only provide 8 pitches and would not meet the need of 11.
- 4.12 **Natural England:** Comments.
- SDNP/17/00873/CND: No comments.

- SDNP/17/01406/FUL: Natural England has not assessed this application for impacts on protected species. LPA's should obtain specialist ecological or other environmental advice when determining the ecological impacts of development.

## 5. Representations

5.1 19 letters of objection have been received for application reference SDNP/17/00873/CND (variation of conditions) and 1 letter of objection has been received for application reference SDNP/17/01406/FUL (utility dayroom).

- The Burrows family were only given temporary permission due to their individual circumstances at the time (on humanitarian grounds, largely due to the needs of a particular child). Such circumstances are not considered to be present with the current proposal and the child is now an adult. The medical circumstances no longer apply.
- To permit the family to occupy the site without sound justification would perpetuate the adverse impact this development has on the sensitive rural location.
- The site is located in open countryside. The appeal Inspector found the use of the land to be significantly detrimental and out of keeping with this rural area. The site is currently an eyesore.
- There is no compelling case for the proposed utility dayroom. There is only one family living there at present. The utility dayroom would introduce an intrusive addition in the landscape. It is not clear why the dayrooms are required and would result in new residential development in the countryside.
- The site was unlawfully occupied and there is no reason for permanency.
- There is no evidence of the travelling nature of this family.
- The importation of rubble into this green field will have disturbed the PH of the soil and could be damaging to the surrounding area.
- Concerns about using the adjacent public right of way for fear of being attacked by their dogs.

## 6. Planning Policy Context

6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory development plan comprises the **East Hampshire District Local Plan: Joint Core Strategy 2014** and the saved policies of the **East Hampshire District Local Plan: Second Review 2006**. The relevant policies are set out in section 7 below.

### National Park Purposes

6.2 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social wellbeing of the local community in pursuit of these purposes.

### National Planning Policy Framework and Circular 2010

6.3 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.



The South Downs Partnership Management Plan (PMP) 2013

- 6.4 The PMP outlines a vision and long term outcomes for the National Park, as well as 5 year policies and a continually updated Delivery Framework. It is a material consideration in the determination of the application. The following policies are relevant: 1, 3, 5 and 28.
- 6.5 The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with it.

Other relevant guidance:

- Planning Policy for Traveller Sites (2015)
- Gypsy, Traveller and Travelling Showpeople Background Paper (2016)
- Travellers Accommodation Assessment for Hampshire (2013)
- Site Identification and Assessment Study undertaken on behalf of East Hampshire District, Winchester City Council and the South Downs National Park Authority (published 2016)
- European Convention on Human Rights as incorporated by the Human Rights Act 1998.
- Best Practice Guidance: Designing Gypsy and Traveller Sites (2008). This document was withdrawn by the Government in 2015. The guidance was not planning policy and was used for guidance purposes only. Therefore, this document is still useful guidance for the design of Gypsy and Traveller sites.

**7. Planning Policy**

- 7.1 The relevant policies in the **East Hampshire District Local Plan: Joint Core Strategy (JCS) 2014** are:

- CPI – Presumption in favour of sustainable development
- CP15 – Gypsies, Travellers and Travelling Showpeople
- CP19 – Development in the countryside
- CP20 – Landscape
- CP21 – Biodiversity
- CP25 – Flood Risk
- CP27 – Pollution
- CP29 – Design
- CP31 – Transport

- 7.2 The relevant saved policies in the **East Hampshire District Local Plan: Second Review 2006** are:

- T2 – Public Transport Provision and Improvement

The South Downs Local Plan: Preferred Options

- 7.3 The South Downs Local Plan: Pre-Submission Local Plan was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 26 September to 21 November 2017. After this period, the next stage in the plan preparation will be the submission of the Local Plan for independent examination and thereafter adoption. Until this time, the Pre-Submission Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication unless other material considerations indicate otherwise. Based on the current stage of preparation, along with the fact that the policies are compliant with the NPPF, the policies within the Pre-Submission Local Plan referenced below are currently afforded some weight, albeit in the case of this allocation, the site in question has not been subject to the completion of the full consultation process yet and the site is the subject of concern. Greater weight is afforded to the adopted EHDC JCS (2014). The context in relation to this application is explored in more detail in section 8 of the report.

7.4 The relevant planning policies of the emerging SDNP Local Plan are:

- SD1: Sustainable Development
- SD2: Ecosystem Services
- SD4: Landscape Character
- SD5: Design
- SD8: Dark Night Skies
- SD9: Biodiversity and Geodiversity
- SD11: Trees, Woodland and Hedgerows
- SD19: Transport and Accessibility
- SD33: Gypsies and Travellers and Travelling Showpeople
- SD50: Sustainable Drainage Systems
- SD54: Pollution and Air Quality
- SD75: Allocation Policy – Half Acre, Hawkley

## 8. Planning Assessment

8.1 The main issues for consideration with regard to these applications are as follows:

- The principle of development, planning policy for Traveller sites, the suitability of the site and availability of alternative sites
- Landscape and visual impact on the National Park
- Highways
- Ecology
- Surface water and drainage
- Impact on the amenity of neighbouring properties
- The principle of development, the need for Gypsy pitches and compliance with policy, Gypsy status and needs of the Burrows family, the suitability of the site and Human Rights

### Principle of development

- 8.2 The application site is located within the countryside outside any defined settlement area. Current policy CPI9 of the JCS (2014) operates a general restraint on certain types of development outside the settlement policy boundaries unless there is a genuine and proven need for a countryside location. Policy C of the Government's Planning Policy for Traveller Sites (PPTS) (2015) stipulates that when assessing the suitability of sites in rural or semi-rural settings, LPA's should ensure that the scale of such sites does not dominate the nearest settled community.
- 8.3 Gypsy and Traveller sites are sometimes located within countryside locations and therefore, may need to be considered to be an exception to the general restraint imposed on certain types of development located outside of settlement policy boundaries, subject to other considerations which are set out below.
- 8.4 The NPPF (2012) is a material consideration in the determination of this application. Paragraph 215 makes clear that decision makers may continue to give full weight to relevant policies adopted since 2004 according to their degree of consistency with the NPPF. In this instance, the East Hampshire District Local Plan: Joint Core Strategy (2014) was adopted following the adoption of the NPPF in 2012 and therefore, the JCS should be afforded significant weight.
- 8.5 The emerging South Downs Local Plan: Pre-Submission version was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 for public consultation between 26th September to 21st November 2017, which has now ended. After this period, the next stage in the plan preparation will be the submission of the Local Plan for independent examination and thereafter adoption.
- 8.6 Given that the Regulation 19 consultation ended only recently, it is considered that only limited weight can be placed on its policies at this stage. This includes proposed Policy SD75, which allocates the site which is the subject of this planning application for 3 permanent Gypsy and Traveller pitches.

- 8.7 The limited weight is reinforced when the second and third bullet points of NPPF paragraph 216 are considered. The extent of unresolved objections will not be known until the feedback from the recently completed Regulation 19 consultation is reviewed and the degree of consistency of the relevant policies in the emerging Local Plan to the policies in the NPPF is, essentially, a question to be resolved at the Examination stage when the Inspector will evaluate the 'soundness' of the Submission Plan in line with NPPF paragraph 182.

The need for Gypsy pitches and compliance with policy

- 8.8 The PPTS (2015), which accompanies the NPPF (2012), sets out the Government's Guidance for the provision of Gypsy and Traveller sites. This document replaces the original 2012 version, which has revised the definition of Gypsy and Travellers and Travelling Showpeople, which will be referred to in more detail below. The PPTS (2015) is a material consideration in the determination of this application.
- 8.9 The overarching aim of this policy document is to ensure fair and equal treatment for Gypsies and Travellers, in a way that facilitates the traditional and nomadic life of Travellers whilst respecting the interests of the settled community.
- 8.10 The NPPF (2012) emphasises that LPA's should have a clear understanding of their housing needs, including provision for Gypsies and Travellers. Current policy CPI5 of the JCS (2014) is considered to be consistent with this aim.
- 8.11 The most recent Gypsy, Traveller and Travelling Showpeople Accommodation Needs Assessment (GTAA) for the East Hampshire area identifies a need for 11 pitches within the South Downs National Park part of East Hampshire in the period to 2027. Included in this calculation is a level of need generated by residents on temporary sites such as Half Acre. The most recently completed GTAA (2017) has not yet been published but Officers are of the understanding that a need for 11 pitches remains in the East Hampshire area.
- 8.12 In 2016 a site identification and assessment study was undertaken on behalf of East Hampshire District, Winchester City Council and the South Downs National Park Authority, as part of a wider piece of work looking at the potential for sites across the National Park. All possible sources of sites were considered and assessed. For the Hampshire part of the National Park three sites were considered to have potential, which were Fern Farm, Greatham; Half Acre, Hawkley and New Barn Stables, Binsted. These have been included as allocated sites in the emerging South Downs Local Plan: Pre-Submission version. However, even if all of these sites are allocated when the emerging Local Plan is adopted, this would only provide 8no. pitches and therefore the current need of 11no. pitches would not be met.
- 8.13 Furthermore, until the adoption of the emerging South Downs Local Plan: Pre-Submission version, which includes a number of allocations for Gypsy and Traveller sites, there is not a 5 year supply of deliverable sites within the Hampshire part of the National Park.

Gypsy status and needs of the Burrows family

- 8.14 The PPTS (2015) provides a revised definition for Gypsies and Travellers since the original 2012 version, which states that 'persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such'.
- 8.15 The Gypsy Liaison Officer at HCC has previously established that Mr Michael Burrows and his wife Mrs Susan Burrows are of Romany Gypsy ethnicity, which has been confirmed once more under the current applications. However, it is now questionable as to whether Mrs Susan Burrows and Ann Burrows (daughter) would fall within the current definition of a Gypsy and Traveller given that they have ceased to travel permanently.
- 8.16 Notwithstanding this, supporting information has been provided to confirm that other family members within the Burrows family, including Mr Michael Burrows, the son Joseph and his partner Kelly, do travel for work for approximately six months of the year.

- 8.17 Policy H of the PPTS (2015) outlines that LPA's should consider the following issues amongst other relevant matters when considering planning applications for Traveller sites:
- The existing level of local provision and need for sites;
  - The availability (or lack) of alternative accommodation;
  - Other personal circumstances;
  - That the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites;
  - That they should determine applications for sites from any Travellers and not just those with local connections.
- 8.18 There is no guidance provided by Government on the definition of living a 'nomadic habit of life' and therefore it is up to the LPA's to establish which pitches/sites have people living a nomadic life and what reasons the occupiers of each pitch/site may have for ceasing to travel.
- 8.19 In this case, confidential medical information has been provided to demonstrate that both Mrs Susan Burrows and Ann Burrows have significant health needs, which would prevent them from travelling in the future and therefore the personal circumstances of the aforementioned members of the Burrows family would necessitate a settled base. The educational needs of the school aged children would also be a material consideration, whereby a permanent base would give some guarantee of continuity of education for these children.
- 8.20 To summarise, the material factors identified, which need to be balanced against the current need for Gypsy and Traveller pitches in East Hampshire are:
- Information provided on significant health issues of certain members of the Burrows family, particularly Mrs Burrow's who's health has deteriorated considerably.
  - A settled base with a utility dayroom would provide continuity to health care and schooling and would aid Mrs Burrows and her daughter from an access and usability perspective due to their current physical ailments and medical requirements.
  - There is no alternative site that any of the family members may currently relocate to.
- 8.21 Three temporary permissions have now been granted on the site since 2007 due to the Burrows family's exceptional personal circumstances, which are still a consideration, particularly in the case of Mrs Burrows, whose medical needs have deteriorated considerably. As such, Officers consider that the individual needs and circumstances of Mrs Susan Burrows and Ann Burrows are a material consideration in the determination of this application.
- The suitability of the site
- 8.22 As a general guide, an average family pitch must be capable of accommodating an amenity building, a large trailer and touring caravan (or two trailers, drying space for clothes, a lockable shed for wheelchair storage, bikes etc), parking space for two vehicles and a small garden area. Smaller pitches must be able to accommodate at least an amenity building, a large trailer, drying space for clothes and parking for at least one vehicle.
- 8.23 It is essential for an amenity building to be provided on each pitch, which must include, as a minimum, a hot and cold water supply, an electricity supply, a separate toilet and hand wash basin, a bath/shower room, a kitchen and dining area. The amenity building must also include secure storage space. The inclusion of a day/living room in the amenity building for family meals is recommended.
- 8.24 In this case the proposal would incorporate the replacement of the 2no. existing mobile homes with 2no. new mobile homes and the provision of a utility dayroom capable of being used by two families. As advised earlier in this report, given the site constraints and the need to incorporate sufficient space for parking, the touring caravans would be stored off-site when the family members are not travelling for work.

- 8.25 The proposed layout indicates a generally reasonable site design with the 2no. mobile homes being sited along opposite site boundaries with the utility dayroom intervening. The spacing between the mobile homes and amenity building would however be less than 6 metres whilst the spacing between the mobile homes and boundaries would be less than 3 metres along some elevations, contrary to the Caravan Sites Licensing Act. Notwithstanding this, if this is an issue in the event the applications are granted planning permission, this would be dealt with under separate licensing legislation. Additionally, the planning approval need not fix the exact positions of the mobile homes, provided that they remain within the red line.
- 8.26 In this instance, fencing has not been proposed between the two individual pitches and the amenity building appears to be more of a communal building, which could be a problem if unrelated members of the Travelling community were to apply to reside on the site alongside the Burrows family in the future. However, given the site constraints, the addition of a third pitch may make the site unusable when factoring in the space needed for a third mobile home in addition to additional parking and room for manoeuvring.
- 8.27 Policy CPI5 of the JCS (2014) does stipulate that planning permission for permanent Gypsy and Traveller sites will only be granted planning permission if certain criteria can be met, including access to schools, medical services and other community facilities.
- 8.28 As previously established under the earlier temporary permissions on the site, the site is not considered to be in a sustainable location. However, whilst it was accepted by the Inspector that 'the site is in a relatively isolated place, a good distance from facilities in Liss, and the village of Hawley', the Inspector went on to state '...sustainability should not only be considered in terms of transport and distances from services, but also the provision of a settled base that reduces the need for long-distance travelling, the possible environmental damage caused by unauthorised encampment, and the benefits from access to health services and education'.
- 8.29 In this case, the proposed development would offer the Burrows family a settled base in line with the factors identified by the Inspector.

#### Human Rights

- 8.30 Human Rights form a material consideration in planning applications such as this, particularly under Article 8 of the European Convention on Human Rights as incorporated by the Human Rights Act 1998. LPA's have an obligation to facilitate a Gypsy way of life.
- 8.31 It is considered that the proposed development would not infringe these rights of the applicant, the current occupiers of the land or neighbouring residents to the development.
- 8.32 Article 14 is also applicable and has been considered in the assessment of these applications.
- 8.33 The assessment of this application has been carried out without prejudice or discrimination and it is not considered that the proposals would interfere with Human Rights.

#### Landscape and visual impact on the National Park

- 8.34 When the site was originally granted temporary planning permission in 2007 it was located in the East Hampshire Area of Outstanding Natural Beauty (AONB). This designation no longer exists and the site now falls within the South Downs National Park.
- 8.35 The site was formerly an open field. A hard-surfaced residential compound has now been formed, which is surrounded by 1.8 – 2 metre close boarded fencing, which has been established in the northern corner of the field. The rest of the land (excluding the internal access road) is a paddock.
- 8.36 Regarding the impact on this sensitive rural location, the Inspector in granting temporary planning permission in 2007 found 'the impact of this use, incorporating the development of the compound, the siting of the caravans, and the partial enclosure by high fencing, is, to my mind, severely intrusive in the local landscape'.
- 8.37 The Inspector also found '...that there is serious harm to the AONB, contrary to the purpose of the national and local policies to conserve the natural beauty of the landscape

and the countryside' and '...the presence of the site is harmful, and I do not see that landscaping would provide any overriding benefit'.

- 8.38 This was still considered to be the position of the LPA's for application references 20245/029 (in 2010) and SDNP/13/04731/CND (in 2014), when two further temporary permissions were granted for the same exceptional reasons pending the allocation of Traveller sites by the SDNPA.
- 8.39 That said, a balance has to be struck between the adverse impact the development has on this sensitive rural location against the need to provide such development, which has been considered above under the development principle section of this report.
- 8.40 The scale of the proposed development, in terms of the number of caravans and vehicles that would be present on site, and the visibility of the site within the landscape and the degree of mitigation which screening might achieve, are all relevant in assessing landscape impact.
- 8.41 Subsequent to the last temporary permission granted on the site, a site identification and assessment study was undertaken in 2016 on behalf of East Hampshire District, Winchester City Council and the South Downs National Park Authority, as part of a wider piece of work looking at potential for sites across the National Park to gather information and evidence which form the basis of the planning policies within the emerging South Downs Local Plan.
- 8.42 The study highlights that the surrounding area possesses a strong rural character derived from the mosaic of small to medium hedgerow and tree bounded fields, with very few intrusive elements, extending up to the rising slopes and woodlands (Hangers) to the west.
- 8.43 The application site has been identified as potentially available and suitable for Gypsies and Travellers within the study. Although, as has been stated earlier within this report, the emerging Local Plan and allocation policy can only be afforded modest weight at this stage, the aforementioned study has helped the SDNPA to form the view that the site would be a suitable for allocation as a Gypsy and Traveller site in the area.
- 8.44 The study advises that 'whilst the development does not conserve or enhance the natural beauty of the National Park, development has a very limited and localised effect on landscape character and views being visually well contained and not subject to overlooking; the relationship to the existing building complex and the property on the opposite side of the road means it is not a wholly isolated development and is located where there is some activity'.
- 8.45 The study also advises that 'the main adverse effect is due to the poor relationship with the byway. This could be overcome by some reconfiguration of/adjustment of the location of development and implementation of a comprehensive and appropriate landscape scheme, using native species, to address and form a suitable buffer along this boundary'.
- 8.46 Notwithstanding the Inspector's decision on the site in 2007, which is still a material consideration, this was prior to the adoption of the National Planning Policy Framework (NPPF) (2012) and the Planning Policy for Traveller Sites (PPTS) (2015), both of which are greater material considerations in the determination of this application. The PPTS does advise that weight should be attached to the effective use of previously developed (brownfield) land.
- 8.47 Officers have visited the site and do concur with the findings of the site identification and assessment study in regard to the development having a very limited and localised effect on the landscape character and therefore it is considered that on balance, the proposed development, including the utility dayroom, would not result in significant harm to the character and appearance of the surrounding area, subject to the imposition of suitable landscaping and conditions, particularly along the northern and western boundaries of the site, as well as materials and lighting conditions. Great weight should be given to the protection of the scenic beauty of the National Park in accordance with paragraph 115 of the NPPF (2012) but in this case, the harm is considered to be limited as explained above. As such, Officers are of the view that in this instance, the limited landscape harm is

outweighed by the need to provide Gypsy and Traveller sites and by the personal circumstances of the Burrows family.

- 8.48 In regard to the previous refusals on the site relating to the permanent use of the site and the provision of a utility dayroom (references SDNP/16/02380/CND and SDNP/16/03758/FUL) in terms of landscape harm, it is considered that sufficient justification has been provided under the current applications to permit the Burrows family to continue to occupy the site. The circumstances regarding the occupancy of the site are also different under the current applications, whereby the applicant (Ms Amer) now occupies a different site elsewhere.

#### Highways

- 8.49 In 2007 the appeal Inspector raised concerns about the adequacy of the achievable visibility distance to the right of the access (to the north-west) and the consequential threat to highway safety from the use of the site access. The lack of satisfactory access arrangements was considered by the Inspector to be contrary to Local Plan Policy T9. However, the Inspector concluded that the risks to highway safety, as well as landscape concerns, were outweighed by a combination of the appellant's need for the accommodation coupled with the benefits of a temporary permission with appropriate conditions.
- 8.50 The aforementioned 2016 site identification and assessment study highlighted that the visibility at the site entrance is not ideal but if the vegetation is controlled then the road curvature would allow a reasonable visibility.
- 8.51 Notwithstanding the findings of the site identification and assessment study, the Highway Authority, having reviewed the situation, have raised no highway objection to the permanent use of the site as a Gypsy and Traveller site. The Highway Authority have also advised that there have been no incidents reported by the site access since temporary permission was first granted.
- 8.52 Officers therefore consider that the proposal would comply with current policy CP31 of the JCS (2014) and policy SD19 of the emerging South Downs Local Plan: Pre-Submission (2017).

#### Ecology

- 8.53 Paragraph 118 of the NPPF (2012) states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
- 8.54 The application site is located within the Wealden Heath SPA 5km buffer and the aforementioned site identification and assessment study (2016) does ascertain that the north-west corner of the site includes Priority Habitat 'Lowland Mixed Deciduous Woodland'. The site is therefore likely to support foraging/commuting/flying bats and lighting has been identified as a consideration.
- 8.55 The application has not been accompanied with an Ecological Assessment. However, the proposed development does not encroach onto the surrounding areas of woodland. Natural England and the County Ecologist have both been consulted. Natural England have raised no comments on either of the applications currently under consideration. The County Ecologist advised that there are no concerns that the proposed development would adversely affect any statutory or locally-designated sites of wildlife importance, or any legally protected or notable habitats or species. It has also been advised that no areas of existing vegetation likely to be of ecological value would be removed. This would be controlled by condition in the event that planning permission is granted.
- 8.56 Having regard to the above, Officers consider that the attachment of appropriate lighting conditions would be sufficient and necessary to ensure that the proposals do not have an adverse impact on the foraging and commuting patterns of any bats within the vicinity. For these reasons, no objection is raised on ecology grounds.

- 8.57 It is noted that Allocation Policy SD75 within the emerging South Downs Local Plan: Pre-Submission (2017) does require the submission of a Project Level Habitats Regulations Assessment to support planning applications. However, the relatively small-scale site is in existing use, the yard area is hard surfaced (mixed flint gravel with areas of concrete) and given the scale of development proposed compared to what is already on the site in addition to the proposed utility dayroom being sited away from the wooded area, in this instance the impacts are considered to be insignificant and as such the Habitats Regulations Assessment would not be required. Moreover, this is emerging policy and as has already been outlined within this report, the emerging South Downs Local Plan is only afforded modest weight at this stage.

Surface water and drainage

- 8.58 The application site is situated in a low risk flood area and is not located within 20 metres of a main river. However, surface water mapping indicates a concentrated flow pathway towards the site along Hawkley Road from the north-west. This appears to concentrate at the north-western corner of the site, with one pathway along the northern boundary and another crossing the centre.
- 8.59 The Drainage Officer has raised no objections in principle subject to satisfactory drainage systems for both foul and surface water. On this basis, and given that the site has now been occupied for residential purposes in excess of 10 years, if the application is considered acceptable Officers are of the view that further details of foul and surface water could be secured by condition.
- 8.60 Allocation Policy SD75 within the emerging South Downs Local Plan: Pre-Submission (2017) does require the submission of a Flood Risk Assessment as a result of the surface water issues identified. However, as stated above, the emerging South Downs Local Plan is only afforded modest weight at this stage and Officers consider that the issues raised could be satisfactorily addressed through conditions.

Impact on the amenity of neighbouring properties

- 8.61 Policy CP27 of the adopted JCS (2014) requires development not to have an unacceptable impact on the amenity of the occupiers of neighbouring properties through loss of privacy or excessive overshadowing.
- 8.62 A site visit has been undertaken where the impact on all neighbouring properties has been assessed. The proposals would be sufficiently distanced, orientated and designed so as to have no significant effect on the amenities of the neighbouring properties, in particular to their outlook, privacy or available light. However, it is recommended that a condition to control potential noise from generators is attached to any permission granted.

**9. Conclusion**

- 9.1 Based on the current information before the LPA, the previous Highway safety concerns raised by the appeal Inspector are no longer a concern, which has been confirmed by the Highway Authority. Officers consider that notwithstanding the appeal Inspector's view that the use of the site would result in landscape harm, the use of the site as a permanent Gypsy and Traveller site in addition to the construction of a utility day room building would have a limited and localised effect on the surrounding landscape character which, on balance, would be acceptable in landscape terms.
- 9.2 The limited landscape harm does have to be balanced against other material considerations and in this instance, the landscape impact is considered to be outweighed by the personal circumstances of the Burrows family, the educational needs of the children, and the lack of any alternative site provision or an up to date five-year supply of deliverable sites.
- 9.3 Having due regard to all material planning considerations, planning permission to use the site on a permanent basis would give the Burrows family a settled base, which would also help to meet the need for pitches within the East Hampshire area. The construction of a utility dayroom, which would be ancillary to the use of the land as a Gypsy and Traveller site, would also help to support the increasing health needs of Mrs Susan Burrows and Ann Burrows (the daughter of Susan Burrows).



9.4 The applications are therefore recommended for approval subject to conditions as set out in paragraphs 10.1 and 10.2 below.

**10. Reason for Recommendation**

10.1 It is recommended that planning permission be granted for Planning Application SDNP/17/00873/CND subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended)/to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The occupation of the site hereby permitted shall be carried on only by Mr Michael Burrows, Mrs Susan Burrows, Joseph Burrows, Kelly Branford and their resident dependants.

Reason: Due to the specific circumstances of the Burrows family.

4. When the premises cease to be occupied by Mr Michael Burrows, Mrs Susan Burrows, Joseph Burrows, Kelly Branford and their resident dependants, the use hereby permitted shall cease, all caravans, vehicles, materials and equipment brought on to the premises in connection with the use shall be removed and the land restored to its former condition.

Reason: Due to the specific circumstances of the Burrows family.

5. There shall be no more than 2 pitches on the site and on each of the pitches no more than one mobile home/static caravan shall be stationed at any time.

Reason: To control the level of residential use on the and in the interests of amenity in accordance with policy CP27 of the East Hampshire District Local Plan: Joint Core Strategy 2014.

6. No caravan or associated structure shall be stationed outside the area of the existing compound shown on drawing number TDA.2180.01 (Site Layout and Detailed Landscape Proposals) showing the site layout.

Reason: In the interests of amenity of the area in accordance with policies CP20 and CP27 of the East Hampshire District Local Plan: Joint Core Strategy 2014.

7. No commercial activity, including the storage of materials or plant relating to a commercial activity, shall take place within the area of the existing compound shown on drawing number TDA.2180.01, nor on the remainder of the site in the applicant's ownership and occupation, except activities associated with the keeping and breeding of horses.

Reason: In the interests of amenity of the area in accordance with policies CP20 and CP27 of the East Hampshire District Local Plan: Joint Core Strategy 2014.

8. No more than one commercial vehicle shall be kept on the land for use by the occupiers of the caravans hereby permitted, and it shall not exceed 3.5 tonnes in weight.

Reason: In the interest of the amenity of the area in accordance with policies CP20 and CP27 of the East Hampshire District Local Plan: Joint Core Strategy 2014.

9. Prior to the installation of any external lighting within the site, details of the external lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To prevent light pollution and in the interests of the amenity of the area in accordance with policies CP20 and CP27 of the East Hampshire District Local Plan: Joint Core Strategy 2014, the National Planning Policy Framework (2012) and the First Purpose of a National Park.

10. Within 2 months of the grant of planning permission details of a scheme for foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. Such details should include provision for all surface water drainage from parking areas and areas of hardstanding and shall address the identified surface water pathways that flow towards the site from the north-west. The development shall be carried out in accordance with the approved details within 2 months of the scheme being approved and shall be retained thereafter.

Reason: To ensure adequate provision for drainage in accordance with policies CP25 and CP27 of the East Hampshire District Local Plan: Joint Core Strategy 2014, the National Planning Policy Framework (2012) and the First Purpose of a National Park.

Note: The applicant is requested to contact the Council's Drainage Consultant as soon as possible regarding the above condition.

11. Within 2 months of the grant of planning permission details of a scheme to prevent surface water from the site discharging on to the adjacent highway shall be submitted for approval in writing to the Planning Authority. The works shall be carried out in accordance with the approved details within 2 months of the scheme being approved and shall be retained thereafter.

Reason: To ensure adequate provision for surface water drainage and avoid discharge of water onto the public highway in accordance with policies CP25 and CP27 of the East Hampshire District Local Plan: Joint Core Strategy 2014, the National Planning Policy Framework (2012) and the First Purpose of a National Park.

12. No electricity generators shall be used on the site until such details have been submitted to and approved in writing by the Local Planning Authority. Any generators shall be installed, operated, and maintained in accordance with the approved details.

Reason: To ensure that the amenity of the area is not detrimentally affected by the use of the site in accordance with policy CP27 of the East Hampshire District Local Plan: Joint Core Strategy 2014.

13. Any close boarded wooden fence panels that are either removed or fall down shall be reinstated with chestnut cleft fencing of the same height to be more landscape sensitive. The wooden fencing along the boundary of the site shall thereafter be retained and maintained in this position for the lifetime of the planning permission.

Reason: In the interest of amenity and to define the application site in accordance with policy CP20 of the East Hampshire District Local Plan: Joint Core Strategy 2014, the National Planning Policy Framework (2012) and the First Purpose of a National Park.

14. Within 2 months of the grant of planning permission, details of a scheme to include further tree and hedge planting along the northern and western site boundaries fronting Hawkley Road and the public right of way respectively, shall be submitted to and approved in writing by the Local Planning Authority to help reinforce these vegetated boundaries. Details of planting proposed along the eastern site boundary shall also be submitted for approval. The planting shall be carried out during the first planting season following the installation of the first mobile home and thereafter any plan/tree which dies, becomes diseased or is removed within the first five years of planting, shall be replaced with another of a similar type and size, unless otherwise agreed in writing by the Local Planning Authority. All new planting shall be locally appropriate native species suitable for pollinating species.

Reason: To achieve an appropriate landscaping scheme to provide suitable screening from the main vantage points, in accordance with policy CP20 of the East Hampshire District Local Plan: Joint Core Strategy 2014, the National Planning Policy Framework (2012) and the First Purpose of a National Park.

15. The trees/hedging along the northern and western site boundaries (within the applicants ownership) fronting Hawkley Road and the public right of way respectively, shall be retained at all times unless the written permission of the Local Planning Authority is first obtained.

Reason: In the interests of amenity and the landscape and due to their ecological value in accordance with policies CP20 and CP21 of the East Hampshire District Local Plan: Joint Core Strategy 2014, the National Planning Policy Framework (2012) and the First Purpose of a National Park.

Informatives

1. The applicant is advised that this consent does not override any obligations in respect of protected species under the relevant wildlife legislation. In particular, it is an offence to disturb nesting birds or roosting bats which are protected species under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010. It is a criminal offence to wilfully cause harm to either. If you suspect that the development will disturb any protected species, or protected species are encountered during construction, works must stop immediately and advice should be sought from Natural England or a professional ecologist before proceeding.
  2. When submitting details for approval, it is requested that a report from a competent Lighting Professional is provided in regard to condition 7.
  3. The applicant is requested to contact the East Hampshire Council's Drainage Consultant as soon as possible regarding conditions 8 and 9.
  4. The applicant is advised that a licence under the Caravan Sites and Control of Development Act 1960 is likely to be required for the site. For further information contact Environmental Health on 01420 234360.
- 10.2 It is recommended that planning permission be granted for Planning Application SDNP/17/01406/FUL subject to the following conditions:
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended) to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
  2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".  
  
Reason: For the avoidance of doubt and in the interests of proper planning.
  3. The utility dayroom shall be laid out in accordance with the site layout plan (drawing number TDA.2180.01).  
  
Reason: To control the level of residential use on the and in the interests of amenity in accordance with policy CP27 of the East Hampshire District Local Plan: Joint Core Strategy 2014.
  4. No development shall commence unless and until a schedule of materials and samples of such materials (including sample panels of sufficient size as to allow landscape assessment from a distance) and finishes and colours to be used for external walls and roofs of the proposed utility dayroom building, have been submitted to and approved by the Local Planning Authority in writing and all materials used shall conform to those approved.  
  
Reason: In the interests of amenity and the landscape in accordance with policy CP20 of the East Hampshire District Local Plan: Joint Core Strategy 2014, the National Planning Policy Framework (2012) and the First Purpose of a National Park.

5. The utility dayroom hereby approved shall be used for purposes incidental to the residential occupation and enjoyment of the site and shall not at any time be used as self-contained residential accommodation.

Reason: In the interest of the amenities of the area, in accordance with policies CP20 and CP27 of the East Hampshire District Local Plan: Joint Core Strategy 2014, the National Planning Policy Framework (2012) and the First Purpose of a National Park.

**11. Crime and Disorder Implication**

- 11.1 It is considered that the proposal does not raise any crime and disorder implications.

**12. Human Rights Implications**

- 12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

**13. Equality Act 2010**

- 13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

**14. Proactive Working**

- 14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF.

**TIM SLANEY**

**Director of Planning**

**South Downs National Park Authority**

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Appendices 1. Site Location Map

SDNPA Legal Services, Development Manager, Director of Planning.

Consultees

Background Documents All planning application plans, supporting documents, consultations and third party responses

<http://planningpublicaccess.southdowns.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OLIRTSTU02000>  
<http://planningpublicaccess.southdowns.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=OMWONGTU02000>

National Planning Policy Framework (2012)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

Planning Policy for Traveller Sites (2015)

<https://www.gov.uk/government/publications/planning-policy-for-traveller-sites>

South Downs National Park Partnership Management Plan 2013

<https://www.southdowns.gov.uk/national-park-authority/our-work/key-documents/partnership-management-plan/>

East Hampshire District Local Plan Part 1 – Joint Core Strategy 2014

<http://www.easthants.gov.uk/planning-policy/local-plan>

East Hampshire District Local Plan: Second Review 2006

<http://www.easthants.gov.uk/planning-policy/local-plan>

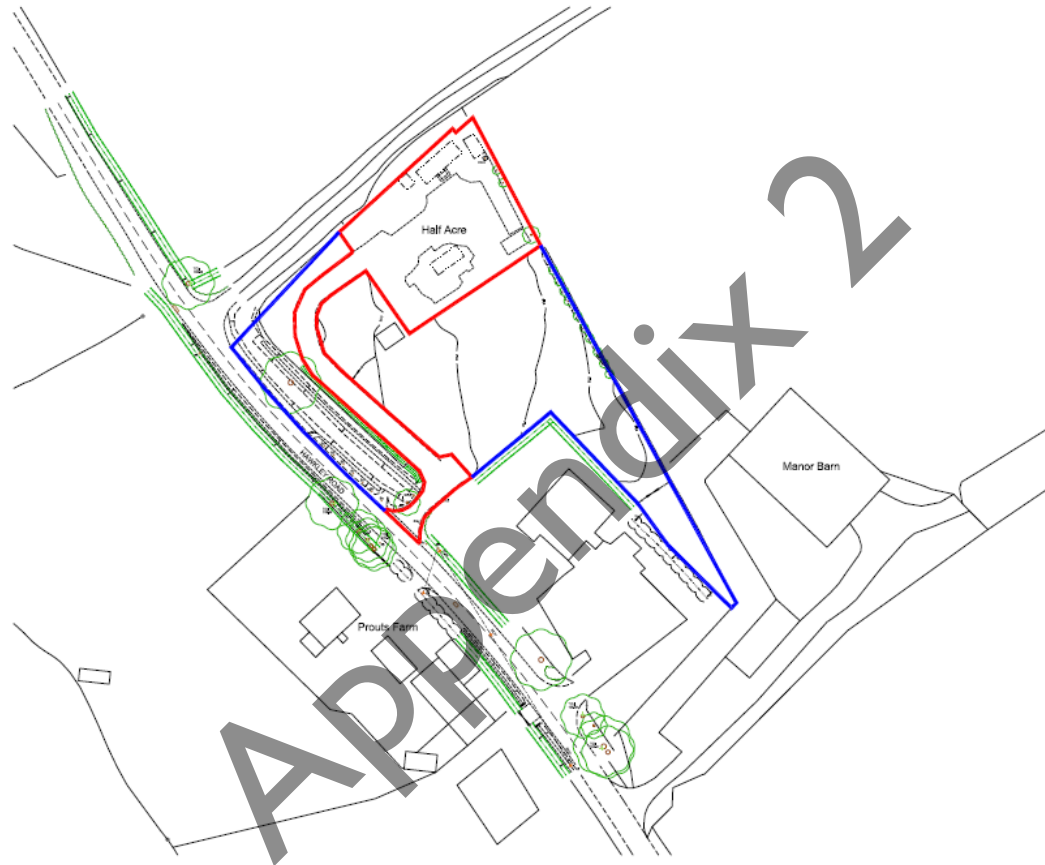
Gypsy, Traveller and Travelling Showpeople Background Paper 2016

<https://www.southdowns.gov.uk/wp-content/uploads/2017/02/Gypsy-Traveller-and-Travelling-Showpeople-Background-Paper-Appendices.pdf>

Site Assessment Study (on behalf of East Hampshire District Council, South Downs National Park Authority, Winchester City Council) 2016

<https://www.southdowns.gov.uk/wp-content/uploads/2015/12/GT-Site-Assessment-Study.pdf>

Site Location Map



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# Appendix 2