

**P/12/0778/CU**

**SARISBURY**

MRS ANITA BARNEY

AGENT: MR MATTHEW GREEN

THE USE OF LAND FOR THE STATIONING OF CARAVANS FOR RESIDENTIAL PURPOSES FOR 1 NO GYPSY PITCH TOGETHER WITH THE FORMATION OF ADDITIONAL HARD STANDING AND UTILITY/DAYROOM ANCILLARY TO THAT USE BURRIDGE ROAD - LAND TO SOUTH WEST - BURRIDGE SO31 1BY

***Report By***

Richard Wright x2356

***Introduction***

This application was due to be determined by members of the committee at this meeting. A non-determination appeal was lodged by the applicant on 21st January meaning that the Council is now unable to determine the proposal. Members are invited to resolve how the application would have been determined had they been able to do so. The committee resolution will be included in the Council's forthcoming appeal statement.

***Site Description***

The site is situated on the southern side of Burridge Road and comprises the north-east quadrant of a field, which extends to a boundary to the south west, shared with 93 Burridge Road. The curtilage of no. 75 Burridge Road (formerly a commercial kennel) adjoins the site to the south east and no. 91 Burridge Road is some 30m away to the north west, across an open field.

Access to the site is provided by a five-bar metal vehicle gate set within the boundary hedgerow along the site's north-eastern boundary with Burridge Road. The interior of the site, and the remainder of the wider field, is mature grassland.

The site lies within an area of countryside, defined by the Local Plan Adopted Proposals Map, some 600m beyond the defined urban area to the east.

***Description of Proposal***

The application is for the change of use of the land for the stationing of caravans for residential purposes as a single gypsy pitch. The application also seeks consent for the formation of a hardstanding and the erection of a utility/dayroom.

The submitted site plan shows a proposed mobile home and touring caravan to be stationed on the hardstanding along with the utility/day room which would be positioned towards the southern corner of the site and is shown to have a footprint of 8 x 5 metres and a dual pitched roof with a ridge height of 4.5 metres. The hardstanding itself would measure approximately 22.5 x 17 metres with a separate area of tarmac surfacing providing an entrance driveway directly off Burridge Road.

The submitted plan shows the rear portion of the field, to the south west, fenced off for use as a paddock. The paddock is shown to be accessed via a vehicular gate however this area falls outside of the red edge of the application site.

The application is accompanied by details of the personal circumstances of the applicant and her family which explains that, with the exception of the eldest child, they currently live

in a touring caravan which is parked on the applicant's mother's private dwelling at Winter's Hill, Durley.

### ***Policies***

The following policies apply to this application:

#### **Approved Fareham Borough Core Strategy**

CS4 - Green Infrastructure, Biodiversity and Geological Conservation

CS14 - Development Outside Settlements

CS15 - Sustainable Development and Climate Change

CS16 - Natural Resources and Renewable Energy

CS17 - High Quality Design

CS19 - Gypsies, Travellers and Travelling Show People

CS20 - Infrastructure and Development Contributions

#### **Fareham Borough Local Plan Review**

DG4 - Site Characteristics

H14 - Frontage Infill in the Countryside

C18 - Protected Species

### ***Relevant Planning History***

The following planning history is relevant:

**P/11/1063/CU      CHANGE OF USE OF AGRICULTURAL LAND TO PRIVATE GYPSY  
SITE FOR ONE FAMILY, SITING OF ONE MOBILE HOME AND A  
TOURING CARAVAN**

REFUSE                      03/05/2012

**P/00/0229/OA      Erection of Two Dwellings (Outline Application)**

REFUSE                      07/12/2000

### ***Representations***

Adjoining occupiers have been notified by letter and a site notice posted for the requisite period. Twenty five letters, predominantly from residents of Burr ridge Road, have been received objecting to the proposal on the following grounds:

- The proposal will be detrimental to / out of character with the existing settled community of Burr ridge Road
- It would detract from the rural character of the locality and the openness of the countryside and local landscape
- The site's planning history, rejecting residential development on grounds of impact on countryside sets precedent to resist this proposal
- Loss of adjoining amenity
- The surface water drainage capacity of the site is queried
- The foul water sewage capacity of the site is queried
- Detriment to matters of ecological interest
- Access to the site is restricted via the lane which is already overused
- The road to the property is single track and inadequate for taking increased traffic
- Safe access to the site and from Burr ridge Road onto Botley Road is difficult for large

vehicles

- Granting the proposal would give rise to an unauthorised gypsy encampment and set a precedent for similar proposals and expansion
- The application is vague as to the future use of the site and the number of caravans that will be stationed
- The status of the applicant as a travelling gypsy is queried / should not be taken into account
- The addition of a fixed day room would appear more invasive than the previous proposal
- The proposed day room is in fact a brick built bungalow
- The land has not been assessed by the local authority under the GTAA as being suitable for a gypsy site
- The site is poorly related to existing services
- The Council has already met its obligation regarding provision of gypsy sites
- There is no proven need for more gypsy sites in this location
- The Supporting Information does not provide sufficient reasons to justify an exception to adopted policies
- The application is not materially different from the previous refused application (ref P/11/1063/CU) and there has been no change in planning policy
- The applicant is currently domiciled in Durley not within Fareham Borough and should seek accommodation within Winchester City's area of responsibility
- There is an underused gypsy site in Whiteley
- Development on agricultural land not appropriate
- There is a perceived fear of crime associated with the proposal

Other reasons for objection have been received, but are not specified as they are not material planning considerations.

A letter has been received from the Burridge and Swanwick Residents Association raising an objection to the application on the following grounds:

- This new proposal provides little further information than the previously refused application (ref P/11/1063/CU)
- Insufficient new ecological information
- The Supporting Information does not provide sufficient reasons to justify an exception to adopted policies
- The land is defined as agricultural and should remain so
- Concern over who will occupy the mobile home and why
- Concern over how this site would be integrated within the local community

Five letters, from a wide range of addresses, have been received supporting the proposal on grounds of:

- The good character of the applicants
- The genuine status of the applicants as being of gypsy origin
- The site is close to a bus route on Botley Road and Swanwick Railway Station is nearby
- The site is close to good local services and is in a sustainable location
- This is clearly not a transit site
- The proposed development would protect wildlife on the site unlike an agricultural use which would not
- The application meets the need for a gypsy pitch in a sustainable location

One further letter has been received neither raising an objection to or registering support for

the application.

### **Consultations**

Director of Planning & Environment (Strategic Planning) -

#### Policy Context

The Partial Review of the South East Plan on Gypsy and Traveller Accommodation and Policy CS19 of the adopted Core Strategy are relevant to this application. Policy CS19 of the adopted Core Strategy supports provision for Gypsies, Travellers and Travelling Showpeople in accordance with an up to date accommodation assessment and site location criteria. The policy identifies the Site Allocations Plan as the document that will allocate specific sites required for Gypsies, Travellers and Travelling Showpeople

Government's policy is set out in Planning Policy for Traveller Sites (PPTS) March 2012. This advice should be read in conjunction with the National Planning Policy Framework, April 2012.

#### Partial Review of the South East Plan on Gypsy and Traveller Accommodation

The South East Plan (Partial Review) work on establishing targets for the provision of traveller sites was not completed as the Panel Report following the Examination in Public during February 2010 was not published due to the Government's intention to abolish the South East Plan.

A new joint assessment has been commissioned by the following authorities: Fareham, Gosport, Havant, East Hampshire, Eastleigh, Winchester, Test Valley, New Forest and the New Forest National Park Authority. It is to be carried out by Forest Bus, a charity with considerable experience with working with Travellers.

The Hampshire Traveller Database records all unauthorised encampments in Hampshire. The majority of unauthorised encampments in the borough were Gypsies passing through the area whose needs potentially could be met by transit sites/temporary stopping places. The data therefore does not demonstrate a need for permanent sites in the borough although it does demonstrate a need for a transit site or temporary stopping place. The Fareham data now records the two sites with temporary permissions and one unauthorised site within the borough. The unfinished draft Panel Report recommendations support the provision of 3 residential pitches by 2016.

#### Compliance with Core Policy CS19

Policy CS19 Gypsies, Travellers and Travelling Showpeople population supports the provision of pitches in accordance with government policy as contained within the planning policy for travellers guidance and supported by an up-to date Accommodation Assessment.

Sites may be identified through the development control process and considered against the criteria in Policy CS19 as follows:

- The unfinished draft Panel Report recommends 3 residential pitches by 2016. In the period since the GTAA was prepared two sites, both for 2 residential pitches, have been granted temporary permission until 2016. Fareham Borough Council has therefore provided for the requirement until 2016 identified in the GTAA and the unfinished draft Panel Report.

- The site is not in close proximity to primary or secondary schools, shops and other facilities and it is not on a bus route with frequent services.
- The site could potentially be suitable for this type of accommodation if alternative more suitable locations cannot be identified and the mobile home is already on the site.
- The site is capable of being provided with adequate on-site services.

## Conclusions

The GTAA and the unfinished draft Panel Report do not support the provision of any further additional pitches in the borough; the identified need up to 2016 in those documents has been provided for. Data from the Gypsy and Traveller Caravan Counts and the Traveller Database demonstrates that there are many unauthorised encampments in Hampshire, but does not show a specific need for additional permanent sites in the borough.

The site is not readily accessible to shops, schools and other services by public transport, on foot or by cycle and therefore does not meet the policy provisions of CS19.

## Director of Planning & Environment (Highways) -

This is a proposal to clear shrubs and vegetation and create a hardstanding area for the stationing of a single gypsy caravan, a parking and turning area for vehicles and a utility/dayroom, all to be served from a new access off Burrridge Road. This is contrary to the information on the planning application form which states no new access is proposed.

There is a disused access to the site from Burrridge Road although the proposal is to create a new access some 45m along the narrow section of the road where the 4m width of the carriageway has diminished to some 3m through a lack of maintenance.

It is noted that the application refers to 'caravans' in the plural, whilst only showing details of a single caravan and dayroom. On the understanding that the proposal is for a single dwelling, the access arrangements can be made acceptable by conditions relating to construction of the access, provision of 2m by 35m visibility splays and securing of parking and turning space.

It would be necessary to restrict development, through condition, to a single dwelling unit, as there would be additional access issues should multiple units be forthcoming.

It is suggested that a TCP contribution would not be relevant to this proposal.

Suggested conditions - vehicular access construction, car parking within curtilage, visibility splays.

## Director of Planning & Environment (Ecology) -

The botanical survey, which has been verified and augmented by data provided by Hampshire Biodiversity Information Centre show that the field supports significant biodiversity interests, meeting SINC (Site of Importance for Nature Conservation) criteria (grassland with relics of unimproved pasture). Where such habitats exist, but are not designated, it is normally an issue of under-recording rather than that the site not being suitable for designation, and therefore where habitat demonstrates meeting SINC criteria

should be considered of the same biodiversity value as these designations.

#### Information provided

The ecological reports provided refer to the proposal as including the horse grazing land to the south east corner of the site and occupying half of the surveyed plot (wider site). The Proposed Site plan shows a proposed post and rail fence enclosing a 'proposed paddock' within this area. Horse grazing is not considered suitable management of these types of habitat and would result in further habitat loss. However it is understood that the paddock falls outside of the red-edged area and it is therefore slightly unclear as to whether the impacts of the creation of a paddock should be taken into account.

The reports do not address:

- the creation of a new access (the Phase 1 report states that no vegetation removal is proposed)
- the treatment of the boundary hedgerow habitat (and required buffer) along the eastern site boundary
- the operational management of retained habitat
- impacts such as lighting

#### Reptiles

Very low populations of Slow worm and Common lizard have been found to be present on the wider site. The proposal will result in habitat loss and potential impacts to individual animals during site works. The reptile report provides some details as to methodology to avoid impacts during clearance. It also recommends retention of a minimum buffer zone of 3 m width along the south, west and eastern boundaries of the site to ensure connectivity of habitat for reptiles. I understand this to mean the south, west and eastern boundaries of the wider site (i.e. at the grassland/scrub interfaces), to which all the surveys relate. However the Proposed Site plan appears to show a further buffer within the redline developed area to the outside of the hardstanding, increasing the area of the proposal site. It is not quite clear what the purpose of this buffer is.

#### Botanical value

The botanical report summarises the impacts of the scheme as being a minor loss of common orchid abundance and reduction in the area of MG4 grassland, and states that neither are species or habitats of principal concern. The conclusion of the report that the site supports MG4 grassland is incorrect. (Furthermore, if the site did support MG4 grassland this would be very significant considering this is Priority habitat and rare in Hampshire). HBIC (Hampshire Biodiversity Information Centre) have verified and augmented the survey of the site through their previous visit to the site (with permission of the agent). The HBIC data shows that the site supports habitat possessing a diverse sward with an underlying frequency of species typical of semi-improved marshy grasslands. Four grassland indicator species were found. HBIC have recommended the site is of sufficient quality to meet SINC (Site of Importance for Nature Conservation) criteria.

As such the loss of the habitat on site appears to be contrary to Plan policies CS4 and C17.

Should the application be refused, the following reason should be applied:

The proposal will result in loss of botanically diverse semi-improved marshy grassland, of SINC quality, contrary to Plan policies CS4 and C17. Insufficient information is provided to fully determine other potential ecological impacts of the scheme.

Environment Agency - No comments

Director of Regulatory & Democratic Services (Contaminated Land) - No objection

Director of Regulatory & Democratic Services (Environmental Health) - No adverse comments. Advice provided regarding requirement for caravan site licence.

Hampshire County Council (Gypsy Liaison Officer) -

It is understood that the family [of Mrs Barney] are the same as in a previous application. I refer to my report of the 14th March 2012. I categorically concluded that both Mr and Mrs Barney can be classed as of Gypsy ethnic origin. The passage of time will not change this conclusion and the same facts remain. Mrs Barney has had a cultural and traditional lifestyle living in a caravan she would have an aversion to living in bricks and mortar. Mrs Barney would like to maintain her identity as an ethnic Gypsy and to lead her private and family life in accordance with her cultural traditions.

### ***Planning Considerations - Key Issues***

#### Legal Position

The general position in the determination of all planning applications is that regard is to be had to the provisions of the development plan and to any other material considerations. Members must have regard to all relevant planning legislation, regulations, guidance and circulars and Council policies.

The development plan, planning policy and guidance issues in this application are identified in the body of the report in the usual manner, together with the applicants' submissions on them and Officer guidance and comments.

One fundamental question which affects the correct approach to be adopted in the determination of the application is whether the applicant and his family are Gypsies and persons of a nomadic habit of life (as legally defined).

Personal details about the applicant and her family were submitted in support of this application on 21st December 2012 following an invitation from Officers to do so, however the submission makes no specific declaration of the gypsy and traveller ethnicity and status of the applicant. It is understood that the applicant and her family are the same as the applicants for the previous refused application at this site (ref P/11/1063/CU). Having previously interviewed the applicant in conjunction with that application, the Hampshire County Council Gypsy Liaison Officer was able to confirm that, due to the degree of travelling in the applicant's lives and other submitted evidence, Mr and Mrs Barney are considered Gypsies for the purposes of the Race Relations Act 1976 and therefore fit the criteria for the definition of a Traveller for planning purposes, which also applies to members of their direct family.

Case law has established that because the applicant and his family are Gypsies and persons of a nomadic habit of life (as legally defined) this application raises special considerations that the Committee must take into account in making its decision.

The applicant has made submissions in support of the application that includes information concerning her and her family's personal circumstances. The full submission is available on the Council's online planning service relating to this application.

Additional matters that Members must take into account in making their decision are:-

1. Articles 8 and 14 of the Human Rights Act 1998 ("the HRA")

Article 8- Right to respect for private and family life,

8.1. Everyone has the right to respect for his private and family life, his home and his correspondence.

8.2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others.

Article 14- Prohibition of Discrimination

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Article 8 is engaged by the decision to be made, and Article 14 applies.

Case law has found that "home" in Article 8(1) includes a mobile home, and that what potentially could be disrespected by the Committee's decision is the applicant's right to live in that home on land which they own.

Having established that Article 8(1) is engaged, the question that the committee must consider is that raised in 8(2) above.

The proper regulation of planning control in accordance with the law is recognised as a legitimate aim in the public interest. However any planning decision that amounts to the interference with an individual's Article 8 rights must be necessary and proportionate in the particular circumstances of the case. Thus the Committee must carry out a balancing exercise in making its decision: it must weight up the requirements of national and local planning policies against the rights and needs of the applicant and his family as gypsies.

The decision must be proportionate, that is, a fair balance must be struck between the interference with the applicant's rights and the legitimate aim of the Council in the public interest pursuant to the legislation.

Article 14 applies so that in carrying out the above exercise under Article 8, Members must ensure they do not discriminate against the applicant i.e. give them less favourable treatment than they would do to another applicant because of their identity as gypsies or for any other of the reasons set out in Article 14.

Details of the rights and needs of the applicant and his family as gypsies are in the submission.

Members are reminded that here is a general statutory duty under Section 71 of the Race Relations Act 1976 for local authorities to make appropriate arrangements with a view to



securing that their various functions are carried out with due regard to the need:

- (a) to eliminate unlawful racial discrimination; to promote equality of opportunity;
- (b) to promote equality of opportunity and good relations between persons of different racial groups.

## Planning Considerations

Notwithstanding the legal position outlined above, the proper regulation of planning control in accordance with the law is recognised as a legitimate aim in the public interest. In arriving at its decision the Council must carry out a balancing exercise, weighing the requirements of national and local planning policies and other material considerations against the rights and needs of the applicant and her family as gypsies.

Members will recall that a planning application submitted last year under reference P/11/1063/CU proposed similar development on the site for the "change of use of agricultural land to private gypsy site for one family, siting of one mobile home and a touring caravan". Planning permission was refused on 3rd May 2012 for the following reasons:

The proposed development is contrary to Policies CS4, CS14, CS17 and CS19 of the Adopted Fareham Borough Core Strategy (2011), Policy C18 of the Fareham Borough Local Plan Review (2000) and Planning Policy for Traveller Sites (DCLG 2012) and is unacceptable in that:

- i) There is no demonstrable requirement for additional gypsy pitches within Fareham Borough and the applicant's personal circumstances do not justify an exception to the Council's adopted policies and national policy in this respect;
- ii) The proposal site is not previously developed and is set in a rural and unsustainable location, with poor access to shops, schools and other facilities by modes of transport other than the private motor car;
- iii) The proposed development would detract from the rural character of the locality and diminish the openness of the countryside and local landscape;
- iv) In the absence of full information to assess the impact of the development on protected species and sites of ecological importance, the applicant has failed to demonstrate that the proposal would not have an adverse impact on habitats and species important to the biodiversity of the Borough.

This current application proposes a similar development to that previously refused albeit with the area of hardstanding increased, the site layout altered and the addition of a brick built utility/day room.

The main issues to be considered in the determination of this application are:

- a) Assessment of the proposal in regards to local and national planning policy on gypsy and traveller accommodation, specifically in relation to:
  - the existing level of local provision and need for sites
  - the availability (or lack) of alternative accommodation for the applicants
  - other personal circumstances
  - locally specific criteria for applications on unallocated sites (Policy CS19 of the Fareham Borough Core Strategy)
- b) Effect on character of the area

- c) Impact on neighbouring properties
- d) Highway safety
- e) Ecology

a) Assessment of the Proposal in Regards to Local and National Planning Policy on Gypsy and Traveller Accommodation

The application site is not one that has been allocated as part of a The Draft Development Sites and Policies DPD published October 2012. The proposal must therefore be considered as an independent site under the criteria set out in Policy CS19 of the Core Strategy. The Policy is believed to be in broad conformity with national guidance set out in Planning Policy for Traveller Sites (PPTS) although the guidance provides a wider range of issues to be considered in determining planning applications. The relationship of this proposal to the PPTS criteria is considered below:

The Existing Level of Local Provision and Need for Sites

Principally, local need for gypsy/traveller sites is to be identified through and Travellers and Travelling Showpeople Accommodation Assessments (GTAA's). Significant work towards this was undertaken as part of the 'Partial Review of the South East Plan on Gypsy and Traveller Accommodation'. The Chief Planning Officer to Local Authorities in England advised (6 July 2010) that evidence which informed the preparation of regional strategies may be a material consideration in the overall evidence base in determining such matters as establishing local targets.

The Council's Director of Planning & Environment (Policy) has advised that the GTAA and the unfinished draft Panel Report into the Partial Review of the South East Plan do not support the provision of any further additional pitches in the Borough; the identified need up to 2016 having been provided for. The recommended allocations for Fareham and Havant were reduced from 4 to 3. The GTAA demonstrates that there is a need for one residential pitch for Gypsies and Travellers in Fareham Borough by 2011 with the unfinished draft Panel Report recommending 3 pitches by 2016. Since the preparation of the GTAA two sites (Newgate Lane, Fareham and Southampton Hill, Titchfield), for two residential pitches each, have been granted temporary permission to 2016 thus fulfilling the identified need to 2016.

The Planning Authority is therefore satisfied that there is no demonstrable need to grant planning permission for the use of the application site as a contribution towards meeting the identified needs of Gypsies and Travellers in general within the Borough. Whilst this does not prevent the Authority from considering the proposal as an independent site, greater emphasis should be placed upon how the site meets the other criteria of Policy CS19 and whether there are other Policy reasons which should determine the outcome of the planning application, particularly in the light the advice contained in 'Planning Policy for Traveller Sites' (March 2012).

A Draft of the Development Sites and Policies Plan was recently issued for public consultation which expired on 26th November 2012. This draft does not currently contain any new site allocations for gypsy and traveller provision pending completion of the Gypsy and Traveller and Travelling Show People's Accommodation Needs Assessment 2012. Further consultation may be required following the receipt of the assessment and comments on the draft Plan. The revised timetable for further plan preparation stages, as agreed by

the Council's Executive on 1st October 2012 is for the consultation on the Pre-Submission Draft Plan during May to June 2013 with Submission by the end of July 2013.

### The Availability (or Lack) of Alternative Accommodation for the Applicants

In essence this is a form of 'sequential test'. As has been set out above, it is the Planning Authority's view that Fareham has met the identified need for sites within the Borough. The applicants have provided no evidence of a site search with their planning application. Furthermore, no evidence was submitted with the application to demonstrate that no more appropriate alternative sites are available within the scope of the applicant's past range of travels.

### Other Personal Circumstances of the Applicant

The planning application, as submitted, is for full planning permission. Personal details about the applicant and her family were submitted in support of this application on 21st December 2012 following an invitation from Officers to do so, however the submission makes no reference to any specific justification based on the personal circumstances of the applicant that they wish to be taken into account.

The planning submission also makes no specific declaration of the gypsy and traveller ethnicity and status of the applicant, however it is understood that the applicant and her family are the same as the applicants for the previous refused application (ref P/11/1063/CU). Having previously interviewed the applicant in conjunction with that application, the Hampshire County Council Gypsy Liaison Officer was able to confirm the status of the applicant. The planning agent has responded to Officer's requests for a further meeting with the Gypsy Liaison Officer in conjunction with this current application to say that they do not consider there to be any need to do so. The Gypsy Liaison Officer has provided general comments reiterating the advice previously given in connection with the earlier application.

### Locally Specific Criteria For Applications on Unallocated Sites (Policy CS19 of the Fareham Borough Core Strategy)

Notwithstanding that the application site is located in the countryside where new residential development is not normally permitted. Policy CS19 sets out two criteria to be met for the consideration of unallocated gypsy/traveller sites:

- accessible to shops, schools and health centres by public transport, on foot or by cycle, and
- capable of being provided with adequate on site services for water supply, power, drainage, sewage disposal and waste disposal

Officers have no issue with the second of these criteria as the application site is adequately serviced. However, the site does not fulfil the requirements of the first (sustainability) criterion.

The site is not readily accessible to primary, secondary schools, shops or other facilities and is not on a bus route with frequent services. Bus stops are located 600m from the site at the junction with Burr ridge Road with Botley Road. Route No. 26 is limited to 12 buses every 1.45 hours, in both directions between 06:55 and 17:45, Monday to Friday, a reduced service on Saturdays with no Sunday or evening service. The nearest shops are located 1.5

miles away in Park Gate, with Swanwick Station about 1.3 miles from the site. The site is not previously developed and is outside of the defined urban area, some 600m away to the south east. Instead the site is within a predominantly rural location with limited access to services by sustainable means meaning residents living at the site would be heavily reliant on the private motor car as the primary mode of transport.

## b) Effect on Character of the Area

Policy CS14 (Development Outside Settlements) of the Fareham Borough Core Strategy explains that "built development outside the defined settlements will be strictly controlled to protect the countryside from development which would adversely affect its landscape character, appearance and function".

Policy CS17 (High Quality Design) requires development to "respond positively to and be respectful of the key characteristics of the area, including heritage assets, landscape, scale, form, spaciousness and use of external materials".

National policy guidance through the PPTS requires that "criteria based policies should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community".

The location is not one where existing residents would reasonably expect further development to take place and where they can also reasonably expect that their own interests (as the immediately affected 'settled community') would hold equal weight to the applicant's under the guidance of the PPTS. In response to the planning application twenty-five letters of objection were received, together with five letters of support. Many local residents have pointed to the existing undeveloped nature of the site and the loss of the open space, alleging the development to be harmful to the enjoyment of the countryside surroundings.

The PPTS also states that "local planning authorities should strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan".

Although Burrige Road comprises ribbon development of dwellings (which are predominantly detached properties in large grounds) the overwhelming character of the site and surrounding area is rural. The application site forms the end of the ribbon development with the surrounding countryside and provides a large undeveloped gap between the residential development to the east and more sporadic residential development to the north, all of which lies within designated countryside. Development of the site would extend this ribbon development into the gap and would erode the rural character of the area. As a result of the development a large section of boundary hedgerow, a key characteristic of the rural appearance of the road, would be removed and replaced with a large tarmac driveway. A very large expanse of hardsurfacing is proposed for the interior of the site which would be visually intrusive within such a location. The combined effect of the hardstanding, together with all of the paraphernalia associated with the domestic use of this site (the mobile home, touring caravan, other vehicles, etc), and the added visual intrusion of the proposed brick built utility/day room, would be incongruous in this location, reduce the undeveloped space between buildings in the countryside and diminish the openness of the landscape, contrary to Policies CS14 and CS17 of the Core Strategy.

The site has been subject to a planning application for two dwellings (refused in December 2000 and subsequently dismissed on appeal in June 2001). In that instance the Inspector considered the site to be a large gap between dwellings within the countryside and that the proposal would result in an urban intrusion. Although the siting of a mobile home, day room and touring caravan is smaller in nature than two dwellings, the principle of the matter remains the same inasmuch as the development would close the gap between buildings within the countryside and would diminish the openness and be harmful to the existing undeveloped nature of the site.

#### c) Impact on Neighbouring Properties

The closest dwelling to the proposed mobile home (no. 75 Burrigge Road) is some 14m away to the south east. Given the separation distance and the design and scale of the proposed mobile home (2.5m to eaves and 3.8m to ridge), it is not considered there would be any detrimental impact on the amenities of the occupants of no. 75 Burrigge Road, or any other property, in terms of loss of privacy, overbearing impact or loss of light.

#### d) Highway Safety

Officers consider that additional vehicular movements from the proposal site would be minimal, with no discernible consequences on the operation of the highway network. The site is situated in a predominantly rural location with limited access to services by sustainable means. The site layout accommodates a hardstanding sufficient for parking and turning of numerous vehicles. The HCC Transport Contributions Policy is applicable in principle, given that this proposal will result in additional multi modal movements and demands on the highway network. However, the proposal can be viewed as a temporary use whereby the mobile home and touring caravan could be removed at anytime and the use cease. Furthermore, as a gypsy site, it would be expected not to be occupied all year round in the same way as a permanent dwelling would be, so a contribution under TCP is not considered appropriate in this instance.

#### e) Ecology

The Director of Planning and Environment (Ecology) has provided advice with regards the impact of the development on protected species and their habitat. The area of hardsurfacing proposed would lead to a permanent loss of a large section of grassland habitat on the site. The submitted botanical report explains the proposal will result in a minor loss of species and habitats and that neither are of principal concern. Hampshire Biodiversity Information Centre (HBIC) have identified that the site supports semi-improved grassland habitat consistent with the quality to meet SINC (Site of Importance for Nature Conservation) criteria. Whilst the site is not designated as a SINC, where habitat demonstrates meeting SINC criteria it should be considered of the same biodiversity value as those designations.

As such, and notwithstanding the provision of a 3 metre buffer zone around the perimeter of the hardstanding, the loss of habitat on site would be contrary to Policy CS4 of the Fareham Borough Core Strategy and Saved Policy C18 of the Fareham Borough Local Plan Review.

The Council's ecologist has also raised concerns over inaccurate, unclear and incomplete

information contained within the submitted reports.

### Conclusion

The development is unacceptable taking into account the policies and proposals of the Development Plan as set out above, in particular Policies CS4, CS14, CS17 and CS19 of the Fareham Borough Core Strategy (2011) and Saved Policy C18 of the Fareham Borough Local Plan Review (2000), and national planning guidance set down in Planning Policy for Traveller Sites (DCLG 2012).

The policies of the Core Strategy and the recent DCLG document Planning Policy for Traveller Sites are supportive of proposals for Gypsy and Travellers site provision, where the need has been identified through the accepted process. However, the Council's evidence base does not support provision of any further additional pitches in the borough; the identified need up to 2016 having been provided for by temporary permissions for four pitches at The Retreat in Newgate Lane and at 302A Southampton Road Titchfield. Data from the Gypsy and Traveller Caravan Counts and the Traveller Database do not show a specific need for additional permanent sites in the borough. The site is in a countryside location, is not previously developed and is in an unsustainable location with poor access to shops, schools and other facilities by modes of transport other than the motor car. The applicant's personal circumstances do not justify an exception to the Council's adopted policies and national policy in this respect.

The development would be incongruous in this location, reduce the undeveloped space between buildings in the countryside and diminish the openness of the landscape to the detriment of the rural character of the area.

The development would result in the loss of botanically diverse semi-improved marshy grassland of SINC quality. Insufficient information has been provided to fully determine other potential ecological impacts of the scheme and that the proposal would not have an adverse impacts on habitats and species important to the biodiversity of the Borough.

There are no other material considerations judged to have sufficient weight to outweigh this harmful impact. In accordance therefore with Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning permission should be refused.

### ***Recommendation***

REFUSE:

The proposed development is contrary to Policies CS4, CS14, CS17 and CS19 of the Adopted Fareham Borough Core Strategy (2011), Policy C18 of the Fareham Borough Local Plan Review (2000) and Planning Policy for Traveller Sites (DCLG 2012) and is unacceptable in that:

- i) There is no demonstrable requirement for additional gypsy pitches within Fareham Borough and the applicant's personal circumstances do not justify an exception to the Council's adopted policies and national policy in this respect;
- ii) The proposal site is not previously developed and is set in a rural and unsustainable location, with poor access to shops, schools and other facilities by modes of transport other than the private motor car;
- iii) The proposed development would detract from the rural character of the locality and

diminish the openness of the countryside and local landscape;

iv) The development would result in the loss of botanically diverse semi-improved marshy grassland of SINC quality;

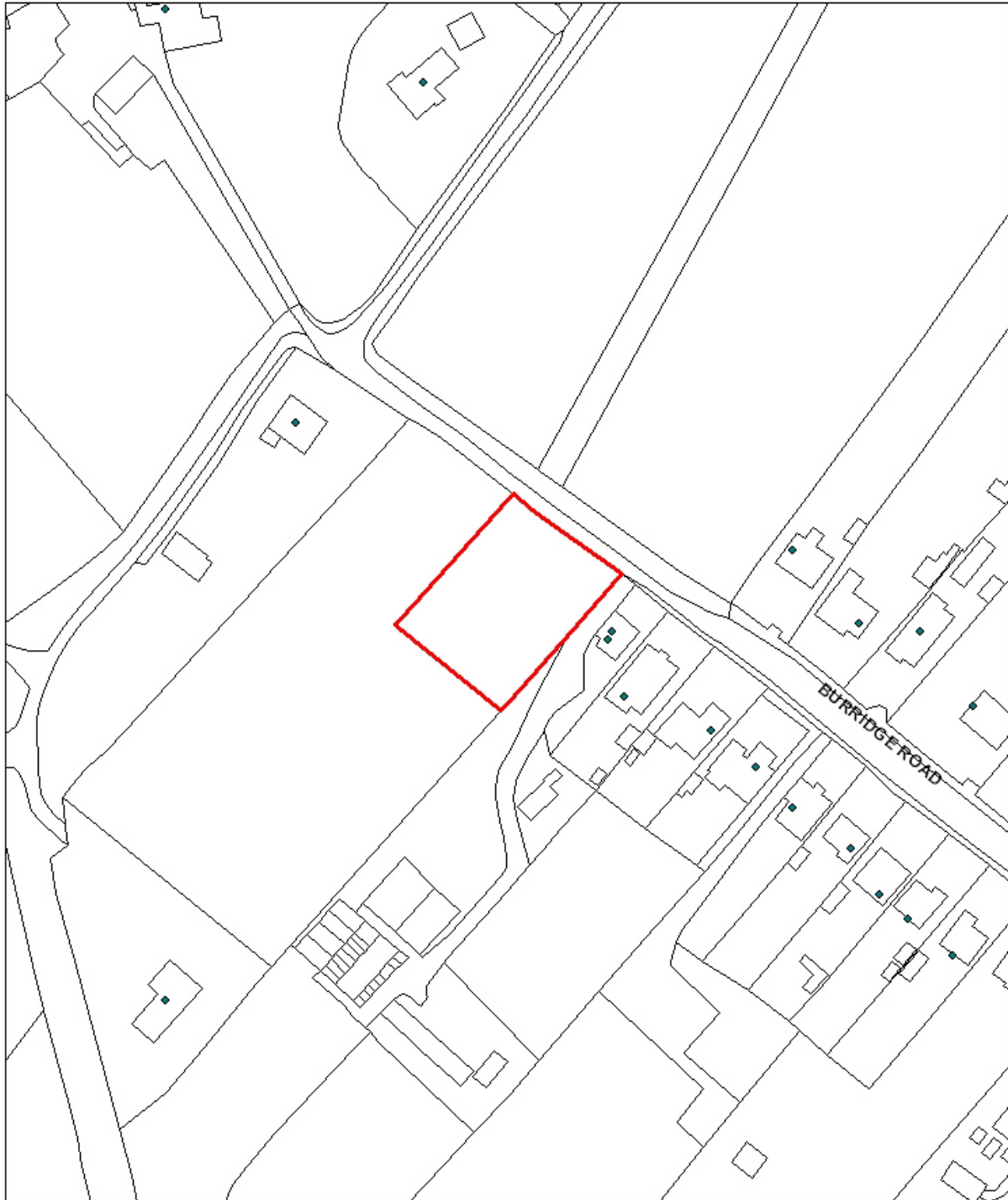
v) In the absence of full information to assess the impact of the development on protected species and sites of ecological importance, the applicant has failed to demonstrate that the proposal would not have an adverse impact on habitats and species important to the biodiversity of the Borough.

***Background Papers***

P/12/0778/CU

# FAREHAM

## BOROUGH COUNCIL



BURRIDGE ROAD - LAND TO SOUTH WEST  
SCALE 1:1250

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