

East Hampshire
DISTRICT COUNCIL

**Janeland, Willis Lane, Four Marks,
GU34 5AP. 29336/008**

Scale

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PART 1

EAST HAMPSHIRE DISTRICT COUNCIL

PLANNING COMMITTEE
REPORT OF THE DIRECTOR OF REGENERATION AND PLACE

Applications to be determined by the
Council as the Local Planning Authority

21 May 2020

SECTION 1 – SCHEDULE OF APPLICATION RECOMMENDATIONS

Item No.:01

The information, recommendations, and advice contained in this report are correct as at the date of preparation, which is more than one week in advance of the Committee meeting. Because of the time constraints some reports may have been prepared in advance of the final date given for consultee responses or neighbour comments. Any changes or necessary updates to the report will be made orally at the Committee meeting.

PROPOSAL	Use of land for the stationing of caravans for residential purposes for 5 gypsy pitches with utility/day rooms (additional information received 23 Aug 2019 and 17 January 2020)
LOCATION:	Janeland, Willis Lane, Four Marks, Alton, GU34 5AP
REFERENCE :	29336/008 PARISH:Four Marks
APPLICANT:	Mr Ray
CONSULTATION EXPIRY :	12 August 2019
APPLICATION EXPIRY :	04 September 2019
COUNCILLORS:	Councillor J May, Councillor D B Tennyson, Councillor I C Thomas
SUMMARY RECOMMENDATION:	PERMISSION

This application is included on the agenda at the discretion of the Service Director for Regeneration and Place.

Site and Development

Janeland is located at the eastern end of Willis Lane at the junction with Telegraph Lane / Headmore Lane and Brightstone Lane. It is approximately 1.5km south east of Four Marks and is outside the Four Marks settlement boundary. Headmore Lane to the east of the site forms the boundary of the South Downs National Park. The site amounts to 0.54 hectares in area and comprises a single gypsy pitch, accessed from Willis Lane. The site is enclosed by mature boundary hedging/trees on all sides and the site is flat with areas of grass and hardstanding with a barn building in addition to the single static caravan. The surrounding area is rural in character with low density housing to the eastern side of Headmore Lane and detached dwellings to the south and west of the site. There are dwellings and commercial premises on either side of Willis Lane to the west of the site. Briars Lodge, which is a site that has planning permission for a total of 8 gypsy pitches is 400m to the west.

The application proposes an additional five gypsy pitches on the site, which would be arranged around the site with the existing vehicular access retained and shared for all of the units. Three day room buildings are proposed which would be 10m by 8m with a ridge height of 5.8m and would be faced in brick with tiled roofs.

Relevant Planning History

29336/005 Change of use of land for the stationing of one caravan for residential purposes and one touring caravan for one family gypsy pitch together with the formation of additional hard standing and use of existing building as a day room, relocated access and track - Refused, 30/06/2010 - Appeal Allowed

Development Plan Policies and Proposals

The Draft version of the Local Plan (2017 -2036) was published under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation from 5 February to 19 March 2019. Paragraph 48 of the NPPF (2019) sets out the circumstances when emerging planning policies may be given weight in determining planning applications. Based on the current early stage of preparation, the draft Local Plan policies are currently afforded no weight.

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

- CP1 - Presumption in favour of sustainable development
- CP2 - Spatial Strategy
- CP10 - Spatial strategy for housing
- CP15 - Gypsies, travellers & travelling showpeople
- CP19 - Development in the countryside
- CP20 - Landscape
- CP25 - Flood Risk
- CP27 - Pollution
- CP29 - Design
- CP31 - Transport
- CP32 - Infrastructure

East Hampshire District Local Plan: Second Review (2006)
H14 - Other Housing Outside Settlement Policy Boundaries

Medstead and Four Marks Neighbourhood Plan (2016)
Policy 1 – Spatial Plan

Planning Policy Constraints and Guidance

National Planning Policy Framework (NPPF) February 2019

In this instance the following sections of the NPPF are considered to be particularly relevant to the consideration of the development;

1. Introduction
2. Achieving sustainable development
3. Plan-making
4. Decision-making
8. Promoting healthy and safe communities
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment

Planning Policy for Traveller Sites (PPTS)

Sets out national guidance for planning for traveller sites and determining applications.

East Hampshire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (Aug 2017)

Provides an evidence based assessment of current and future accommodation needs for gypsies, traveller and travelling showpeople in the East Hampshire area including a breakdown for the area covered by the South Downs National Park.

East Hampshire Five Year Supply of deliverable land for Gypsies, Travellers and Travelling Showpeople (As at 31 March 2020)

Sets out the five-year supply position in East Hampshire District (excluding the South Downs National Park) as required by the PPTS.

East Hampshire Vehicle Parking Standards Supplementary Planning Document 2018

The document sets out East Hampshire District Council's off-street parking standards relating to new development in the district.

Village Design Statement - Four Marks Village Design Statement - non statutory planning guidance that has been the subject of public consultation and therefore is a material planning consideration.

Consultations and Town/Parish Council comments

EHDC Landscape Officer - The development would only be acceptable if the existing boundary screen planting is retained and augmented with additional native tree and hedge planting. It is recommended that boundary treatment is incorporated into an amended application so that it is secured before permission is granted. A condition should also be applied for dark coloured building and surfacing materials to reduce visual impact.

South Downs National Park - The proposal is for a considerable increase in development beyond the existing single Gypsy pitch. The proposed development would change the appearance of the site through the introduction additional structures, caravans, hardstanding and accompaniment of domestic paraphernalia, as well as a general increase in activity on the site. This would alter the rural appearance of the site when seen from the surrounding area and adjoining roads, although the SDNPA note that the existing established boundary vegetation would help to screen the development.

If the Council are minded to accept the proposal, the SDNPA would request consideration of the following points:

- The existing boundary trees and hedging must be protected and consideration given to the provision of additional planting, especially along the northern boundary;
- The entrance driveway is currently flanked by existing hedges. The proposed plans appear to show the retention of the existing hedgerow to the southwest of the entrance driveway, but the removal of the section of hedgerow to the north of the driveway. It is unclear why this section of hedgerow needs to be removed, and would recommend consideration of its retention;
- A full detailed landscaping plan for the site should be secured. Ideally the amount of hardstanding should be kept to a minimum. Details of refuse arrangements should be provided.
- A long term landscape management plan for the site (including maintenance/management responsibilities) should be secured in order to ensure that the landscaping and vegetation is managed appropriately. In particular, details of the management and cutting regime of the boundary vegetation should be provided to ensure the screening is maintained;
- Full details of the treatment of the site entrance should be secured in order to ensure this is not over-formalised. The design of any entrance gates should be in keeping with the rural character of the area e.g. ideally a simple give bar timber gate which would help retain a more agricultural character, rather than close boarded gates and brick pillars;
- Full details of any fences, gates and enclosures on the site should be secured. Close board fencing should be avoided, especially along site boundaries or where it may be visible from the surrounding area;
- A condition to prevent commercial activities and storage of materials or plant on the site.
- External material details/samples should be secured.
- Ecological mitigation/enhancement;
- Lighting to ensure the protection of the rural area and the South Downs International Dark Sky Reserve.

EHDC Environmental Health, Contaminated Land - No objection subject to an informative regarding unsuspected contamination.

EHDC Drainage Consultant - The drainage strategy is acceptable but a condition is recommended to secure the design details of drainage features.

County Ecologist - No objection.

Esso Pipeline Management - No objection subject to an informative.

Southampton to London Pipeline - No comment received.

EHDC Traffic Management Team - Please provide a plan showing marked parking spaces.

County Highway Authority - The applicant has submitted a speed survey in response to the Highways consultation dated the 26th July 2019. The recorded speeds calculated along Willis Lane have been recorded, 85th percentile speeds are used as the most robust assessment on average vehicular speeds in both directions on the carriageway. It must be noted that the posted speed limit of Willis Lane is 40mph, the 85th percentile speeds Northbound were recorded at 40.1 mph and Southbound at 39.3mph. These speeds can now be used to inform the appropriate visibility splays.

Both visibility splays on the Eastern and Western approach reach distances of 85m. When compared with the recorded speeds mentioned above, the existing visibility splay of 85m does meet absolute minimum distance required as per the standards and can be considered to be acceptable. As part of the speed survey, traffic counts were computed and show that on a 7 day average there would be on average a count of 324 trips on the Northern approach and 347 trips on the Southern approach daily. The number of trips recorded is not over and above what would be expected on a road of this nature. The addition of 5 gypsy pitches would not exacerbate the total number of movements on the highway and therefore would not be of detriment to the operation and safety of the local highway network.

After visiting the site, it would be apparent that two vehicles pulling trailers would be able to pass on the access and stop clear of the highway. The gate is setback far enough from the carriageway edge at approximately 9m.

EHDC Planning Policy Team - Comments on relevant material and policy considerations received.

Councillor Mark Kemp-Gee - As befits the local CC and elected rep of the Highways Authority, my objection relates primarily to Highway issues, but having visited the site it seems way too small for this size of development once you have added 'permanent' utility/day rooms, caravans, commercial vehicles and motor cars. One extra pitch might work (also on Highways grounds) but we have to take the application as is and therefore I must object. We are making good progress, as others have said, in getting more pitches and until the new local plan is delivered I am not sure that these can be justified.

Four Marks Parish Council - STRONGLY OBJECT TO THIS PROPOSAL.

The Parish Council acknowledge the need for Gypsy and Traveller permanent accommodation within the district and whilst the Parish Council are sympathetic to the needs identified District wide, the provision of sites should be proportionate throughout the District. Four Marks has already provided over 50% of the District's need in this regard and believe that this should be taken into consideration when deliberating this application, **and a revised Five Year Land Supply calculation made before any final Officer delegated or Planning Committee decision is made.**

Although this is already a designated Gypsy and Traveller site for one pitch, it would be wholly inappropriate and against policy to increase the provision at this location. The site's location, situated outside the Settlement Policy Boundary, is on the perimeter of the South Downs National Park and therefore the recently adopted South Downs Local Plan should also be considered in conjunction with the policies contained within the current Local Plan: Joint Core Strategy (JCS), the NPPF and Government Planning Policy for Traveller Site when deliberating this application.

- The provision of an additional five pitches in a location in such close proximity to 8 new pitches recently granted permission would result in over-concentration in this rural area, be disproportionate in size and would cause unacceptable harm to the amenity of neighbouring properties.
- There is inadequate provision for parking and turning or safe manoeuvring of vehicles on site and no provision for visitors parking.
- There are no proposals for foul water removal, drainage or surface water flooding contained within the proposal.
- The cul-de-sac style of development is against the linear pattern of the local amenity.
- The proposed height of day room is 5.8m which would be over dominant on the existing street scene, noting the nearby site maximum height of day rooms is 4.5m.
- There is no detailed landscaping proposal, or ecology report, and due to the rural location and increased density of the site, it is likely that there would be a detrimental effect on amenity and natural wildlife.
- On the proposed block plan, there is a substantial un-identified structure in the corner of the site. Is this the existing pitch site, a dwelling or outbuilding? Would the proposals have a detrimental effect or are there likely to be any access restrictions to this existing structure?
- Lack of Infrastructure. There is well documented lack of infrastructure within the village, due to the high amount of recent development, an additional 5 families would only add strain on the failing infrastructure.
- The replacement Esso pipeline will cross the site and would need to be taken into account as a national infrastructure project. The Parish Council questions whether encouraging additional settlement of any type is safe or reasonable. The lack of any Comments from Southampton to London Pipeline Project or Pipeline Management - Fisher German is disappointing and should be re-requested urgently.

In summary, this proposal would materially harm the rural location which is well outside of the Settlement Policy Boundary. It would be visually intrusive, an undesirable expansion and intensification of the current site, and out of character with the existing pattern of low density countryside development. It would be dominant in scale and have a detrimental impact on, and conflict with, the local amenity, therefore contrary to Policies CP15, CP19 and CP29 of the East Hampshire District Council Local Plan: Joint Core Strategy, paragraph 7 of the NPPF, and paragraphs 25 and 26 of Policy H of the Government Planning Policy for Traveller Sites, and Strategic Policy SD33 Section 3. b, c, d, e and f, of the South Downs Local Plan, and taking the aforementioned into due consideration, respectfully ask the Planning Officer to refuse this application as the harm significantly outweighs the need.

However; should the Planning Officer be minded to approve this application, the Parish Council would request that the following items are taken into consideration and fully conditioned on the decision notice:

1. Landscaping

Due to the rural nature of the site, a detailed landscaping and screening plan should be provided, for written approval by the Local Planning Authority, to include clear indications of semi-mature and mature indigenous and evergreen species proposed and projected 5 year growth, internal areas should be landscaped to break up the hard standing and blend into the rural environment, and a children's play area provided to encourage healthy lifestyles (PPTS policy H). The landscape proposal should also show the retention of any existing trees and boundary hedgerows and additional native planting.

Reason - In the interests of the visual amenities of the locality and to enable proper consideration to be given to the impact of the proposed development on the environment, existing landscape and trees.

2. Drainage

A detailed proposal for drainage layout, foul drainage discharge, run off calculations and supported by site percolation tests to BRE 365 must be provided and approved and implemented before any development on site. The proposal will generate increased water run-off which must be attenuated on site and not increase flood risk elsewhere. The site plan indicates permeable hardstanding, but this will need to be proved by satisfactory site percolation tests. Surface water drainage systems must be designed to cater for the 1:100 year +30% climate change event.

Reason: To ensure adequate provision for drainage.

3. Lighting

A detailed proposal for provision of any lighting must be submitted, and no external lighting installed on site without the prior written authorisation by the Local Planning Authority. Any provision for external lighting should be minimal, low level and respectful of the South Downs National Park and Four Marks Village Design Statements' dark skies policies. A full specification detailing the exact location of each proposed light, total number, proposed type and wattage of each bulb and design should be provided prior to approval.

Reason - To protect the rural character and appearance of the area and the intrinsic qualities of dark night skies.

4. Commercial Activity

No commercial activities shall take place on the land, including the storage of materials.

Reason - In the interest of the amenity and character and appearance of the area.

5. Utility/Day Rooms

A condition to ensure that the day rooms are not converted to any form of dwelling or alternative use.

Reason - The site is outside the Settlement Policy Boundary and new dwellings are against policy.

6. Restriction on Visiting Caravans.

A condition to ensure that each site does not exceed the two caravan provision (one static) at any one time in the future.

Reason - To control residential use and protect local amenity.

The Parish Council would also ask the planning officer to consider a request for an ecology and wildlife survey due to the location and potential detriment to the local wildlife and potential negative effects on fight against climate change.

Representations

81 letters of objection have been received raising the following concerns:

- a) Six pitches on the site is excessive;
- b) in addition to other gypsy pitches on Willis Lane, the proposal would be contrary to the PPTS, which states sites should not 'dominate' the settled community;
- c) there is a lack of facilities in Four Marks to sustain further development;
- e) the permanent day room building would dominate the site;
- f) the use may generate unacceptable noise;
- g) permission should not be granted as the site is outside the settlement boundary as there is not a genuine or proven need;
- h) the applicant has cleared the site resulting in the loss of trees and wildlife habitat;
- j) Four Marks has already accommodated a significant amount of gypsy accommodation for the District;
- k) the development would be out of keeping with the properties in the lane;
- l) access is unsafe;
- m) the site is 1.2 miles by road to facilities in Four Marks;
- n) the site would be dominated by hard standing, which is out of keeping with the area;
- o) regardless of the five-year land supply position, the site is not suitable;
- p) the layout contravenes fire regulations;
- q) there is no evidence that the sewage treatment plant is fit for purpose;
- r) no provision for children's play space has been made;
- s) the proposal is contrary to local and national policy; and
- v) there is now a five year supply so supply should no longer be a material consideration.

Determining Issues

1. Planning Policy for Traveller Sites and the principle of the development
2. Visual impact and impact on the character and appearance of the area
3. Impact on the amenity of neighbouring properties
4. Highway implications
5. Drainage and flood risk
6. Community Infrastructure Levy
7. Southampton to London oil pipeline
8. The planning balance

Planning Considerations

1. Planning Policy for Traveller Sites and the principle of the development

The following sets out the planning policy context for gypsy/traveller accommodation.

National advice

The National Planning Policy Framework (NPPF) states the housing needs of different groups in the community, including travellers, should be assessed and reflected in planning policies. National planning policy for travellers is set out in detail in the Planning Policy for Traveller Sites, 2015 (PPTS) and is a material consideration. Policy H of the PPTS requires applications for gypsy sites to be assessed in accordance with the presumption in favour of sustainable development set out in the Framework, and with regard to the application of specific policies in both the Framework and the PPTS.

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

To achieve this aim, local planning authorities should make their own assessment of need for such sites within their area for the purposes of planning and "*...should set pitch targets for gypsies and travellers and plot targets for travelling show people which address the likely permanent and transit site accommodation needs of travellers in their area, working collaboratively with neighbouring local planning authorities.*"

It requires Councils to address the need for traveller accommodation and to maintain a five-year supply of deliverable land for traveller pitches. Policy H of the PPTS sets out the criteria relevant to determining applications for traveller sites and states sites away from existing settlements should be strictly limited and that sites in rural areas should respect the scale of, and do not dominate, the nearest settled community.

Consideration should thus be given as to the whether the site is in open countryside and away from a settlement; its relationship to the nearest settled community and whether it would place undue pressure on local infrastructure. When determining planning applications for traveller sites, the PPTS states the following issues should be considered:

- a) *the existing level of local provision and need for sites;*
- b) *the availability (or lack) of alternative accommodation for the applicants;*
- c) *other personal circumstances of the applicant;*

d) 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;

e) that they should determine applications for sites from any travellers and not just those with local connections.

Policy H of the PPTS goes on to state weight should be attached to the following matters:

a) whether the proposal makes effective use of previously developed, untidy or derelict land;

b) sites being well planned or landscaped in such a way as to positively enhance the environment;

c) ensure adequate landscaping and play space; and

d) not enclose a site with so much hard landscaping that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

The Development Plan

Planning law as set out in Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF and the PPTS are material considerations.

Policy CP19 of the East Hampshire District Joint Core Strategy (JCS) operates a policy of general restraint on development outside settlement policy boundaries, unless there is a genuine and proven need for a countryside location. Policy CP19 is considered alongside PPTS para 25, which says, "Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan". Whilst it is accepted that many Traveller pitches are located in the countryside, this does not constitute a specific *need* for a rural location as there are examples across the country of pitches within settlements, however PPTS (para 25) does suggest acceptance of pitches potentially being located in the countryside that have a relationship with a settlement, i.e. they could be outside of a settlement as long as it is not in open countryside, 'away' from the settlement.

Policy CP15 states planning permission for permanent and transit sites for gypsies, travellers and travelling show people will be granted if the site accords with a number of criteria. An assessment of the proposal against each of the criteria set out in policy CP15 is set out below and all other relevant policy considerations are addressed in the following sections.

Policy 1 of the Medstead and Four Marks Neighbourhood Plan supports development within the settlement boundaries defined by the Neighbourhood Plan. The site is outside the Settlement Policy Boundary shown on the policies map Inset 3 of the Neighbourhood Plan.

Traveller site need and five-year land supply position

The Council's current assessment of need is based on the Gypsy Traveller Accommodation Assessment (GTAA) 2017. The GTAA identifies a need for 25 traveller pitches in the period to 2036 and within the period 2017-2022, the need is for 19 pitches.

The five-year supply position statement is set out in the 'East Hampshire Five Year Supply of deliverable land for Gypsies, Travellers and Travelling Showpeople' as at 31 March 2020. This concludes that the current five-year supply position is 14.4 years.

It should though be noted that the five-year supply is calculated against the baseline (minimum) need figure, for example, the GTAA did not manage to interview any gypsy/travellers currently in bricks and mortar housing, yet it is known from census data there are many, which may generate additional need and it only affords a 10% allowance arising from such unknown need. As such, it is acknowledged that the need may be higher.

Having a five-year supply does not mean that all new planning applications can be refused, but rather it gives the LPA strength to resist sites which it considers are not suitable

Assessment of the suitability of the site

Notwithstanding the land supply position, the PPTS states, "*Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.*" The site falls outside the Four Marks settlement boundary, but it is adjoined by residential development to the south and west and is within close proximity to Four Marks (1.5km). Such proposals are often located outside settlement policy boundaries, but in this instance, the location is reasonably close to facilities and services in Four Marks and it is not considered to be in an isolated rural location "away" from a settlement. A more detailed assessment of the site in terms of landscape impact and neighbouring amenity and other planning considerations is set out below.

Consideration of the application against the criteria of the PPTS

Policy H of PPTS provides guidance for determining planning applications for traveller sites. Policy H says that the following issues, amongst other relevant matters, should be considered.

"a) the existing level of local provision and need for sites

The Hampshire Gypsy and Traveller Accommodation Assessment (GTAA 2017) document shows the current need in East Hampshire is 25 pitches by 2036. Since the base date of the GTAA, 8 pitches have been completed and there are 15 pitches with planning permission. There remains a small level of need up to 2036. It should be highlighted that the need is not a ceiling target and regard is also given to wider needs and potential needs from 'unknowns' and those currently residing in bricks and mortar accommodation. As such, need for sites is likely to be greater than stated in the GTAA.

b) the availability (or lack) of alternative accommodation for the applicants

There is no known available alternative traveller accommodation in the District.

c) other personal circumstances of the applicant

The applicant does not seek a personal permission, therefore personal circumstances of prospective residents are not considered and weighed in the determination of this application.

d) 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

The local specific criteria are set out in Policy CP15 of the Joint Core Strategy and an assessment of the scheme against this policy is set out below.

e) that they should determine applications for sites from any travellers and not just those with local connections.

This is a non-personal application, seeking permission for Gypsy and Traveller pitches. Local connections of prospective residents or the applicant are not a consideration.

Policy H of PPTS states that when considering a planning application for Traveller sites, weight should be attached to the following matters:

"a) effective use of previously developed (brownfield), untidy or derelict land

The site is in use as a single gypsy pitch following an appeal decision in 2011 and is previously developed land.

b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness

This is considered against policy CP15 below and in the section on the impact on the character and appearance of the area below.

c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children

The site would provide an additional five pitches for the travelling community who would have access to medical facilities, recreation, schooling for children and other amenities which would promote opportunities for healthy lifestyles.

d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community"

The scheme does not propose high walls or fencing so as to isolate the occupants from the rest of the community. The landscape impacts of the scheme is assessed further below.

Policy H of PPTS says:

"Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure."

There are three separate considerations identified in this paragraph, firstly whether the site is within open countryside; secondly, the sites' relationship to the nearest settled community and thirdly, whether 'undue' pressure is placed on local infrastructure. The existing presence of traveller accommodation in an area, or a potential disproportionate distribution of traveller accommodation across the district does not necessarily result in proposals of additional traveller accommodation in such a locality being contrary to this part of Policy H.

Open countryside

The site is adjoined on two sides by residential properties on Willis Lane, which comprises sporadic residential, agricultural, equestrian and commercial development and the site is considered to be close to facilities and services in Four Marks and Headmore Lane.

Relationship to the nearest settlement

The site is approximately 1.5km from the A31 in Four Marks, which is considered to be a reasonably accessible distance. The facilities within Four Marks includes transport links, shops, schools, a community hall and doctors' surgeries.

Pressure on local infrastructure

The proposal for five further gypsy pitches would not place undue pressure on local infrastructure.

Consideration of the application against Policy CP15 of the JCS - Gypsies, travellers and travelling show people

Policy CP15 of the JCS, stipulates:

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

a) meets a need as identified by the local planning authority's accommodation assessment;

The proposal would go towards a recognised unmet need identified in the Local Planning Authority's Accommodation Assessment for Gypsies and Travellers (GTAA), i.e. 25 pitches by 2036. Whilst, following recent planning permissions, the Council is able to demonstrate a five-year supply of deliverable sites, there remains a small unmet need over the longer period.

b) is located conveniently for access to schools, medical services and other community facilities;

The site is located approximately 1.5km south of Four Marks and would therefore be reasonably convenient to access services and facilities. Four Marks Primary School is located approximately 2km south west of the site.

c) has adequate provision for access, parking, turning and servicing;

The County Highway Authority has been consulted and raised no objection, commenting that the proposal would not have an impact on the local highway network. There is adequate provision for parking and turning within the site.

d) is capable of accommodating the number of caravans/mobile homes proposed;

The land would be capable of accommodating the proposed pitches. Concerns have been received regarding the number of pitches on the site, however, it is considered the proposal would not be excessive for the capacity of the site.

e) can be adequately screened or landscaped to blend the site into its surroundings;

The site has established, mature effective landscaping on all sides. The site is not visible in the wider landscape and it is considered that there would not be any significant visual harm to the character and appearance of the area or the setting of the South Downs National Park, which is situated on the eastern side of Headmore Lane. See further appraisal of the landscape impacts below.

f) is capable of being provided with essential services and does not put undue pressure on local infrastructure and services;

The provision of five further gypsy pitches on the land should not put undue pressure on local infrastructure and services.

In view of the above, the proposal is considered to be in accordance with policy CP15 of the JCS and the advice contained in the Planning Policy for Traveller Sites 2015.

2. Visual impact and impact on the character and appearance of the area

Policy CP20 of the JCS requires development proposals to conserve and enhance the District's natural environment. Development is required to protect and enhance local distinctiveness, sense of place and tranquility and accord with the principles set out in the East Hampshire Landscape Character Assessment.

Willis Lane is rural in character and comprises linear development, mostly composed of residential properties of varying styles, but which are generally set in spacious plots with trees and hedging lining the road sides. There are views from the road to fields to either side of Willis Lane and the boundary of the South Downs National Park lies at the eastern end of Willis Lane. There is also some commercial development extending at depth, perpendicular to Willis Lane.

The site is very well contained by boundary trees and hedging on all sides and the application proposes to retain the boundary screening. The Landscape Officer states the proposal would only be acceptable if the boundary screening is retained, due to the proximity with the South Downs National Park. Headmore Lane forms the boundary of the South Downs National Park. The South Downs National Park Authority (SDNPA) make a detailed response to the application and the setting of the National Park must be given consideration. The eastern side of Headmore Lane comprises a small linear group of residential and commercial development, but which are well screened by boundary trees and hedging, consistent with the area.

In allowing the appeal on the site in 2011, the Inspector commented that, "The site does not have a strong visual relationship to the National Park" and that is considered to remain applicable today. The boundary vegetation of the site only becomes visually connected to the opposite side of the road for a small section of road from the crossroads and along Headmore Lane and in addition to the mature tree screening on the site on the boundary with Headmore Lane, there are trees and residential development on the western side of the road and so it is an enclosed area with no open views into or from the National Park. It is considered the proposal would not harmfully impact views towards, or from, the National Park, but it is considered appropriate to ensure the boundary vegetation is retained through a condition.

The SDNPA also comment on the impact of the scheme on the *character* of the area and that the number of pitches and hardstanding would cause some harm to the rural character of the area.

It is considered the addition of five pitches would harden the built form of development on the site with some degree of harm to the rural area. However, such harm is considered to be minimal given the screening of the site, but also noting the extent of hardstanding areas on surrounding properties, including commercial premises on Headmore Lane, the car park at Four Marks Golf Club to the south and other properties in the area. Furthermore, the applicant has provided a revised layout that incorporates more landscaping within the site to break up the areas of hardstanding.

The South Downs National Park is an International Dark Sky Reserve and development proposals should safeguard the setting of the Dark Sky Reserve and the rural character of the area. The Four Marks Village Design Statement states lighting in rural areas should be kept to an absolute minimum and designed to avoid light spillage. The use of the site would likely generate some additional light impacts, however these would be largely contained by the boundary vegetation and it is considered a condition should be applied to secure details of any external lighting. Subject to which, the proposal is not considered to result in unacceptable light pollution to the rural character of the area or the setting of the South Downs Dark Sky Reserve.

The proposal includes three day room buildings, which would be shared between the six pitches. The proposed buildings would be 10m in length, 8m in width and would have a ridge height of 5.8m and would be faced in brick with tiled roofs. Subject to a condition regarding materials, the proposed day rooms are considered acceptable in design and scale.

The proposal would result in some impacts on the rural character of the area, most notably as a result in the accumulation of structures and hardstanding on the site and associated activity, However, the effects of such harmful elements arising would be limited by the substantial screening around the site, which would minimise the visual impact on the rural character and appearance of the area and on the setting of the South Downs National Park. Subject to conditions that secure the boundary screening and control lighting and prevent commercial activity at the site, the proposal is considered to accord with policy CP20 of the JCS and the advice contained in the PPTS.

3. Impact on the amenity of neighbouring properties

Policy CP27 of the JCS sets out that 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.

The site is positioned at the southern corner of a road junction, but adjoins 'Hunters Farm' to the west and 'Southwood Farm' to the south. The boundary vegetation to both adjoining properties is approximately 5m high and is mature such that the scheme would not result in overlooking or overshadowing of either of the adjoining properties.

The proposed use of the site for six family units would result in additional vehicle movements and general activity that would likely create some additional noise and disturbance, however this would not be excessive or unduly harmful to the residential amenity of either of the adjoining properties, noting particularly the shared boundaries.

Three of the proposed static caravans would be close to the boundary with Southwood Farm (the closest would be 3m), however the boundary hedges again would mitigate noise impacts and Southwood Farm itself is 18 from the shared boundary. Having regard to the criteria of policy CP27 of the JCS, the proposal is considered acceptable.

A key consideration however is the impact of the proposal on the local area having regard to the potential for cumulative effects of gypsy accommodation in the area. The PPTS states "*Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing undue pressure on the local infrastructure.*" The site is located approximately 400m east of the eight gypsy pitches that have recent planning permissions. A large number of objections received from third parties raise concerns about the level of gypsy accommodation in the area and that the number of gypsy pitches would be disproportionate to the number of dwellings in the area.

There are a cluster of dwellings on Willis Lane and others that are more dispersed towards the western end of Willis Lane. There are also a handful of dwellings in close proximity to the site on Headmore Lane, Brightstone Lane and Telegraph Lane (approximately 24 dwellings in the vicinity of both this site and the Briars Lodge site. The application would result in a total of 14 gypsy pitches in the area. There are though also some commercial premises in the area, which adds to the mix of development in the area.

The PPTS seeks to ensure sites respect the scale of, and do not dominate, the nearest settled community, and avoid placing undue pressure on local infrastructure. In terms of the question of whether the proposal, in combination with surrounding gypsy accommodation, 'dominates' the nearest settled community, it is considered that the settled community is that of Four Marks as a village, which comprises a range of community facilities and services. In that context, it is considered the proposal would not dominate the community. Objections received comment on the more direct impacts on and around Willis Lane. However, whether there is a sense that Willis Lane has its own 'community' is not considered applicable for the purposes of the PPTS. Nevertheless, the site at Janeland is well screened such that the proposal would not visually dominate the Willis Lane area and the site allows for social inclusion and access to schools and community facilities in Four Marks. It is acknowledged that the proposal represents a potential of 13 additional pitches in a short period of time, and that is a proportionately high number in the context of the immediately surrounding rural area. However, even when having regard to the immediate Willis Lane/Headmore Lane area, whilst there may be a proportionately high number of pitches relative to the settled community, it is not considered the proposal would 'dominate' the area.

In terms of whether the proposal would place 'undue pressure on local infrastructure' it is considered that even when taken in combination with the Briars Lodge site, there is no evidence to demonstrate that there is insufficient capacity in terms of facilities, access to services or that utilities that would be unduly impacted upon.

The proposal is considered to accord with policy CP27 of the JCS and the PPTS in terms of the impacts on surrounding development.

4. Highway implications

Policy CP31 of the JCS requires development proposals to accord with a number of criteria to ensure development does not result in a harmful impact on the operation and safety of the highway network. Vehicular access to the site is on Willis Lane, approximately m from the junction with Telegraph Lane, Headmore Lane and Brightstone Lane and the application proposes that it would be retained and shared with the proposed pitches. Willis Lane is a C class road and subject to the national speed limit. It is a rural lane, but wide and straight in the vicinity of the site with room for vehicles to pass.

The County Highway Authority raised an initial concern on the basis that the visibility splays of 85m fall short of standards. The applicant has provided a speed survey, as evidence of recorded speeds may allow for reduced splays. The 85th percentile speeds are used to calculate average speeds and the speed survey results are 40.1mph east bound and 39.3mph west bound. The Highway Authority advise that the visibility splays do meet minimum standards and are acceptable.

A traffic count was also undertaken which reported an average of 324 trips east bound and 347 trips west bound on a daily basis. The Highway Authority advise that the additional trips that would be generated by the development would not be of detriment to the operation and safety of the highway. The Highway Authority are also satisfied that the access allows for two vehicles towing trailers would be able to pass and that the gates are set back far enough to allow vehicles towing trailers to pull clear of the highway. Having regard to the above, the proposal is considered to accord with policy CP31 of the JCS.

In terms of parking, the amended layout plan shows provision for two parking spaces within each pitch and there is ample space on the exiting hardstanding area and within each of the pitches for visitor parking. There is room within the site to turn and egress the site in a forward gear and the application is considered to accord with the adopted East Hampshire Vehicle Parking Standards Supplementary Planning Document.

Having regard to the above, the proposal is considered to accord with policy CP31 of the JCS.

5. Drainage and flood risk

Policy CP25 of the JCS requires development to ensure that there is no net increase in surface water from the site, which may increase flood risk elsewhere.

The site is Flood Zone 1 (areas at low risk of flooding). The application proposes to increase the area of hard surfacing, which must be contained on site to ensure it does not increase flood risk elsewhere. Ground conditions are clay overlaying chalk so the applicant has been requested to undertake percolation tests and provide a drainage scheme for the site. The percolation tests have been carried out which confirm infiltration measures would be acceptable. New areas of hardstanding would be formed of permeable surfacing and the surface water from roofs of the day room buildings and the static caravans would be directed to a number of trench soakaways.

Foul waste is to either existing or new cess pits. The Council's Drainage Consultant is satisfied with the proposed drainage strategy and removes his earlier objection, however, a condition is recommended to secure full details of the drainage features, subject to which, the proposal is considered to accord with policy CP25 of the JCS.

6. Community Infrastructure Levy

Policy CP32 of the JCS states that where the provision or improvement of infrastructure is necessary to meet community or environmental needs associated with new development or to mitigate the impact of development on the environment, the payment of financial contributions will be required through planning obligations and/or the Community Infrastructure Levy (CIL) to ensure that all such development makes an appropriate and reasonable contribution to the costs of provision. The EHDC CIL was implemented on the 8th April 2016. This enables the Council to raise, and pool, contributions from developers to help fund additional infrastructure required to support new development including roads, schools, green spaces and community facilities.

The Councils 'Planning Contributions and Community Infrastructure Levy' Supplementary Planning Document lists new floor space created through residential extensions (in excess of 100m²) and new dwellings as CIL liable thus the proposal attracts a CIL contribution.

7. Southampton to London oil pipeline

The existing Southampton to London pipeline runs through the site, approximately on a south-west to north-east alignment. The site layout plan shows the pitches positioned outside of a 3m easement above the pipeline and there is no objection to the proposal in this regard, however an informative is recommended drawing attention to advice on safe working sent on behalf of Esso Ltd. The proposed new Southampton to London Pipeline is a Nationally Significant infrastructure Project, currently being considered by the Planning Inspectorate, however, the new pipeline is being proposed approximately 350m to the south and does not affect the site.

8. The Planning Balance

The starting point for determining the application should be whether the site is suitable for the intended use. As set out in the above report, it is considered the site is suitable and acceptable as a permanent traveller site and that the grant of planning permission for an additional five pitches to meet the needs of the gypsy community, on land which is available and deliverable now is a benefit that carries weight in support of the application. The site is though located outside of an established settlement policy boundary.

Policy CP2 of the JCS directs development to sustainable locations (defined as areas within established settlement boundaries) in order to secure resource efficient housing. Policy CP19 of the JCS states that the approach to development in the countryside "is to operate a policy of general restraint in order to protect the countryside for its own sake." The policy should though be read in conjunction with the PPTS and policy CP15, which deals specifically with gypsy accommodation.

The supporting text to policy CP19 clarifies that the purpose of the policy is to protect the countryside for its intrinsic character and beauty, landscape, heritage and wildlife.

As set out in the above report, it is considered the proposal would not result in unacceptable harm to the landscape or character and appearance of the area and that the scheme is considered to accord with policy CP20 of the JCS. The site is already in use as a gypsy pitch and is positioned with development on two sides. The site is very well contained by established mature planting, and though the proposal would result in additional hardstanding, structures and activity in this rural area, having regard to development in the area, it would not unacceptably harm the character of the local landscape. Noting the boundary screening and the development on the eastern side of Headmore Lane, the proposal is not considered to have a sensitive relationship with the South Downs National Park and there would not be an unacceptable impact on its setting. There would, however, be a need for conditions to safeguard the boundary planting and conditions to ensure lighting details are secured and that no commercial activity takes place on the site in order to protect the landscape character and appearance of the area and the setting of the South Downs National Park. The change to the character of the site is considered to carry limited weight against the proposal in terms of the objective of policy CP19 of protecting the countryside for its own sake, noting that the proposal is considered to accord with the landscape policy (CP20) of the JCS and the relevant criteria of the PPTS.

With regards to the spatial strategy set out in policy CP2 of the JCS and the location of the site relative to the settlement boundary, it is considered the site is beyond a convenient walk to facilities and services in Four Marks and the development would likely result in a requirement for additional vehicular movements to access shops, public transport links and the primary school. However, such vehicular movements would be relatively short and the site is considered to be reasonably sustainably located to access the community and facilities and services. Whilst the scheme is outside the settlement boundary, the PPTS acknowledges that gypsy sites may be located in the countryside, and only restricts sites that are 'away' from existing settlements. The site is contiguous with residential development in Willis Lane/Headmore Lane and the site is considered to have a relationship with the settlement and any harm arising from the likelihood of additional vehicular movements to access facilities is given limited weight against the proposal.

The currently published five-year supply position shows a supply of 14.4 years and so the Council is able to demonstrate a five-year supply. However, the presence of a five-year supply does not engage a presumption against development and the application must be assessed against the policies of the Development Plan with regard to all other material considerations. It should also be noted that housing figures are neither a ceiling or a target.

The planning balance lies in support of the scheme having regard to the contribution it makes to general gypsy accommodation need and the assessment of the scheme against the Development Plan and the criteria of the PPTS. The NPPF (para 59) states that to support the Government's objective of significantly boosting the supply of homes, "it is important that a sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed". This proposal will make a positive contribution towards addressing the needs of a group with specific housing requirements and the planning balance is in support of the proposal.

It is considered that, in view of the acceptability of the site, a general permission for gypsy use of the site is appropriate and that it is not necessary or justified to condition any permission to the applicant. Conditions are, however, proposed to restrict the occupation of the site to one family per pitch and to persons who fit with the definition of a traveller as set out in Annex 1 of the PPTS.

Response to Parish/Town Council Comments

The Parish Council raise several concerns, all of which have been addressed in the above report. For clarity, the new Southampton to London pipeline would be located approximately 350m south of the site. Concerns regarding the amount of gypsy accommodation in the area that has been permitted and the associated impact on infrastructure are noted, however there is adequate infrastructure provision locally to accommodate the development. The Parish Council set out a number of conditions in the event the application is approved and these are recommended and set out below.

Conclusion

The application must be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this instance it is considered that a location outside of an established settlement boundary is justified and that the site is suitably located relative to Four Marks. The application is considered to accord with the Development Plan and all of the criteria set out in policy CP15 of the JCS and with regard to all other material considerations, including the PPTS. The application is considered acceptable in terms of landscape impact and the proposal is considered acceptable having particular regard to the question of whether the scheme 'dominates' the settled community or has unacceptable impacts on infrastructure.

RECOMMENDATION PERMISSION subject to the following conditions:

- 1 The development hereby permitted shall be begun **before the expiration of three years** from the date of this planning permission.
Reason - To comply with Section 91 of the Town and Country Planning Act 1990

- 3 The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary, paragraph 1 of the Planning Policy for Traveller Sites, August 2015, or any documents that supersedes or revises this definition.
Reason - The site lies in a locality where permission would not normally be granted for residential development.

- 4 No more than 12 caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravans Sites Act 1968 (or any subsequent legislation that defines caravans), shall be stationed on the site at any time, of which only 6 caravans shall be static caravans.

Reason - To control the level of residential use on the land, and in the interests of amenity.

- 5 No development shall commence on site until details of a scheme for foul and surface water drainage has been 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 to prevent surface water from discharging onto the highway and should be based on site investigation and percolation tests. The development shall be carried out in accordance with the approved details before any part of the development is first occupied and shall be retained thereafter.

Reason - To ensure adequate provision for drainage. It is considered necessary for this to be a pre-commencement condition as such details need to be taken into account in the construction of the development and thus go to the heart of the planning permission.

- 6 The utility/day rooms hereby permitted shall be restricted to use as ancillary accommodation to the caravan site from which they shall not be let, sold separately, or severed thereafter.

Reason - The site is in an area where a new dwelling would not normally be permitted.

- 7 No commercial activities shall take place on the land, including the storage of materials.

Reason - In the interest of the amenity of surrounding property and the character and appearance of the area.

- 8 No external floodlighting shall at any time be erected or installed at the site, unless agreed in writing with the Local Planning Authority.

Reason - To protect the rural character and appearance of the area and the intrinsic qualities of dark night skies and the setting of the South Downs International Dark Sky Reserve.

- 9 The development hereby approved shall not be first brought into use until a fully detailed landscape and planting scheme for the site has been submitted to and approved in writing by the Local Planning Authority. Such details shall include the retention of all boundary trees/hedgerows and all hard and soft landscaping and boundary treatment details. The works shall be carried out in accordance with the approved details and in accordance with the recommendations of the appropriate British Standards or other recognised codes of good practice. Hard boundary treatment features shall be erected prior to the first use of the development hereby approved and retained thereafter; soft landscaping shall be carried out in the first planting season after practical completion or first occupation of the development, whichever is earlier, unless otherwise first agreed in writing by the Local Planning Authority.

Any trees or plants which, within a period of 5 years after planting, are removed, die or become seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved unless a suitable alternative species are otherwise agreed in writing by the Local Planning Authority.

Reason - In the interests of the visual amenities of the locality and to enable proper consideration to be given to the impact of the proposed development on existing trees.

10 All boundary trees and hedging shall be retained unless otherwise agreed in writing with the Local Planning Authority.

Reason - To protect the rural character and appearance of the area.

11 Notwithstanding any indication of materials that may have been given in the application or in the absence of such information, no development above slab level shall take place to construct the day rooms until samples / details including manufacturers details of all the materials to be used for external facing and roofing of the day room buildings hereby approved have been submitted to, and approved in writing by, the Local Planning Authority. The development works shall be carried out in accordance with the approved details.

Reason - To ensure that the materials used in the construction of the approved development harmonise with the surroundings.

12 The development hereby permitted shall not be brought into use until the areas shown on the approved plan for the parking of vehicles shall have been made available, surfaced and marked out. The parking areas shall then be permanently retained and reserved for that purpose at all times.

Reason - To make provision for off street parking for the purpose of highway safety.

13 No part of the development hereby approved shall be occupied until details for the on site provision of bin storage facilities have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the bin storage has been constructed in accordance with the approved details and thereafter retained and kept available.

Reason - To ensure the adequate provision of on site facilities.

14 The development hereby permitted shall be carried out in accordance with the following approved plans and particulars:

Application form

Covering letter

09_311B_001 - location plan

09_311B_002 - existing site layout

09_311B_003 - proposed site

09_311B_005 - indicative layout - utility/day room

Reason - To ensure provision of a satisfactory development

Informative Notes to Applicant:

- 1 The proposed development referred to in this planning permission is a chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations (as amended)

In accordance with CIL Regulation 65, East Hampshire District Council will issue a Liability Notice in respect of the chargeable development referred to in this planning permission as soon as practicable after the day on which planning permission first permits development. Further details on the Council's CIL process can be found on the East Hampshire District Council website:

<http://www.easthants.gov.uk/sites/default/files/documents/Planning%20Contributions%20and%20CIL%20Supplementary%20Planning%20Document%20-%20April%202016.pdf>

- 2 All development shall be stopped immediately in the event that contamination not previously identified is found to be present on the development site and details of the contamination shall be reported immediately in writing to Environmental Health. An investigation and risk assessment should then be undertaken by competent persons and in accordance with 'Model Procedures for the Management of Land Contamination, CLR 11'. A written report of the findings, to include a remediation statement, should then be forwarded to the Local Planning Authority for appraisal. Following completion of remedial measures a verification report should be prepared that demonstrates the effectiveness of the remediation carried out. It is recommended that no part of the development be occupied until all remedial and validation works are complete and a Completion Certificate has been issued. This would ensure that no future investigation is required under Part 2A of the Environmental Protection Act 1990.

- 3 In accordance with paragraphs 38 and 39 of the NPPF East Hampshire District Council (EHDC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:

offering a pre-application advice service,

updating applicant/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this instance the applicant was updated after the consultation period.

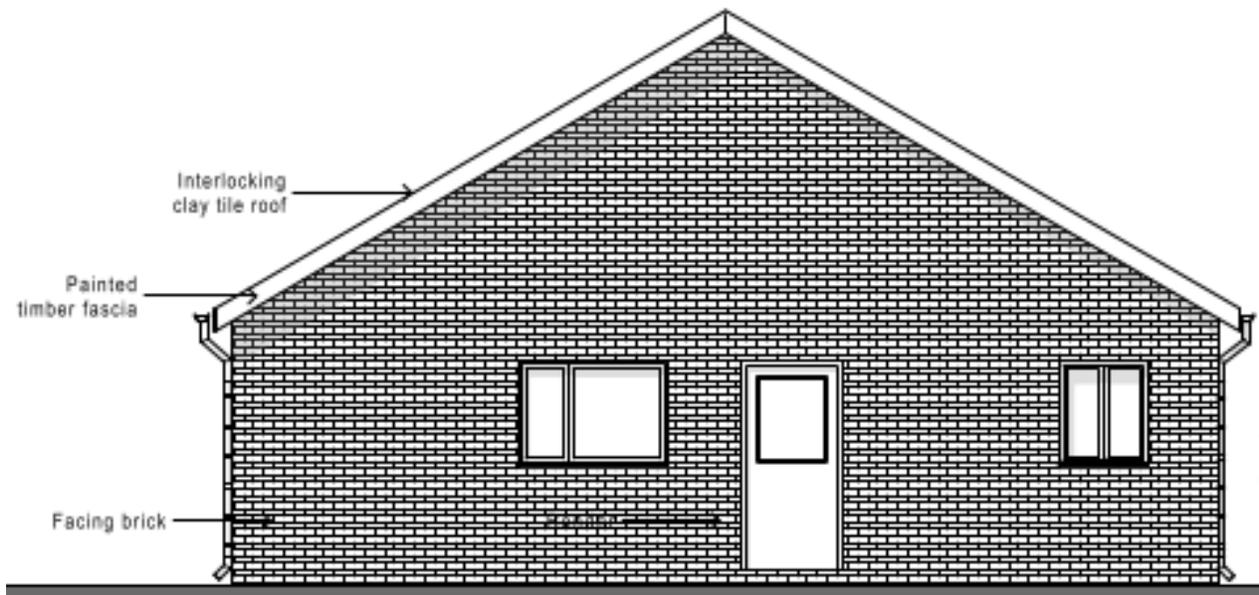
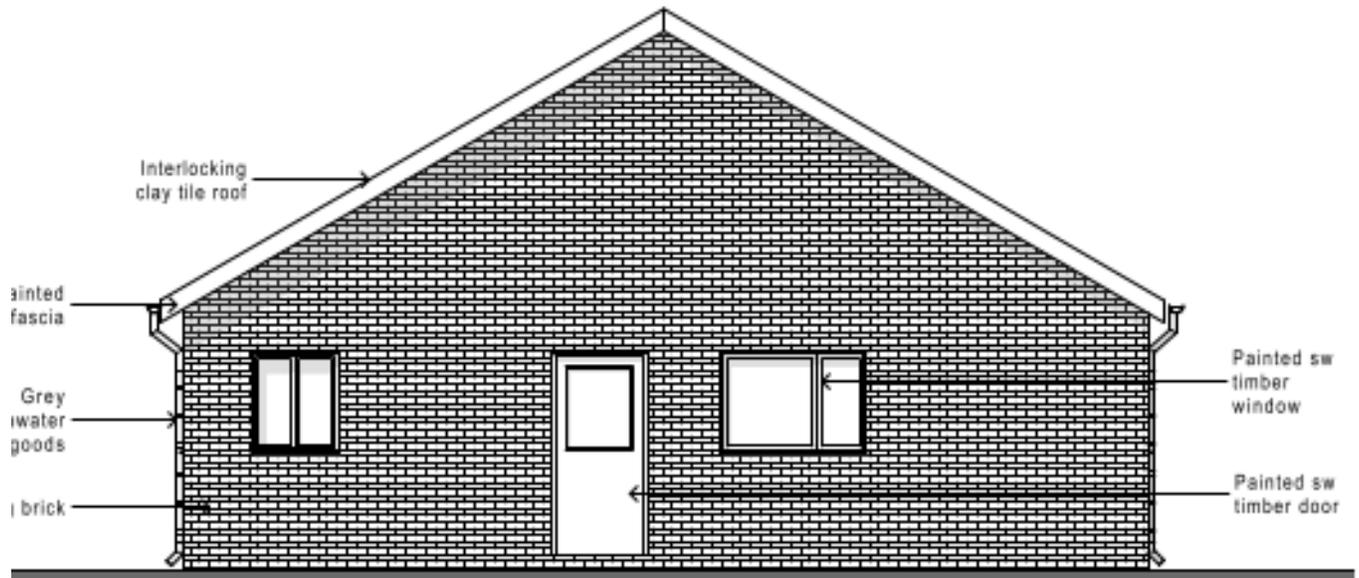
CASE OFFICER: Jon Holmes 01730 234243

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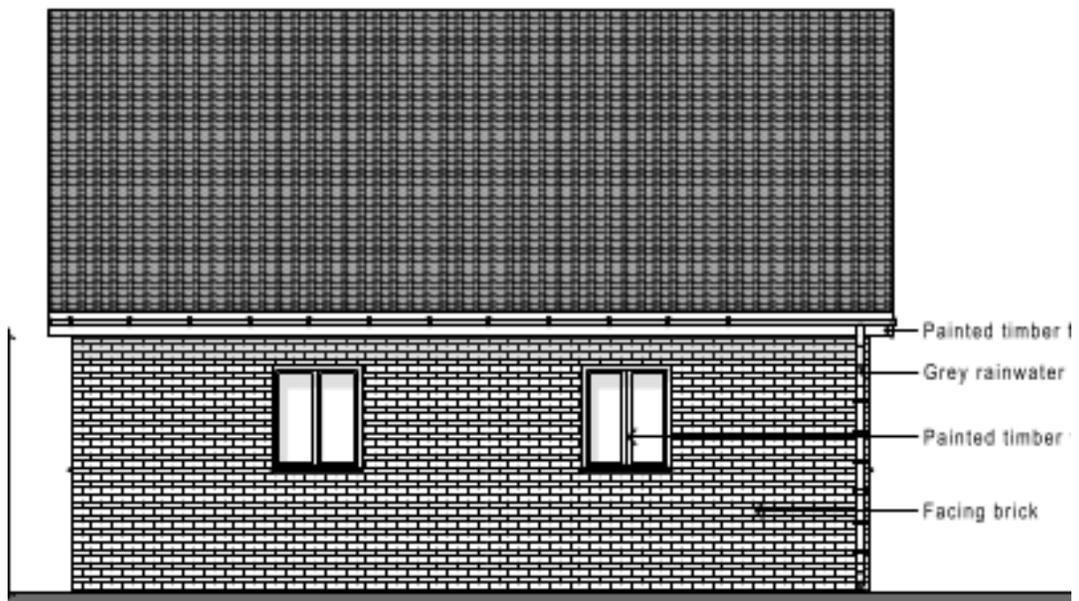
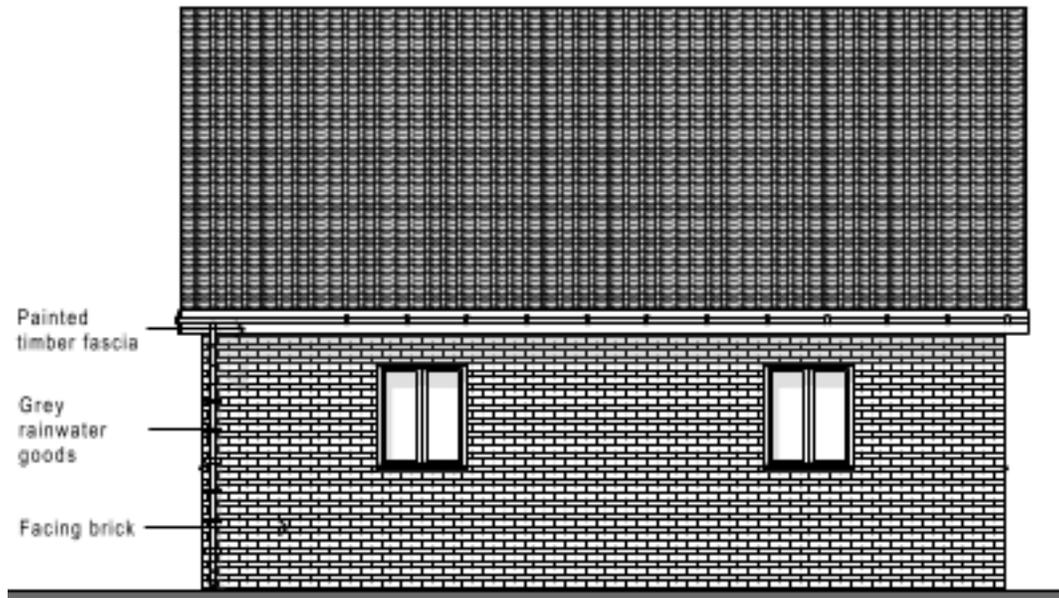
Proposed site plan

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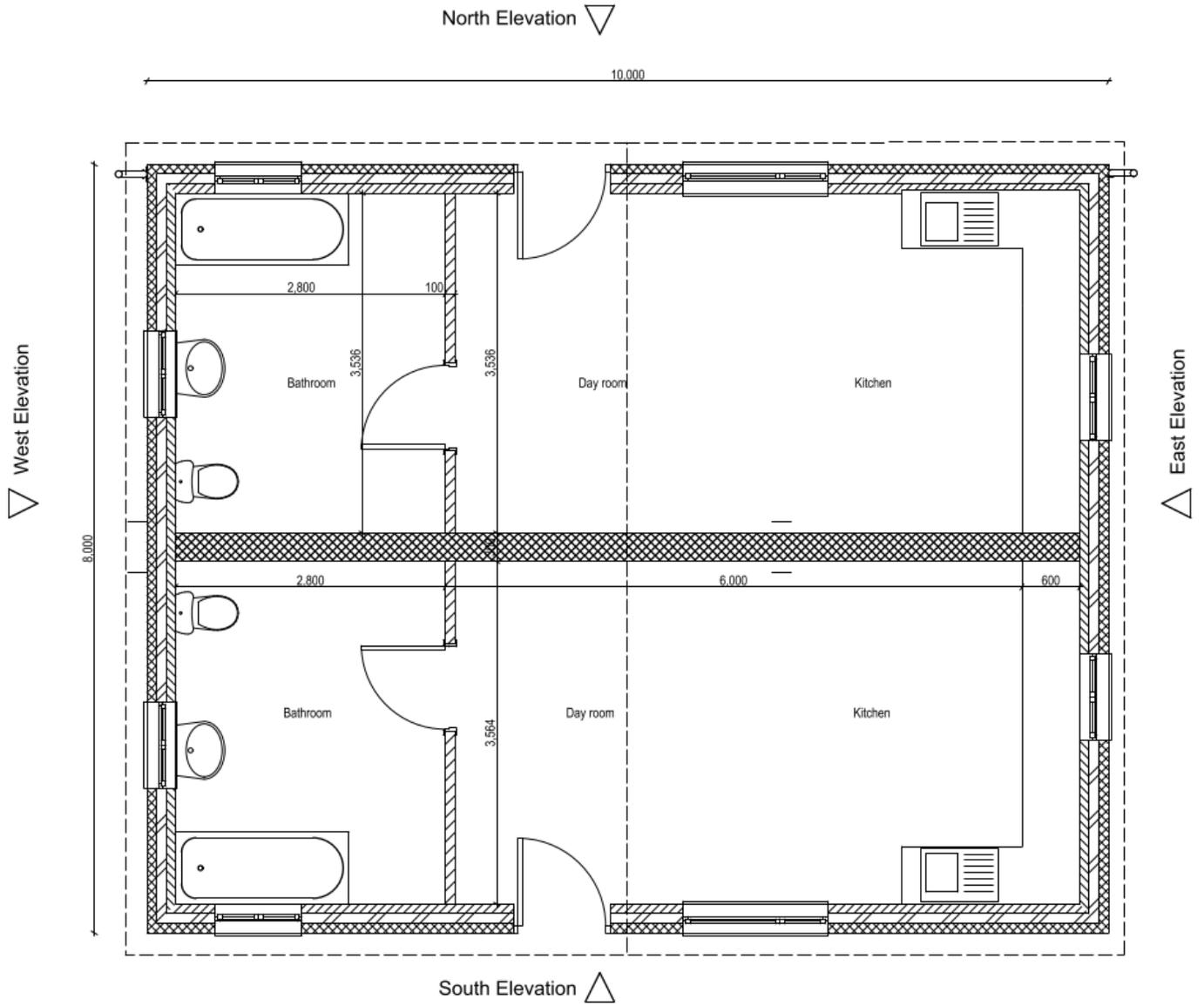
Front and Rear Elevations

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Side Elevations

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Proposed floor plan