

ENFORCEMENT NOTICE

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

SOUTH DOWNS NATIONAL PARK AUTHORITY

TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED BY THE PLANNING AND COMPENSATION ACT 1991)

Issued By : South Downs National Park Authority

1. **THIS IS A FORMAL NOTICE** which is issued by the South Downs National Park Authority ("the Authority"), because it appears that there has been a breach of planning control, within paragraph (a) of Section 171A(1) of the above Act, at the Land described below. The Authority considers that it is expedient to issue this Notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of this Notice and the enclosures to which it refers contain important additional information.
2. **THE LAND TO WHICH THE NOTICE RELATES**

Land lying to the north of Warren Corner, (AKA Warren Barn), Warren Lane, Priors Dean, Petersfield, Hampshire, GU32 1BW, shown edged black on the attached plan
3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL**

Without planning permission and within the last 10 years, the material change of use of the Land from agriculture to use of the Land as a site for travelling showperson(s) and family and the stationing of caravan(s) for the purposes of human habitation, within the site shown outlined in black.
4. **THE REASON FOR ISSUING THE NOTICE**

It appears to the Authority that the above breach of planning control has occurred within the last ten years.

The Land is situated within the South Downs National Park. The Authority has the following statutory purposes and socio-economic responsibilities, as specified in the Environment Act 1995

1. To conserve and enhance the natural beauty, wildlife and cultural heritage of the area.
2. To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

It is also the duty of the Authority to seek to foster economic and social well-being of the local communities within the National Park.

The Authority is of the opinion that the use of the Land for a site for travelling showperson(s) and family and the stationing of caravans for the purposes of human habitation is a material change of use of the Land within designated countryside. By virtue of its location, scale, nature and extent, this constitutes an unsustainable and unjustified form of development, which does not conserve or enhance the National Park landscape. The need for travelling showperson(s) plots does not outweigh the significant harm the development causes to the intrinsic quality and landscape character of this sensitive rural location. The Land is both within and adjacent to important designated ecological areas of the East Hampshire Hangers Special Area of Conservation (SAC) and the Wealden Edge Hangers Site of Special Scientific Interest (SSSI). In the absence of up to date ecological surveys, it has not been satisfactorily demonstrated that there are not harmful ecological impacts caused by the change of use of the Land and how this could be appropriately mitigated. In the absence of detailed information in relation to the discharge of foul drainage and the potential for groundwater contamination, it has not been satisfactorily demonstrated to the Authority that there are not harmful impacts on the environment within the vicinity of the Land or how these could be mitigated.

The proposal is therefore contrary to:

National Planning Policy Framework (2018),

Paragraph 78 and 79 of the National Planning Policy Framework
Paragraph 172 of the National Planning Policy Framework

The First Purpose of a National Park – to conserve and enhance the natural beauty, wildlife and cultural heritage of the area.

- NPPF Chapter 5 - Delivering a wide choice of high quality homes
 - NPPF Chapter 12 - Requiring good design
 - NPPF Chapter 15 - Conserving and enhancing the natural environment
- NPPF Paragraph 58 provides: Effective enforcement
NPPF Paragraph 175(a) and (b)

The South Downs Partnership Management Plan (2013):

General Policy 1 – Conserve and enhance the natural beauty and special qualities of the landscape and its setting, in ways that allows it to continue to evolve and become more resilient to the impacts of climate change and other pressures.

General Policy 3 – Protect and enhance tranquillity and dark night skies.

General Policy 5 – Create more, bigger, better-managed and connected areas of habitat in and around the National Park, which deliver multiple benefits for people and wildlife.

The Emerging South Downs Local Plan (“SDLP”)

Policies SD1, SD2, SD4, SD5, SD7, SD9, SD10, SD17, SD25, SD33, SD50 and SD54 within the emerging South Downs Local Plan: Pre-submission (2017).

East Hampshire District Local Plan: Joint Core Strategy (2014)

The proposal is contrary to policies of the East Hampshire District Local Plan: CP1, CP15, CP19, CP20, CP21, CP22, CP25, CP26, CP27 CP29 and CP31

East Hampshire District Local Plan: 2nd Revision 2006

T2 - Public Transport Provision and Improvement

H14 - Other Housing Outside Settlements Policy Boundaries

The Authority does not consider that planning permission should be granted because planning conditions could not overcome these objections to the material change of use of the Land.

5. WHAT YOU ARE REQUIRED TO DO

- (i) Cease the use of the Land for a site for travelling showperson(s) and family
- (ii) Cease the use of the Land for the stationing of the caravan(s) for the purposes of human habitation.
- (iii) Remove all caravans from the Land.
- (iv) Remove all items from the Land that relate to domestic living.
- (v) Remove all items from the Land that relate to a travelling show person(s) trade
- (vi) Remove any other items and debris that do not relate to the use of the Land for agriculture

6. TIME FOR COMPLIANCE

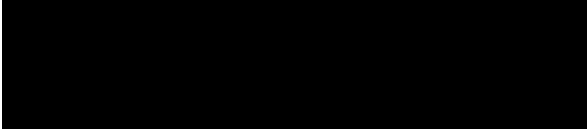
12 months beginning with the day on which the Notice was served on you.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 1st July 2019 unless an appeal is made against it beforehand.

Date : 31st May 2019.

Signed :

A large black rectangular box redacting the signature.

On behalf of: South Downs National Park Authority

Nominated Officer:

Telephone Number:

A black rectangular box redacting the contact information.

ANNEX 1

YOUR RIGHT OF APPEAL

You can appeal against this Notice, but any appeal must be received, or posted in time to be received, by the Planning Inspectorate acting on behalf of the Secretary of State before the date specified in paragraph 7 of the notice.

The enclosed information sheet published by the Planning Inspectorate gives details of how to make an appeal

<http://www.planningportal.gov.uk/uploads/pins/eninfosheet.pdf>

ANNEX 2

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this enforcement notice, it will take effect on the date specified in paragraph 7 of the notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period[s] specified in paragraph 6 of the notice. Failure to comply with an enforcement notice which has taken effect can result in prosecution and/or remedial action by the Authority.

ANNEX 3

GUIDANCE NOTES

The following sections of the Town and Country Planning Act 1990 are relevant to Enforcement Notices:

S171A – Expressions used in connection with enforcement

S171B – Time limits

S172 – Issue of an Enforcement Notice

172A – Assurance as regards prosecution for person served with a notice

S173 – Contents and effect of Notice

S173A – Variation and Withdrawal of Notice

S174 – Appeal against a Notice

S175 – Appeal – supplementary provisions

S176 – General provisions relating to the determination of appeals

S177 – Grant/modification of planning permission on appeals against Notices.

Lodging an Appeal

Under section 174 of the Town and Country Planning Act 1990 (as amended) you may appeal on one or more of the following grounds:

(a) that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged;

- (b) that those matters have not occurred;
- (c) that those matters (if they occurred) do not constitute a breach of planning control;
- (d) that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters;
- (e) that copies of the enforcement notice were not served as required by section 172;
- (f) that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach;
- (g) that any period specified in the notice in accordance with section 173(9) falls short of what should reasonably allowed. Not all of these grounds may be relevant to you.

If you appeal under Ground (a) of Section 174(2) of the Town and Country Planning Act 1990 this is the equivalent of applying for planning permission for the development alleged in the notice and you will have to pay a fee of £ 924.00 to the South Downs National Park Authority. Joint appellants need only pay one set of fees. If you decide to appeal, when you submit it, you should state in writing the ground(s) on which you are appealing against the enforcement notice and you should state briefly the facts on which you intend to rely in support of each of those grounds. If you do not do this when you make your appeal the Secretary of State will send you a notice requiring you to do so within 14 days.

ANNEX 4

LIST OF ALL RELEVANT POLICIES

South Downs National Park Authority: Purposes and Duty

Purpose 1: To conserve and enhance the natural beauty, wildlife and cultural heritage of the area.

Purpose 2: To promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

Duty: To seek to foster the social and economic well-being of the local communities within the National Park in pursuit of our purposes.

Relevant Government Planning Policy and Guidance

National Planning Policy Framework (NPPF) (July 2018)

- NPPF Paragraph 172 - Great weight should be given to conserving landscape and scenic beauty in the National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage

are also important considerations in these areas, and should be given great weight in National Parks and the Broads.

- NPPF Chapter 5 - Delivering a wide choice of high quality homes
- NPPF Chapter 12 - Requiring good design
- NPPF Chapter 15 - Conserving and enhancing the natural environment
- NPPF Paragraph 58 provides: Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.

NPPF Paragraph 175(a) and (b) provide:

- When determining planning applications, local planning authorities should apply the following principles:
 - a) If significant harm to biodiversity 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;
 - b) Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest.

The South Downs Partnership Management Plan (2013):

General Policy 1 – Conserve and enhance the natural beauty and special qualities of the landscape and its setting, in ways that allows it to continue to evolve and become more resilient to the impacts of climate change and other pressures.

General Policy 3 – Protect and enhance tranquillity and dark night skies.

General Policy 5 – Create more, bigger, better-managed and connected areas of habitat in and around the National Park, which deliver multiple benefits for people and wildlife.

The Emerging South Downs Local Plan (“SDLP”)

Core Policy SD1: Sustainable Development

1. When considering development proposals that accord with relevant policies in this Local Plan and with National Park purposes, the Authority will take a positive approach that reflects the presumption in favour of sustainable development. It will work with applicants to find solutions to ensure that those development proposals

can be approved without delay, unless material planning considerations indicate otherwise.

2. The National Park purposes are i) to conserve and enhance the natural beauty, wildlife and cultural heritage of the area; and ii) to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public. Where it appears that there is a conflict between the National Park purposes, greater weight will be attached to the first of those purposes. In pursuit of the purposes, the National Park Authority will pay due regard to its duty to seek to foster the economic and social well-being of the local communities within the National Park.

3. When determining any planning application, the Authority will consider the cumulative impacts of development.

4. Planning permission will be refused where development proposals fail to conserve the landscape, natural beauty, wildlife and cultural heritage of the National Park unless, exceptionally:

- a) The benefits of the proposals demonstrably outweigh the great weight to be attached to those interests; and
- b) There is substantial compliance with other relevant policies in the development plan.

SD2: Ecosystem Services

Core Policy SD2: Ecosystem Services

1. Development proposals will be permitted where they have an overall positive impact on the ability of the natural environment to contribute goods and services. This will be achieved through the use of high quality design, and by delivering all opportunities to:

- a) Sustainably manage land and water environments;
- b) Protect and provide more, better and joined up natural habitats;
- c) Conserve water resources and improve water quality;
- d) Manage and mitigate the risk of flooding;
- e) Improve the National Park's resilience to, and mitigation of, climate change;
- f) Increase the ability to store carbon through new planting or other means;
- g) Conserve and enhance soils, use soils sustainably and protect the best and most versatile agricultural land;
- h) Support the sustainable production and use of food, forestry and raw materials;
- i) Reduce levels of pollution;
- j) Improve opportunities for peoples' health and wellbeing; and
- k) Provide opportunities for access to the natural and cultural resources which contribute to the special qualities.

Development proposals must be supported by a statement that sets out how the development proposal impacts, both positively and negatively, on ecosystem services.

SD4: Landscape Character

Strategic Policy SD4: Landscape Character

1. Development proposals will only be permitted where they conserve and enhance landscape character by demonstrating that:

- a) They are informed by landscape character, reflecting the context and type of landscape in which the development is located;
- b) The design, layout and scale of proposals conserve and enhance existing landscape and seascape character features which contribute to the distinctive character, pattern and evolution of the landscape;
- c) They will safeguard the experiential and amenity qualities of the landscape;
- d) Where planting is considered appropriate, it is consistent with local character, enhances biodiversity, contributes to the delivery of green infrastructure and uses native species, unless there are appropriate and justified reasons to select non-native species; and

2. Where development proposals are within designed landscapes, or the setting of designed landscapes, (including historic parks and those on the Historic England Register of Historic Parks and Gardens) they should be based on a demonstrable understanding of the design principles of the landscape and should be complementary to it.

3. The settlement pattern and individual identity of settlements and the integrity of predominantly open and undeveloped land between settlements will not be undermined.

4. Green and blue corridors will be safeguarded. Development proposals should identify and take opportunities to create and connect green and blue corridors.

5. The restoration of landscapes where features have been lost or degraded will be supported where it contributes positively to landscape character.

SD5: Design

Strategic Policy SD5: Design

1. Development proposals will only be permitted where they adopt a landscape-led approach and respect the local character, through sensitive and high quality design that makes a positive contribution to the overall character and appearance of the area. The following design principles should be adopted as appropriate:

- a) Integrate with, respect and sympathetically complement the landscape character by ensuring development proposals are demonstrably informed by an assessment of the landscape context;
- b) Achieve effective and high quality routes for people and wildlife, taking opportunities to connect green infrastructure;
- c) Contribute to local distinctiveness and sense of place through its relationship to

adjoining buildings, spaces and landscape features, including historic settlement pattern.

d) Create high-quality, clearly defined public and private spaces within the public realm;

e) Incorporate hard and soft landscape treatment which takes opportunities to connect to the wider landscape, enhances green infrastructure, and is consistent with local character;

f) Utilise architectural design which is appropriate and sympathetic to its setting in terms of height, massing, density, roof form, materials, night and day visibility, elevational and, where relevant, vernacular detailing;

g) Provide high quality, secure, accessible, and where possible, integrated storage for general and recycling waste, heating fuel, and transport related equipment;

h) Provide high quality outdoor amenity space appropriate to the needs of its occupiers or users;

i) Ensure development proposals are durable, sustainable and adaptable over time, and provide sufficient internal space to meet the needs of a range of users;

j) Give regard to improving safety and perceptions of safety, and be inclusive and accessible for all; and

k) Have regard to avoiding harmful impact upon, or from, any surrounding uses and amenities.

SD7: Relative Tranquillity

Strategic Policy SD7: Relative Tranquillity

1. Development proposals will only be permitted where they conserve and enhance relative tranquillity and should consider the following impacts:

- a) Direct impacts that the proposals are likely to cause by changes in the visual and aural environment in the immediate vicinity of the proposals;
- b) Indirect impacts that may be caused within the National Park that are remote from the location of the proposals themselves such as vehicular movements; and
- c) Experience of users of the Public Right of Way network and other publicly accessible locations.

2. Development proposals in highly tranquil and intermediate tranquillity areas should conserve and enhance, and not cause harm to, relative tranquillity.

3. Development proposals in poor tranquillity areas should take opportunities to enhance relative tranquillity where these exist.

SD9: Biodiversity and Geodiversity

Strategic Policy SD9: Biodiversity and Geodiversity

1. Development proposals will be permitted where they conserve and enhance biodiversity and geodiversity, giving particular regard to ecological networks and areas with high potential for priority habitat restoration or creation, and should:

a) Retain, protect and enhance features of biodiversity and geological interest (including supporting habitat and commuting routes through the site and taking due account of any use by migratory species) and ensure appropriate and long-term management of those features.

a1) Identify and incorporate opportunities for net gains in

b) Contribute to the restoration and enhancement of existing habitats, the creation of wildlife habitats and the creation of linkages between sites to create and enhance local and regional ecological networks;

b1) Identify and incorporate opportunities to protect and support recovery of identified rare, notable and priority species

c) Seek to eradicate or control any invasive non-native species present on site; and

d) Contribute to the protection, management and enhancement of biodiversity and geodiversity, for example by supporting the delivery of green infrastructure and Biodiversity Action Plan targets and enhance Biodiversity Opportunity Areas and infrastructure.

d1) Comply with the mitigation hierarchy as set out in national policy

2. The following hierarchy of site designation will apply in the consideration of development proposals:

a) Internationally Protected Sites, as shown on the Policies Map (Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar Sites, or candidate and formally proposed versions of these designations):

i. Development proposals with the potential to impact on one or more international sites(s) will be subject to a Habitats Regulations Assessment to determine the potential for likely significant effects. Where likely significant effects may occur, development proposals will be subject to Appropriate Assessment

ii. Development proposals that will result in any adverse effect on the integrity of any international site will be refused unless it can be demonstrated that: there are no alternatives to the proposal; there are imperative reasons of overriding public interest why the proposal should nonetheless proceed; and adequate compensatory provision is secured

b) Nationally Protected Sites (Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNR), Marine Conservation Zone (MCZ)) as shown on the Policies Map:

i. Development proposals considered likely to have a significant effect on nationally

protected sites will be required to assess the impact by means of an Environmental Impact Assessment

ii. Development proposals should avoid impacts on these nationally protected sites. Development proposals where any adverse effect on the site's notified special interest features is likely and which cannot be either avoided or adequately mitigated will be refused, unless the benefits of the development, at this site clearly outweigh the likely impact to the notified features of the site and any broader impacts on the network of nationally protected sites

b1) Irreplaceable Habitats (including ancient woodland as shown on the Policies Map, and veteran trees): Development proposals which result in the loss or deterioration of irreplaceable habitats, including ancient woodland and veteran trees will be refused unless the need for, and benefits of, the development in that location demonstrably outweigh the loss

c) Locally Protected Sites (Sites of Nature Conservation Importance (SNCIs) / Local Wildlife Sites (LWS) / Sites of Importance for Nature Conservation (SINCs), Local Nature Reserves (LNR and Local Geodiversity Sites (LGS)) as shown on the Policies Map:

i. Development proposals considered likely to have a significant effect local sites will be required to assess the impact by means of an Ecological Impact Assessment

ii. Development proposals that will result in any adverse effect on the integrity of any local site which cannot be either avoided or adequately mitigated will be refused, unless exceptional circumstances outweighing the adverse effects are clearly demonstrated

d) Outside of designated sites

i. Development proposals should identify and incorporate opportunities to conserve, restore and recreate priority habitats and ecological networks. Development proposals should take opportunities to contribute and deliver on their aims and objectives where possible.

Strategic Policy SD10: International Sites

The Mens SAC and Ebernoe Common SAC

1. Development proposals on greenfield sites and sites that support or are in close proximity to suitable commuting and foraging habitat (including mature vegetative linear features such as woodlands, hedgerows riverine and wetland habitats) within 9km of the Mens SAC or 7km of the Ebernoe Common SAC, as shown on the Policies Map, should have due regard to the possibility that barbastelle and Bechstein Bats will be utilising the site. Such proposals will be required to incorporate necessary surveys and ensure that key features (foraging habitat and commuting routes) are retained, in addition to a suitable buffer to safeguard against disturbance⁴⁶.

Singleton and Cocking SAC

2. Proposed use or development of the tunnels comprising the Singleton and Cocking Tunnels SAC will be required to demonstrate that there is no adverse effect on the conservation features, including hibernation habitat for Barbastelle and Bechsteins Bats, or on the integrity of the site. Suitable commuting and foraging habitat for the site that lies within or in close proximity to any proposed development needs to be retained, in addition to a suitable buffer to safeguard against disturbance. This will ensure no loss or severance of existing commuting and foraging routes occurs either from direct land take or disturbances from lighting, noise and vibrations both during construction and operational phase of any development.

Arun Valley SPA

3. Development proposals on greenfield sites within 5km of the Arun Valley SPA, as shown on the Policies Map, will undertake an appraisal as to whether the land is suitable for wintering Bewick Swan. If it is suitable then surveys will be undertaken to determine whether the fields are of importance to the swan population. If so, appropriate alternative habitat would be required before development could proceed.

Wealden Heaths Phase II SPA

4. Development proposals resulting in a net increase in residential units within 400m of the boundary of the Wealden Heaths Phase II SPA, as shown on the Policies Map, will be required to undertake a project-specific Habitats Regulations Assessment (HRA). Development proposals resulting in a net increase in residential units within 5km of the boundary of the Wealden Heaths Phase II SPA will be required to submit a screening opinion to the Authority for a project-specific Habitat Regulations Assessment (HRA) which, in consultation with Natural England, will determine whether a likely significant effect on the integrity of the site will result. Likely significant effects will be assessed through the HRA and any requirement for mitigation identified.

Solent Coast SPAs

5. Development proposals resulting in a net increase in residential units, within the Solent Coast Special Protection Area's (SPA) (Chichester & Langstone Harbours SPA, Portsmouth Harbour SPA and Solent & Southampton Water SPA) zone of influence shown on the Policies Map, defined as 5.6km from the boundary of these sites, may be permitted where 'in combination' effects of recreation on the Solent Coastal Special Protection Areas are satisfactorily mitigated through the provision of an appropriate financial contribution to the delivery of strategic mitigation. In the absence of a financial contribution toward mitigation, an appropriate assessment may be required to demonstrate that any 'in combination' negative effects can be avoided or can be satisfactorily mitigated through a developer-provided package of measures.

SD17: Protection of the Water Environment

Strategic Policy SD17: Protection of the Water Environment

1. Development proposals that affect groundwater, surface water features, and watercourse corridors will not be permitted unless they conserve and enhance the following:

a) Water quality and quantity, and help achieve requirements of the European Water Framework Directive, or its replacement;

b) Ability of groundwater, surface water features and watercourse corridors to function by natural processes throughout seasonal variations, within the immediate vicinity, and both upstream and downstream of the site of the proposal; and

c) Specifically for surface water features and watercourse corridors:

i. Biodiversity;

ii. Historic significance;

iii. Character, appearance, and setting;

iv. Public access to and along the waterway for recreational opportunities; and

v. Ability for maintenance of the watercourse, including for flood risk management purposes.

2. Development within Groundwater Source Protection Zones will only be permitted provided that there is no adverse impact on the quality of the groundwater source, and provided there is no risk to its ability to maintain a water supply.

3. Development proposals must incorporate measures to eliminate risk of pollution to groundwater surface water and watercourse corridor features which would harm their ecological and / or chemical status.

4. Development proposals for the provision of agricultural reservoirs that aid demand management, water efficiency and water storage will be permitted where they are compatible with the National Park purposes.

SD25: Development Strategy

Strategic Policy SD25: Development Strategy

1. The principle of development within the following settlements, as defined on the Policies Map*, will be supported, provided that development:

a) Is of a scale and nature appropriate to the character and function of the settlement in its landscape context;

b) Makes best use of suitable and available previously developed land in the settlement; and

c) Makes efficient and appropriate use of land.

Western Downs

- Chawton
- Cheriton / Hinton Marsh
- Itchen Abbas
- Farringdon (Lower and Upper)
- Stroud

Western Weald

- Binsted
- Easebourne
- Fernhurst
- Fittleworth
- Greatham
- Milland
- Northchapel
- Petersfield
- Petworth
- Rogate

- Liss (including Liss Forest and West Liss)
- Lodsworth
- Midhurst
- Sheet
- South Harting
- Stedham

Scarp Slope

- Buriton
- Bury
- Cocking
- Ditchling
- East Meon
- Graffham
- Poynings
- Selborne
- Steep
- Washington
- West Meon

Dip Slope

- Compton
- Corhampton and Meonstoke
- Droxford
- East Dean and Friston
- Findon
- Hambledon
- Owslebury
- Pyecombe
- Singleton
- Slindon
- Twyford

Coastal Plain	
• Funtington	• West Ashling
• Lavant (including Mid Lavant and East Lavant)	
River Arun Corridor	
• Amberley	• Watersfield
• Coldwaltham	
River Ouse Corridor	
• Kingston near Lewes	• Lewes
• Rodmell	
River Cuckmere Corridor	
• Alfriston	

Exceptionally, development will be permitted outside of settlement boundaries, where it complies with relevant policies in this Local Plan, responds to the context of the relevant broad area or river corridor, and:

- a) It is allocated for development or safeguarded for the use proposed as part of the Development Plan; or
- b) There is an essential need for a countryside location; or
- c) In the case of community infrastructure, there is a proven need for the development that demonstrably cannot be met elsewhere; or
- d) It is an appropriate reuse of a previously developed site, excepting residential gardens, and conserves and enhances the special qualities of the National Park.

3. In considering development proposals outside settlement boundaries within rural estates and large farms, positive regard will be had to the following:

- a) The development proposals are part of a Whole Estate Plan that has been endorsed by the National Park Authority; and
 - b) The development proposals deliver multiple benefits in line with the purposes and the special qualities of the National Park and in regard to ecosystem services.
- *Additionally, a portion of the Arundel settlement boundary is shown on the Policies Map. Other settlements not listed in Policy SD25 may also be shown on the Policies Map if an NDP has allocated, designated or safeguarded sites or areas within the National Park.

SD33: Gypsies and Travellers and Travelling Showpeople

Strategic Policy SD33: Gypsies and Travellers and Travelling Showpeople

1. Lawful permanent sites for Gypsies, Travellers and Travelling Showpeople will be safeguarded from alternative development, unless acceptable replacement accommodation can be provided or the site is no longer required to meet any identified need.

2. The National Park Authority will seek to meet the need of Gypsies, Travellers and Travelling Showpeople, by the allocation of permanent pitches and the granting of planning permission on currently unidentified sites for approximately:

a) 13 pitches in that part of the National Park located in Brighton & Hove;

b) 8 6 pitches in that part of the National Park located in Lewes District;

c) 11 6 pitches in that part of the National Park located in East Hampshire and Winchester Districts.

3. Development proposals to meet the needs of the Gypsy, Traveller and Travelling Showpeople community (as defined in Planning Policy for Traveller Sites (2015) or any subsequent policy) on unidentified sites will be permitted where they:

a1) Meet a need as identified in Figure 7.6 below;

b) Do not result in sites being over-concentrated in any one location or disproportionate in size to nearby communities;

c) Are capable of being provided with infrastructure such as power, water supply, foul water drainage and recycling / waste management without harm to the special qualities of the National Park;

d) Provide sufficient amenity space for residents;

e) Do not cause, and are not subject to, unacceptable harm to the amenities of neighbouring uses and occupiers;

f) Have a safe vehicular and pedestrian access from the public highway and adequate provision for parking, turning and safe manoeuvring of vehicles within the site; and

h) Restrict any permanent built structures in rural locations to essential facilities.

4. Proposals for sites accommodating Travelling Showpeople should allow for a mixed use yard with areas for the storage and maintenance of equipment.

SD50: Sustainable Drainage Systems

Development Management Policy SD50: Sustainable Drainage Systems

1. Development proposals will be permitted where they ensure that there is no net increase in surface water run-off, taking account of climate change.
2. Proposals for major development* will be permitted where they provide suitable sustainable drainage systems, unless it is demonstrated to be inappropriate. All other development proposals give priority to the use of suitable sustainable drainage systems where required by the Lead Local Flood Authority (LLFA).
3. Sustainable drainage systems, where feasible, must support the provision of open space, public amenity areas and enhancing biodiversity and other public benefits as appropriate.
4. Where sustainable drainage systems are provided, arrangements must be put in place for their whole life management and maintenance.

* major development as defined in the Town and Country Planning (Development Procedure) (England) Order 2015.

SD54: Pollution and Air Quality

Development Management Policy SD54: Pollution and Air Quality

1. Development proposals will be permitted provided that levels of air, noise, vibration, light, water, odour or other pollutants do not have a significant negative affect on people and the natural environment now or in the foreseeable future, taking into account cumulative impacts and any mitigation.
2. Development proposals that by virtue of their location, nature or scale could impact on an existing AQMA, as shown on the Policies Map, will be required to:
 - a) Have regard to any relevant Air Quality Action Plan (AQAP) and to seek improvements in air quality through implementation of measures in the AQAP; and
 - b) Provide mitigation measures where the development and/or associated traffic would adversely affect any declared AQMA.
3. Development proposals will be required to provide mitigation measures where the development and/or its associated traffic could lead to a declaration of a new or extended AQMA.
4. Development proposals will be permitted where they follow best practice methods to reduce levels of dust and other pollutants arising during a development from demolition through to completion.

CP1 PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT

When considering development proposals the Council and National Park Authority will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). They will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council and National Park Authority will grant permission unless material considerations indicate otherwise – taking into account whether:

Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or

Specific policies in that Framework indicate that development should be restricted.

CP15 GYPSIES, TRAVELLERS AND TRAVELLING SHOWPEOPLE

Planning permission for permanent and transit sites for Gypsies, Travellers and Travelling Showpeople will be granted if the site:

- a) meets a need as identified by the local planning authority's accommodation assessment;
- b) is located conveniently for access to schools, medical services and other community facilities;
- c) has adequate provision for access, parking, turning and servicing;
- d) is capable of accommodating the number of caravans/mobile homes proposed;
- e) can be adequately screened or landscaped to blend the site into its surroundings;
- f) is capable of being provided with essential services and does not put undue pressure on local infrastructure and services; and
- g) in addition for transit sites, is accessible to the main transport routes through the District.

Provision will be made within the Local Plan: Allocations and the South Downs National Park Local Plan for permanent and transit pitches for Gypsy and Travellers

and plots for Travelling Showpeople. In allocating sites within that part of East Hampshire outside of the South Downs National Park, the Council will:

(a) seek to provide additional accommodation capacity as recommended by the Travellers Accommodation Assessment for Hampshire 2013:

i. 22 permanent pitches for Gypsies and Travellers within the Plan period, and located within that part of East Hampshire north of the National Park;

ii. 2 pitches on sites providing temporary short-term accommodation for Travellers in transit, within or outside East Hampshire and as early as possible within the Plan period;

iii. at least 6 plots for Travelling Showpeople on sites within or outside East Hampshire and as early as possible within the Plan period.

(b) use the criteria used to determine proposals for planning permission, together with other relevant issues including the decision-taking matters set out in Government policy, to determine whether a site is suitable and available.

In allocating sites within the South Downs National Park, the Park Authority will:

(a) seek to provide additional accommodation capacity as recommended by the Travellers Accommodation Assessment for Hampshire 2013 and in line with other assessment evidence for West and East Sussex:

(b) use the criteria used to determine proposals for planning permission, together with other relevant issues including the decision-taking matters set out in Government policy, to determine whether a site is suitable and available.

CP19 DEVELOPMENT IN THE COUNTRYSIDE

The approach to sustainable development in the countryside, defined as the area outside settlement policy boundaries, is to operate a policy of general restraint in order to protect the countryside for its own sake. The only development allowed in the countryside will be that with a genuine and proven need for a countryside location, such as that necessary for farming, forestry, or other rural enterprises (see Policy CP6). Within the South Downs National Park the pursuit of National Park purposes will be paramount.

CP20 LANDSCAPE

The special characteristics of the district's natural environment will be conserved and enhanced. New development will be required to:

a) conserve and enhance the natural beauty, tranquillity, wildlife and cultural heritage of the South Downs National Park and its setting, and promote the opportunities for the understanding and enjoyment of its special qualities, and be in accordance with the ambitions within the emerging South Downs Management Plan;

b) protect and enhance local distinctiveness sense of place and tranquility by

applying the principles set out in the district's Landscape Character Assessments, including the Community/Parish Landscape Character Assessments;

c) protect and enhance settlements in the wider landscape, land at the urban edge and green corridors extending into settlements;

d) protect and enhance natural and historic features which contribute to the distinctive character of the district's landscape, such as trees, woodlands, hedgerows, soils, rivers, river corridors, ditches, ponds, ancient sunken lanes, ancient tracks, rural buildings and open areas;

e) incorporate appropriate new planting to enhance the landscape setting of the new development which uses local materials, native species and enhances biodiversity;

f) maintain, manage and enhance the green infrastructure networks (see Policy CP28 Green Infrastructure).

Priority will be given to working with landowners and others in order to ensure that land management practices improve public access to the countryside, conserve and enhance valued landscapes of major importance for wild flora and fauna, and restore landscapes where valued features have been lost or degraded.

CP21 BIODIVERSITY

Development proposals must maintain, enhance and protect the District's biodiversity and its surrounding environment.

New development will be required to:

a) maintain, enhance and protect district wide biodiversity, in particular the nature conservation designations (see Map 2).

i) Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsar (International);

ii) Sites of Special Scientific Interest (SSSI) and National Nature Reserves (National);

iii) Sites of Importance for Nature Conservation (SINC) (Hampshire) and Local Nature Reserves (LNR).

b) extend specific protection to, and encourage enhancement of, other sites and features which are of local value for wildlife, for example important trees, rivers, river corridors and hedgerows, but which are not included in designated sites.

c) contribute towards maintaining a district-wide network of local wildlife sites, wildlife corridors and stepping stones between designated sites and other areas of biodiversity value or natural green space. This will help to prevent the fragmentation of existing habitats and allow species to respond to the impacts of climate change by making provision for habitat adaptation and species migration. This is supported by Policy CP28 (Green Infrastructure) and the District's Green Infrastructure work.

d) ensure wildlife enhancements are incorporated into the design to achieve a net gain in biodiversity by designing in wildlife and by ensuring that any adverse impacts are avoided where possible or, if unavoidable, they are appropriately mitigated for, with compensatory measures only used as a last resort.

e) protect and, where appropriate, strengthen populations of protected species;

f) protect and enhance open spaces in accordance with the District's 'Open Space, Sports and Built Facilities Study', Policy CP17 (Protection of open space, sport & recreation) and Policy CP28 (Green Infrastructure). The provision of open space should be in advance of the relevant new developments being occupied.

CP22 INTERNATIONALLY DESIGNATED SITES

Any new housing that is proposed to be located within 400m of the boundary of the Wealden Heaths Phase II SPA will be required to undertake a project-specific Habitats Regulations Assessment (HRA). This must form a part of the planning application process to demonstrate that either no adverse effect on the ecological integrity of the SPA will occur or that adequate measures will be put in place to avoid or (as a secondary solution) adequately mitigate any adverse effects. Such measures must be agreed with Natural England and the planning authority. In order to undertake such an assessment, it is likely that information on the distribution of birds for which the SPA is designated would be required.

To help protect the Solent SPA, SAC and Ramsar sites along the coast, the Council will work with local authorities to monitor the progress of ongoing assessments and recreational management studies being undertaken by the Solent Forum on these sites. Planning permission will only be granted for development that responds to the emerging evidence from the Solent Disturbance and Mitigation Project, the published recommendations, and future related research.

CP25 FLOOD RISK

Development in areas at risk of flooding, now and in the future, as identified on the latest Environment Agency flood risk maps and the Council's Strategic Flood Risk Assessment will be permitted provided that:

a) it meets the sequential and exception test (where required) as outlined in Government guidance;

b) a site-specific flood risk assessment demonstrates that the development, including the access, will be safe without increasing flooding elsewhere, and where possible, will reduce flood risk overall;

c) the scheme incorporates flood protection, flood resilience and resistance measures appropriate to the character and biodiversity of the area and the specific requirements of the site;

d) appropriate flood warning and evacuation plans are in place; and

e) new site drainage systems are designed taking account of events which exceed

the normal design standard.

All development will be required to ensure that there is no net increase in surface water run off. Priority will be given to incorporating SUDs (Sustainable Drainage Systems) to manage surface water drainage, unless it can be demonstrated that SUDs are not appropriate. Where SUDs are provided, arrangements must be put in place for their whole life management and maintenance.

Specific areas in the District, which overlay the Chalk geology, can be prone to groundwater flooding as shown on the Council's Strategic Flood Risk Assessment maps. Rivers in East Hampshire which are sourced in the chalk area are the River Meon, River Wey and Lavant Stream, and thus groundwater fed. Development should be avoided in areas at risk from, susceptible to, or have a history of groundwater flooding. If this is not possible then the development should be designed to incorporate flood resistance and resilience measures.

CP26 WATER RESOURCES/WATER QUALITY

Development will be required to protect the quality and quantity of water, and make efficient use of water. Development will be permitted provided that:

a) it protects and enhances the quality and quantity of groundwater, surface water features and controls aquatic pollution to help to achieve the requirements of the European Water Framework Directive;

b) it has an adequate means of water supply (even in a drought), sufficient foul and surface water drainage and adequate sewage treatment capacity. Development must be phased to take into account the timing of any water and/or wastewater infrastructure required which must be in place prior to the occupation of development. The developer must show that additional provision or improvement of local infrastructure is required and demonstrate that adequate funding is available for that infrastructure in advance of development taking place;

c) demand management technologies are incorporated to meet the appropriate levels of the Code for Sustainable Homes as set out in Policy CP24. Development within Groundwater Source Protection Zones will only be permitted provided that it has no adverse impact on the quality of the groundwater source or a risk to its ability to maintain a public water supply.

Proposals by service providers for the delivery of wastewater services to meet the needs generated by new development and by existing communities will be encouraged and/or permitted, subject to other relevant policies.

The Council and National Park Authority have a duty to take account of the Water Framework Directive (WFD) objectives. Any development which will impact on a known water body will be required to seek out opportunities to introduce mitigation and enhancement measures to help ensure the objectives of the WFD are met. The site identified for the Havant Thicket reservoir will be safeguarded from development (see Map 3).

CP27 POLLUTION

Development must not result in pollution which prejudices the health and safety of communities and their environments.

Developments that may cause pollution, and developments sensitive to pollution, will only be permitted if they are appropriately separated and designed to remove the risk of unacceptable impacts. Engineering or administrative controls may be required to provide sufficient protection to focus on reducing pollution at source.

Development which includes a lighting scheme will not be permitted unless the minimum amount of lighting necessary to achieve its purpose is proposed. Glare and light spillage from the site must be minimised. In determining an application, consideration will be given to the aesthetic effect of the light produced and to its effect on local residents, vehicle users, pedestrians and the visibility and appreciation of the night sky.

Development will not be permitted if it would have an unacceptable effect on the amenity of the occupiers of neighbouring properties through loss of privacy or through excessive overshadowing.

Any development which is likely to lead to a significant effect on an internationally designated site is required to undertake an appropriate assessment under the Habitats Regulations. As part of any mitigation/avoidance package any impacts on air quality will require a regime for continued air quality monitoring to be set up before the introduction of any mitigation measures, and thereafter maintained.

CP29 DESIGN

The District's built environment must be of an exemplary standard and highly appealing in terms of visual appearance. All new development will be required to respect the character, identity and context of the district's towns, villages and countryside and must help to create places where people want to live, work and visit. New development will be required to:

- a) seek exemplary standards of design and architecture with a high quality external appearance that respect the area's particular characteristics;
- b) take particular account of the setting and context of the South Downs National Park where relevant, be in accordance with the National Park purposes and duty if in the National Park and take account of these purposes and duty where the National Park's setting is affected;
- c) reflect national policies in respect of design, landscape, townscape and historic heritage;
- d) ensure that the layout and design of development contributes to local distinctiveness and sense of place, and is appropriate and sympathetic to its setting in terms of its scale, height, massing and density, and its relationship to adjoining buildings, spaces around buildings and landscape features;

- e) ensure that development makes a positive contribution to the overall appearance of the area by the use of good quality materials of appropriate scale, profile, finish, colour and proven weathering ability;
 - f) make provision for waste and recycling bin storage and collection within the site;
 - g) be designed to the Lifetime Homes Standard as appropriate;
 - h) take account of local town and village design statements, neighbourhood plans that identify local character and distinctiveness and the design elements of parish and town plans and conservation area appraisals;
 - i) be accessible to all and designed to minimise opportunities for crime and antisocial behaviour without diminishing the high quality of the overall appearance;
 - j) embrace new technologies as a considered part of the design and in a way which takes account of the broader impact on the locality;
 - k) provide car parking in a way that secures a high quality environment and is conveniently located, within curtilage wherever possible, taking account of relatively high levels of car ownership where necessary.
- Transport and access

CP31 TRANSPORT

Through implementation of the Hampshire Local Transport Plan (2011 – 2031), the fullest possible use of sustainable modes of transport (including cycling, walking and public and community transport) and reduced dependence on the private car will be encouraged.

Development proposals will include a range of mitigating measures and, where appropriate, will be required to:

- a) enhance the quality, viability, availability, accessibility and frequency of public transport and alternative community transport provision, especially in rural areas, to ensure that those without access to a private car have access to services and facilities necessary for their well-being;
- b) protect and provide safe and convenient cycle and pedestrian links that integrate with existing cycle and pedestrian networks, such as the South Downs Way and Shipwrights Way, and reflect the amenity and rural character of the area;
- c) ensure that highway design and associated signing meets the needs of vehicular traffic and the need for safety whilst also placing a high priority on meeting the needs of pedestrians, cyclists and public transport users and without detriment to the quality of the environment;
- d) plan for new highway infrastructure that will reduce congestion, improve highway safety, increase accessibility to the District's town and district centres and

enhance economic prosperity of the District;

e) improve access to rail stations at Rowlands Castle, Petersfield, Liss, Liphook, Alton and Bentley Station by sustainable modes of transport and, where appropriate, provide additional car and cycle parking at rail stations;

f) provide adequate, convenient and secure vehicle and cycle parking in accordance with adopted standards;

g) ensure that the type and volume of traffic generated would not harm the countryside or the rural character of local roads;

h) protect sunken and rural/green lanes so that their convenience and safety are enhanced for their users, and their ecological, landscape and recreational value are enhanced;

i) improve access for people with impaired mobility to all forms of transport and to all developments to which the public will reasonably expect to have access; and

j) produce and implement transport assessments and travel plans for proposals that are likely to have significant transport implications;

k) include measures, to be funded by the developer, that address the impact of the new development so as to ensure the continued safe and efficient operation of the strategic and local road networks.

New development should be located and designed to reduce the need to travel. Development that is likely to generate a significant number of additional vehicular movements will normally be expected to be located near existing centres and supportive infrastructure.

A high quality transport system will be required as part of the growth proposed in Whitehill & Bordon. Proposals for new development in the town must improve transport links from the surrounding settlements to the town, and within the town, providing opportunities to reduce reliance on the private car and encourage other modes.

Financial contributions will be sought from developments towards the implementation of identified transport infrastructure schemes, having regard to the costs of those schemes and the likely availability of public funding.

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T2- Public Transport Provision and Improvement

Planning permission will not be granted for development likely to generate a significant level of travel demand unless:

a. it is, or arrangements are made for it to be, well-served by public transport; and

b. its layout is designed to ensure that existing and/or future bus routes lie within easy walking distance of the entire scheme with conveniently sited bus stops with shelters

H14 - Other Housing Outside Settlements Policy Boundaries

Outside settlement policy boundaries, residential development will only be permitted where it is essential to house a full-time worker in agriculture, forestry or other enterprise who must live on the site rather than in a nearby settlement. The Council will need to be satisfied that:

a. there are no opportunities for providing the accommodation by converting and/or extending an existing building or by the subdivision and/or extension of an existing dwelling;

b. the availability of suitable tied dwellings in the area has been investigated;

c. new dwellings, where possible, should be located within or adjoining an existing group of buildings that already have a residential content and enjoying basic services;

d. where it is not possible to locate the new dwelling within or adjoining an existing group of buildings, it must be demonstrated that its siting will maximise the functional benefit to the enterprise, whilst minimising landscape impact;

e. the dwelling is commensurate in size to the established functional requirement and financial viability of the enterprise;

f. the siting, design and construction of the dwelling incorporate measures to optimise energy efficiency; and

g. the owner/occupier of the proposed dwelling has not been instrumental in disposing of any residential property in the preceding 5 years that would have satisfied the need now identified.

ANNEX 5

GUIDANCE NOTES ON HOW TO MAKE AN APPEAL

Printed copies attached

1.Planning Inspectorate – Making your appeal - How to Complete Your Enforcement Appeal Form - England (May 2016)

2.Planning Inspectorate – Procedural Guidance – Enforcement Notice Appeals – England (March 2016)

These documents can also be found at:

<https://www.gov.uk/appeal-enforcement-notice>

ANNEX 6

THOSE PERSONS SERVED WITH THIS NOTICE

