

Application No: 22/00455 Full Application

Site: Brambley Hedge, Lyndhurst Road, Landford, Salisbury SP5 2BJ

Proposal: Change of use of land to Gypsy and Traveller family pitch including siting of static caravan with cladding; 1no. building ancillary to static caravan; hardstanding; external lighting

Applicant: Mr Sherred

Case Officer: Carly Cochrane

Parish: LANDFORD PARISH COUNCIL

1. REASON FOR COMMITTEE CONSIDERATION

Significant local interest

2. POLICIES

Principal Development Plan Policies

SP19 New residential development in the National Park
DP2 General development principles
DP18 Design principles
SP6 The natural environment
SP33 Gypsies, Travellers and Travelling Showpeople

NPPF

Sec 12 - Achieving well-designed places
Sec 15 - Conserving and enhancing the natural environment

Supplementary Planning Documents

Landford Village Design Statement

3. MEMBER COMMENTS

None received

4. PARISH COUNCIL COMMENTS

Landford Parish Council: Recommend refusal.

All previous planning applications have given great weight, in their decisions, to the impact of the proposals on the landscape character. The numbers and types of structures, and the number of people being

accommodated in this current application, are far greater than the previous applications which have all been refused.

As a result of the increased number of people that will use the site, compared to any previous occupants, the vehicle movements will inevitably be greater. The use of the restricted byway (Latchmore Drove), used regularly by pedestrians, horse riders and bicycles, will not be compatible with an increase in vehicle use. The sightlines at the Latchmore Drove/Lyndhurst Road junction are not suitable for an intensification of use by motor vehicles.

If a gypsy site is needed, another site on Lyndhurst Road has recently been given planning permission for two permanent sites. This site has yet to be utilised for the extra pitch that has been created, so there cannot claim to be a shortage of sites. An existing camp site in New Road also has plenty of availability

5. CONSULTTEES

Planning Policy Officer: Concerns that the applicant does not meet the planning definition of a gypsy; the application does not demonstrate a need for a site within the National Park.

6. REPRESENTATIONS

41 letters of representation have been received, all in objection to the proposal. The comments made are summarised as follows:

- Contrary to policy.
- Would give rise to harmful landscape impacts.
- Does not consider the applicant needs to be located in this area- the applicant has made the claim that he also needs to be in other locations, 40 miles from the application site (Melksham), as part of applications to other local authorities.
- Concern with regard to use of Latchmore Drove by vehicles and levels of traffic/vehicular movements.
- Concern with regard to noise impacts on neighbouring amenity.
- Allocated site at Lyndhurst Road does not appear to have been considered.
- Application contradicts itself and is inconsistent in its facts e.g. there is no clarity as to how many people will occupy the site.
- Development would be harmful to the character and appearance of the area.
- The proposed 'day room' is excessive in scale and akin to a separate dwelling.
- Previous applications and appeal decisions have already determined that the use of the land for such development would be harmful- the previous reasons for refusal have not been overcome.
- Concerns with regard to light pollution.

7. RELEVANT HISTORY

Use of land as a single pitch gypsy caravan site for a temporary period of 5 years (16/00670) refused on 18 October 2016. Subsequent appeal allowed on 19 June 2017.

High Court Order (by Consent) to vacate the land by 16 September 2016 entered into by Mr Whitcher on 25 November 2015.

Change of use of land to single gypsy pitch (12/97573) refused on 15 August 2012. Subsequent appeal dismissed on 23 March 2015.

Enforcement Notice served on 20 July 2005 directed against the stationing of a residential mobile home, amongst other matters, and appeal dismissed on 28 February 2006.

8. ASSESSMENT

Application Site

- 8.1 The application site is located to the southern side of Latchmore Drove and comprises a parcel of land measuring approximately 0.1 hectares. The site is accessed via an unmade track; to the north and bounded by trees is Latchmore Drove, which adjoins the B3079 to the east and Lyburn Road to the west, beyond woodland and agricultural land. The site is surrounded by woodland and agricultural land, and residential properties at Lyndhurst Road are approximately 65 metres to the east.

Proposed Development

- 8.2 This application seeks permission for the use of the land as a single pitch gypsy caravan site, consisting of a static mobile home, 'dayroom', parking space for a touring caravan and two vehicles, with cycle parking spaces and the laying of hardstanding. The site would be occupied by the applicant, his son, grandson and granddaughter.

Consideration

Policy Background

- 8.3 Annex 1 of the Government's Planning Policy for Travellers Sites (PPTS) (2015) sets out the definition of gypsies, travellers and travelling showpeople for planning purposes, as follows:

"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such. In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to whether they previously led a nomadic habit of life; the reasons for ceasing their nomadic habit of

life, and; whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.”

- 8.4 Policy H of the PPTS sets out that, in determining applications for traveller sites, local planning authorities should consider:
- 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.
- 8.5 Paragraph 25 of the PPTS sets out that 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 and 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. In the determination of an application, weight should be given to
- a) effective use of previously developed (brownfield), untidy or derelict land
 - b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness
 - c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children
 - 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
- 8.6 If a local planning authority cannot demonstrate an up-to-date five-year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission, however, National Parks are exempt from this level of provision.
- 8.7 Policy SP33 of the adopted Local Plan recognises that the New Forest has a long history of travelling communities, and notes that national policy makes it clear that planning permission should only be granted in national parks for such development where it is demonstrated that the objectives of the designation will not be compromised. SP33 meets the identified need for one additional gypsy pitch within the plan period (2016-2036) as per The Hampshire Gypsy, Traveller, and Travelling Showpeople Accommodation Assessment (GTTSA), through the allocation of land within the curtilage of an existing gypsy site, which is also in Landford. At the time of the GTTSA, the application site was identified as an unauthorised development, and the planning status and

needs of the occupants of that site were considered in determining the overall level of need for gypsy and traveller pitches in the National Park.

8.8 In addition to the allocated site, SP33 seeks to support proposals for the provision of permanent and/or transit accommodation which meets an established need within the gypsy, traveller and travelling showpeople community, where it can be demonstrated that there is a need for the site to be located within the National Park; and:

- a) the impact of the site on the landscape character of the National Park is acceptable;
- b) occupancy of the site will be restricted to gypsies and travellers, and travelling showpeople with a local connection to the New Forest National Park;
- c) the site is well located on a highway network and will not result in a level of traffic generation inappropriate for the roads in the National Park;
- d) there are adequate on-site facilities for parking and storage;
- e) in the case of any permanent site, be located where there are appropriate local facilities (e.g. shops, schools and public transport); and
- f) the site does not detrimentally affect the amenities of surrounding occupiers.

8.9 Policy SP33 of the Local Plan was considered by the Planning Inspectors when conducting the Examination into the New Forest National Park Local Plan. In July 2019 the Inspectors published their Report and concluded that “The criteria in the second part of Policy SP33 provide a positive framework to consider proposals” and that “...given the above and the significant constraints that apply within the National Park, the approach towards Gypsies, Travellers and Travelling Showpeople is justified and consistent with national policy when taken as a whole.”

Site History

8.10 By way of background, the site has previously been used as a single gypsy pitch site and has been subject of several applications and appeals determined by the Authority and Inspectorate. Planning permission was refused in 2012 for the use of the land as a single gypsy pitch for a temporary period of 5 years for the following reasons:

1. Whilst the available evidence indicates that there is a need for additional gypsy and traveller sites in the South Wiltshire housing authority area, it has not been demonstrated that there is a need for the site to be located within the New Forest National Park. This is contrary to policy CP13 of the New Forest National Park Core Strategy and Development Management Policies DPD (December 2010).

2. The proposal would harm the character and appearance of the National Park countryside and it has not been demonstrated that there are exceptional circumstances such as to override this harm. The proposal is therefore contrary to policies CP13 and DP1 of the New Forest National Park Core Strategy and Development Management

Policies DPD (December 2010) and para. 115 of the National Planning Policy Framework.

3. The proposal would result in unacceptable harm to highway safety. This would conflict with the aims and requirements of policies CP19 and DP1 of the New Forest National Park Core Strategy and Development Management Policies DPD (December 2010)

8.11 This decision was appealed by way of a hearing, with permission granted in July 2013. That decision was quashed by order of the High Court over the Inspector's interpretation of Policy CP13 (being the relevant policy at the time) and the re-determination proceeded by way of an inquiry, with the appeal being dismissed in 2015. In dismissing the appeal, the Inspector commented that "Gypsy and traveller development, by its nature, is likely to be harmful to the landscape and scenic beauty of the National Park even though sometimes the individual harm may not be great. By limiting new gypsy development to that with an established local need, Policy CP13 is limiting harm to the National Park and supporting the NPPF objectives, particularly paragraph 115." The wording of Policy CP13 of the Core Strategy (relevant at the time) is not dissimilar to that of SP33 in that it was formed of two elements, being first the requirement to demonstrate a need, and second, the consideration of whether a particular site specific proposal needs to be in the National Park. The Inspector notes that:

"One of the implications of having a locational need requirement is that it limits the scope for new gypsy sites. However I do not find this surprising or unreasonable. Development policies in National Parks are generally restrictive. National advice in Planning Practice Guidance (PPG) is that in assessing whether need can be met local planning authorities should take account of any constraints which indicate that development should be restricted and which may restrain the ability of an authority to meet its needs... the proposal before me fails to satisfy Core Strategy Policy CP13 which requires it to be demonstrated that there is a need for the site to be located within the National Park. I give substantial weight to the policy harm arising from this conflict."

8.12 At the time of this decision, there was a "general unmet need for [gypsy] sites in the National Park". However, SP33 now accommodates the identified need for one additional pitch as per the GTTSAA; this site is understood to be available and therefore the proposal seeks a further pitch in addition to that already provided for.

8.13 An application was made in 2016 for the use of the land as a single pitch gypsy caravan site for a temporary period of 5 years. At the time of the application being made, the site had been occupied unlawfully since 2012 (by the same applicant). The application was largely premised on humanitarian grounds to allow the applicant time to find an alternative site/accommodation. The Authority's reason for refusal is as follows:

"The applicant's residential occupation of the site is contrary to policy CP13 of the adopted New Forest National Park Core Strategy and Development Management Policies DPD. Whilst an application for a

temporary period has been submitted a case has not been made on a humanitarian basis or otherwise to justify granting a temporary planning permission, even for a lesser period than the proposed 5 years. The continued residential occupation of the site with the associated accoutrements and harm that has been identified and accepted at Appeal and which remains is not outweighed and is also contrary to policy DP1 of the aforementioned DPD as well as paragraph 115 of the National Planning Policy Framework and associated Planning Practice Guidance and Planning Policy for Travellers Sites documents.”

- 8.14 The subsequent Inspector's decision concurred with that of the previous Inspector in that the proposal was found to be contrary to the policy requirements as the applicant was unable to demonstrate a need for the site to be located within the National Park, with an unacceptable effect on the landscape character of the area. It was noted that “the conclusion now is similar to that reached previously, that the fact of the appellant’s ownership of the appeal site, given his past history of living outside the National Park area, albeit much of that time prior to designation, does not indicate a strong enough cultural or other attachment such that the requirement of the second limb of the policy is met.” However, the appeal turned only on the best interests of a child (a dependent of the applicant) and a temporary permission was granted. This temporary permission expired in June 2022.

Evidence in support of the application

- 8.15 The Authority has requested additional information on numerous occasions in order to attempt to substantiate the assertions put forward by the applicant’s agent that the proposal is policy compliant. The evidence submitted in support of this application is as follows:

- Design & Access Statement;
- Applicant's Statement;
- Property Search information; and
- Local Property Costs information.

Assessment of the evidence submitted

- 8.16 In the first instance and as per the PPTS, and whilst it is not disputed that the applicant identifies as a Romany gypsy, whether the applicant meets the definition of a gypsy for planning purposes has been raised. The GTTSAA explores the definition of ‘nomadic’, which has been determined through case law, and the implications of these rulings is that the definition will “only include those who travel (or have ceased to travel temporarily) for work purposes and in doing so stay away from their usual place of residence. It can include those who have a permanent site or place of residence, but it will not include those who travel for purposes other than work, such as visiting horse fairs, holidays and visiting friends or relatives. It will also not cover those who commute to work daily from a permanent place of residence. It will also be the case that where some family members travel for nomadic purposes on a regular basis, but other family members stay at home to look after children in education, or other dependents with health problems or due to old age, the household unit

would be defined as travelling under the planning definition. Households will also fall under the planning definition if they can provide information that they have ceased to travel temporarily as a result of their own or their family's or dependants' educational or health needs or old age. In order to have ceased to travel temporarily these households will need to provide information that they have travelled in the past for work purposes, and also provide information that they plan to travel again in the future for work purposes."

8.17 In relation to this, it is asserted that the applicant "has a passion to help protect the 'Forest Gypsy' historic cultural way of life, the language, the passing down of their traditions, and has always followed his cultural heritage. To promote his passion, he has continued to travel countrywide visiting Gypsy and Traveller annual horse fair events such as Appleby, Dereham, Horsmonden, Stow-on-the-Wold, and Wickham. As part of his voluntary liaison work, he supports the Gypsy and Traveller community within Hampshire and Wiltshire, by visiting Gypsy and Travellers that have planning issues advising them in the process, placing them in touch with Professional Planning Services, offering continual support through the Appeal process. Of course, he continues to visit and support relatives near and far." Whilst this demonstrates that the applicant travels for a number of purposes, it is not clear that it is for work purposes as per the definition, and whether the commute is from a permanent place to which the applicant then returns. No information has been provided in relation to the applicant's previous residences, except for information within a representation which implies that the applicant previously lived in a bungalow which belonged to the applicant's son. This has been sold and therefore the applicant is apparently no longer of any fixed abode. No information with regard to employment has been provided with the exception of the voluntary work the applicant undertakes. It is therefore unclear as to whether the applicant previously led a nomadic habit of life, as per the definition for planning purposes. Indeed, the Applicant's Statement confirms that "the Applicant wishes to return to live and die within the New Forest National Park to be close to his friends, family and his cultural heritage. It is not essential for work reasons alone." The question therefore also arises as to whether there is an intention of living a nomadic habit of life in the future, as per the definition.

8.18 As aforementioned, SP33 accommodates an identified need for an additional pitch within an existing gypsy site also in Landford. No information has been provided setting out whether this site would meet the needs of the applicant or not, and why. SP33 requires that a need for a site within the National Park be demonstrated, in addition to the criterion in a)-f); criterion b) restricts the occupancy of the site to those with a local connection to the National Park. Whilst it is not disputed that the applicant has relatives and friends located within the National Park, it can also reasonably be deduced that the applicant has previously lived elsewhere, including outside of the National Park and within a 'bricks and mortar' dwelling and has presumably conducted his voluntary work from these other locations. It can also reasonably be asserted then, that the applicant is not and has not been solely based in the National Park for 'work' purposes. The results of a property search have been submitted which provide a snapshot in time as to the availability of other potential

sites within both the local and wider area (including outside of the National Park); written confirmation from estate agents also confirms that the applicant has been registered with them.

- 8.19 It is clear that affordability and availability of potential sites are key considerations, however, it is also clear that the applicant has considered sites outside of the National Park boundary and therefore it could reasonably be assumed that a suitable site outside of the National Park, yet still close to relatives and friends, would enable the applicant to continue to undertake work within the Wiltshire and Hampshire areas, i.e. in the same areas as the applicant has worked in over the past 30 years. In addition, the Design & Access Statement submits that by allowing the applicant to remain on site would thereby allow the applicant and his family access to the NHS. It is understood that the applicant has ongoing and progressive health issues which are both more recent and historic. It is known that the applicant is registered with a GP in a location not close to the application site, and therefore it is apparent that the applicant is already able to receive relevant medical assistance; it can therefore reasonably be asserted that the access to the NHS is not determined by the applicant residing at the application site.
- 8.20 Overall, based on the information submitted, there does not appear to be a clear locational need for a site within the National Park, aside from a cultural preference, and it has also not been demonstrated that a suitable site outside of the National Park could not otherwise meet the needs of the applicant.
- 8.21 The NPPF confirms that National Parks are afforded the highest level of landscape protection, and the previous Inspectors' decisions commented and concluded that the respective applications would be contrary to the relevant policies which seek to protect the landscape character of the area, and that the harm identified as a result of the developments attracted significant weight. In this instance, the proposal involves the provision of a static caravan to the west of the site, and a 'dayroom' to the south of the site, approximately double the size of the static caravan.
- 8.22 The site lies within the 'West Wellow Heaths and Commons' character area, as set out in the New Forest National Park Landscape Character Assessment, and more particularly the 'Heath Associated Estates' component landscape type, but Latchmore Drove is the boundary with the 'Landford Forest Farmlands' character area, and the 'Ancient Forest Farmlands' component. As found by the Inspector writing in 2014, the strip of predominantly open agricultural land between the rear gardens of properties along Lyndhurst Road and the woodland to the west of the application site makes a positive landscape contribution and is important evidence in the history of the village and the wider cultural landscape.
- 8.23 The site and the proposed static caravan and 'dayroom' are considered to cause harm to the landscape character and appearance of the area; the Design & Access Statement sets out that the site would be eventually screened by mature native trees and hedgerows, and that a temporary 1.8 metre high close boarded fence could be erected in the meantime to provide screening. It is considered that this would only serve to

compound and exacerbate the already identified harmful landscape impact, and the green boundary treatment would still serve to encroach on the open character of the area and would be viewed as “disruptive intrusions” as per the findings of the Inspector in 2017.

- 8.24 In respect of the remaining criterion of SP33 it is not considered that the proposed development would result in a level of traffic generation inappropriate for the surrounding highway network, and by reason of the size of the site, there would be adequate on-site facilities for parking and storage; these have been specifically shown on the submitted plans. Whilst not located within one of the four identified defined New Forest villages, the site is not so isolated from the existing settlement of Landford that it could reasonably be concluded that access to local facilities and amenities was unattainable. The site has access to a shop and Post Office, educational facilities, recreation ground and a bus route, all of which can be reached without the need for the use of a private vehicle.
- 8.25 In relation to the impact upon neighbouring amenity, given the separation distances between the application site and respective rear boundaries of properties along Lyndhurst Road, it is not considered that the development would give rise to an unacceptable level of noise or loss of privacy, as was concluded by the Inspector in 2017.
- 8.26 Finally, all applications for net new dwellings and other forms of overnight accommodation are required to address their recreational and nutrient impacts on internationally protected sites. The application is silent on this matter, and therefore the proposal does not provide appropriate mitigation in relation to any such impacts arising from the development.

Conclusion

- 8.27 Notwithstanding that some of the criterion of Policy SP33 can be met, these do not outweigh the fundamental policy conflict in that it is not considered that there is a need for the site to be located within the National Park. The harm caused through the use of the site for the intended purposes has already been confirmed and established by appeal Inspectors. It is not considered that the applicant has clearly demonstrated the need to be located within the National Park. It is therefore recommended that the application be refused.

9. RECOMMENDATION

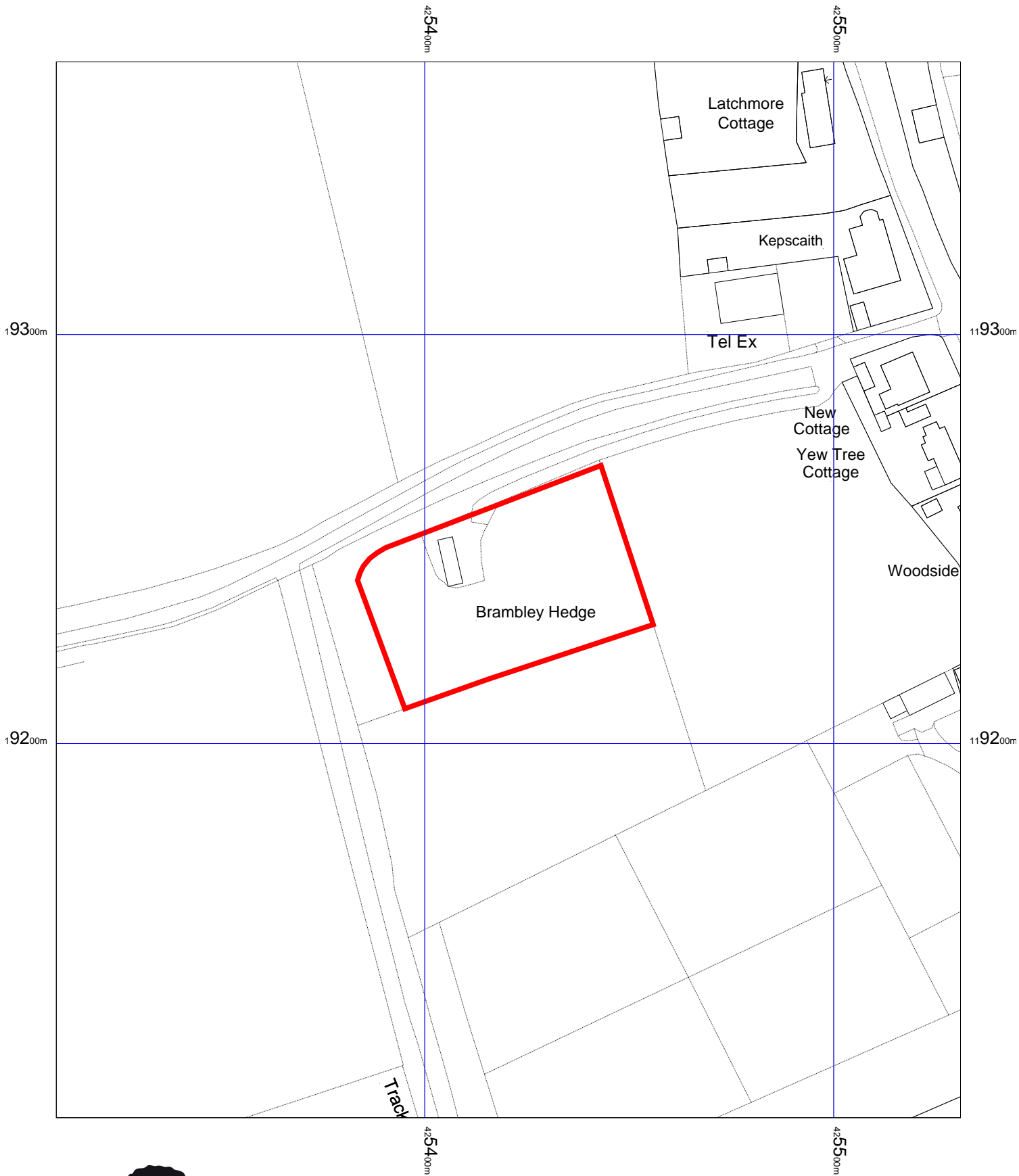
Refuse

Reason(s) for refusal:

1. Insufficient information has been provided in order to ascertain the gypsy status of the applicant for planning purposes, and the need for an additional single gypsy pitch caravan site within the National Park has not been satisfactorily or clearly demonstrated. Further, it has not been demonstrated that there is a locational need which cannot be met by an alternative site outside of the National Park,

particularly considering the proximity of the site in relation to the National Park boundary. The harm caused to the landscape and visual amenity of the area previously identified by appeal Inspectors remains and is not outweighed by the apparent compliance with some of the criteria within Policy SP33. The proposal is therefore contrary to Policies DP2, DP18, SP15, SP17 and SP33 of the adopted New Forest National Park Authority Local Plan (2016-2036), as well as paragraph 62 of the National Planning Policy Framework (NPPF) and the associated Planning Policy for Travellers Sites document.

2. It has not been demonstrated to the satisfaction of the National Park Authority that, through adequate mitigation measures, there would not be significant in-combination impacts on the ecological integrity of designated nature conservation sites (SPA, SAC, Ramsar), through recreational pressures, or through adverse impacts on water quality. The proposal would therefore be contrary to Policy SP5 of the adopted New Forest National Park Local Plan 2016- 2036 (August 2019) and Section 15 of the NPPF.



NEW FOREST
NATIONAL PARK

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