The Planning Inspectorate

# Appeal Decision

Hearing held on 9 August 2016 & 21 September 2016

Site visit made on 21 September 2016

**by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 10 March 2017**

**Appeal Ref: APP/L1765/W/15/3141334**
**Barn Farm Caravan Park, The Lakes, Swanmore, Hampshire S032 2PR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr Henry Hughes against the decision of Winchester City Council.
- The application Ref 15/00636/FUL, dated 24 March 2015, was approved on 29 June 2015 and planning permission was granted subject to conditions.
- The development permitted is the variation of condition no.1 (occupancy condition) and removal of condition no.3 (occupancy condition and expiry of permitted use by 18 October 2015) of planning permission 12/02253/FUL.
- The conditions in dispute are Nos 1,2,3,5,6,7,8,9 and 10 which states that:
- (1) The permission for the siting and occupancy of the mobile home on site as hereby granted shall be for a limited period of three years expiring on 30 June 2018 on or before which date the mobile home and all materials and equipment brought on to the premises in connection with the use shall be removed and the land restored to its former condition in accordance with s scheme of work submitted to and approved by the Local Planning Authority at least six months before the final expiry date above.
- (2) There shall be no more than five pitches provided on the site and the 5 pitches individually have no more than a single unit mobile home and one touring caravan stationed on each pitch at any time. No other caravan, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, than those the subject of this planning permission shall be stationed on the site in connection with the permitted use at any time.
- (3) The use hereby permitted shall be carried on only by the Hughes family and their resident dependent children as scheduled in the South West Law email and annotated plan of 6 February 2015 as provided below:
  Pitch 1 – Henry Hughes (snr) and Anna Hughes and their son Henry Hughes and his wife and resident dependent children
  Pitch 2 – Tony Hughes and Natalie Hughes and their resident dependent children
  Pitch 3 - Isaac Hughes and Tracey Hughes and their resident dependent children
  Pitch 4 - Leslie Hughes and Sophie Hughes and their resident dependent children
  Pitch 5 – Edward Hughes and Evelyn Hughes and their son Stanley Hughes and April Hughes his wife who provide care for Edward and Evelyn
  In addition for a period not extending beyond 31 January 2016 Pitch 5 shall also be occupied by Edward and Evelyn's daughter Mary Hughes and her husband Joseph and their dependent children.
- (5) No commercial, industrial or retail activity (including vehicle sales and display, the storage or sorting of goods, materials, scrap and scrap metal or storage or stationing of equipment or machinery) and no parking of goods vehicles of any type or description, except as set out below, shall take place.
  The parking of vans or goods vehicles on the site shall be limited to a maximum of 5, with a maximum laden weight not exceeding 3,500 kilograms and a maximum height of 2.7m and shall be restricted to the use by the occupants of the site.

- (6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order modifying, revoking and re-enacting that Order with or without modification) no fences, gates, wall or other means of enclosure shall be erected and no sheds, outbuildings or other structures shall be erected on the land unless otherwise agreed in writing by the local planning authority. The existing enclosures and structures (single storey day rooms, large barn storage shed, domestic garden sheds and dog run pens) as currently on site (and to which a photographic record has been made and held on planning file by the local planning authority) are taken to form part of this temporary planning permission.
- (7) Other than any existing storage carriage lamp at the front door and any bulkhead light at the rear door, no external lighting, whether fixed or freestanding, shall be installed or used on the site in connection with the permitted use, unless approved in writing by the local planning authority.
- (8) The sewage treatment equipment /septic tanks as installed and as used in connection with the approved temporary use shall be operated and maintained in accordance with the manufacturer's instructions at all times until the site ceases residential occupation.
- (9) No touring caravans stationed on the site (when in addition to a mobile home on the same pitch) shall be used for any permanent overnight accommodation by occupiers of the pitch or site.
- (10) The day rooms provided on the site shall only be used for ancillary purposes to the main caravan /mobile home on the respective pitch the individual day room is provided to serve and shall exclude any permanent, temporary or occasional residential overnight accommodation by any person who is a resident occupier or visitor to the pitch or the site.
- The reasons given for the conditions are:
- (1) To enable the Local Planning Authority to progress the enactment of a policy under the Local Plan Part 2 for the allocation and provision of land for gypsy and traveller sites to meet the anticipated shortfall of such sites across the district.
- (2, 6, 9 & 10) To enable the Local Planning Authority to control the use of the land and the particular circumstances that the planning permission is founded upon and in the interests of the amenities of the locality.
- (3) To enable the Local Planning Authority to control the use of the land and the particular personal circumstances that the planning permission is founded upon.
- (5) To protect the neighbouring amenities and the character of the countryside and to ensure that the use of the track, which is also used as a public footpath, does not become excessive and inconvenient through inappropriate activity.
- (7) In the interests of the amenities of the locality
- (8) To ensure the proper drainage of the area.

## Decision

1. The appeal is allowed and the planning permission Ref 15/00636/FUL for the variation of condition no.1 (occupancy condition) and removal of condition no.3 occupancy condition and expiry of permitted use by 18 October 2015 of planning permission 12/02253/FUL at Barn Farm Caravan Park, The Lakes, Swanmore, Hampshire S032 2PR granted on 29 June 2015 by Winchester City Council, is varied by deleting conditions 1,2,3,5,6,8,9 and 10 and substituting the conditions on Schedule A attached to this decision.

## Application for costs

2. At the hearing an application for costs was made by Mr Henry Hughes against Winchester City Council. This application is the subject of a separate Decision.

## Procedural Matters

3. At the hearing, the Council submitted a Gypsies and Travellers and Travelling Showpeople Site Assessment Study (SAS) 2016 document. The Appellant was given the opportunity to consider and comment on this document.

4. The appeal documentation indicates that the site is occupied by persons meeting the definition of gypsies and travellers in Annex 1 of the Planning Policy for Traveller Sites (PPTS) which the Council has not disputed. I see no reason to disagree and shall proceed on the basis that the occupiers of the site have gypsy status.

## Background

5. Under planning application 15/00636/FUL, the proposal was to amend condition 1 and delete condition 3 of a planning permission 12/02253/FUL (the 2012 permission). Condition 1 was to be amended to restrict occupation to those meeting the gypsy and traveller definition in Annex 1 of the Planning Policy for Traveller Sites (PPTS). In amending and deleting the conditions, the proposal effectively sought a general permanent planning permission.

6. In this appeal, the Appellant seeks the variation of conditions 1 and 3 but also questions the necessity for conditions 2, 5, 6, 7, 8, 9 and 10 on this decision notice 15/00636/FUL. I will consider the merits of all these conditions under the tests of paragraph 204 of the National Planning Policy Framework (the Framework).

## Main Issues

7. The main issues are whether the disputed conditions are reasonable and necessary, having regard to the character and appearance of the countryside, the location of development, the living conditions of nearby residents, the need for gypsy and traveller accommodation, the provision of sites, personal circumstances and the availability of alternatives.

## Reasons

*Development Plan Policy and emerging planning policy*

8. The Winchester District Local Plan Review (LPR) 2006 policy CE.22 states that development of dwellings in the countryside for workers employed in enterprises not connected with agriculture or forestry will not be permitted unless an essential need can be demonstrated, using criteria for agricultural workers dwellings' accommodation as set out in policies CE.19 and CE.20. The Winchester Local Plan Part 1: Joint Core Strategy (LPP1) 2013 policy MTRA4 states only certain types of development will be permitted in the countryside. The appeal site les within the countryside and does not fall within any of the specified exceptions and therefore it is contrary to policies LPR CE.22 and JCS MTRA4.

9. The appeal site les within a designated local gap under LPR policy CE.2 for Bishop's Waltham, Swanmore, Waltham Chase, Shedfield and Shirrell Heath. The Council has emphasised that draft policy SW2 of the emerging Winchester District Local Plan Part 2 Development Management and Allocations Document (LPP2) proposes housing near the site within the gap. It has commented that the proposal's conflict with this policy should be considered in the wider

assessment of sites coming forward under an emerging Gypsy and Traveller Site Allocations Development Plan Document (DPD) to allocate sites for pitches.

10. LPP1 policy CP5 states that the Council will undertake needs assessments to quantify the accommodation requirements for gypsies, travellers and travelling showpeople within the district. The Traveller Accommodation Assessment for Hampshire (TAA) 2013 sets out need and pitch targets for pitches.

11. The LPP2 has been subject to an Examination-in-Public with the Inspector's Report awaited. The anticipated adoption date is spring 2017. The Council are preparing the DPD to allocate sites for gypsies and travellers and the SAS has recently been considered by the Council as part of this process. The anticipated adoption of the DPD document is June 2018.

*Character and appearance*

12. LPR policy DP.3 indicates that development that accords with other policies of the plan will be permitted provided it satisfies various criteria. It requires development to respond positively to the character, appearance and variety of the local environment in terms of design, scale and layout. LPR policy DP.4 indicates, amongst other matters, that development will not be permitted where it would detract from, or result in the loss of important public views, where site analysis identifies these as being of recognised importance. Amongst the criteria of LPP1 policy MTRA4, there is a requirement that sites should be clearly defined by physical features where possible and not be unduly intrusive.

13. Emerging LPP2 policy DM14 requires developments to respect the qualities, features and characteristics that contribute to the distinctive character of the local area. LPP2 policy DM15 requires development to respond positively to the character, appearance and variety of the local environment in terms of its design, scale and layout.

14. The appeal site is divided up into 5 pitches and a site for a permitted storage building. Each pitch has a dayroom building. The pitches have caravans and outbuildings within them and are individually fenced off from one another. They are accessed off a central vehicular access way. There is some established landscaping around the north, east and west boundaries of the site.

15. Immediately adjacent to the site to the south, there is a caravan site known as Stablewood Farm which has a lapsed temporary planning permission. In the other direction, there is the paddock and curtilage of Belmont Farm. A housing estate within Swanmore is also located to the north of the appeal site which is approximately 350m distant. An unmade road known as The Lakes passes along the northern boundary of the appeal site which provides access to the appeal site, Belmont Farm and other dwellings nearby. In general, the character and appearance of the area surrounding the appeal site is mixed by reason of sporadic location of development within paddocks/fields and the close proximity to the built-up area of Swanmore.

16. To remove the condition limiting the duration of the permission would result in permanent residential development on the site. There have been previous temporary planning permissions on the site, including the 2012 planning permission, which the Appellant has argued has allowed the gradual establishment of boundary vegetation. On my site visit, there was substantial

vegetation around the boundaries on the site and beyond, which would significantly screen the appeal development. In addition, the character of the immediate area is mixed. For these reasons, the impact of a permanent development on landscape character would be minor.

17. There is a public right of way (PROW) along The Lakes which forms part of two long-distance footpaths, Kings Way/Allen King's Way and Hampshire Millennium Pilgrims Way. From this PROW, there would be views of the appeal development, including frontage boundaries, through the access to the development. Nevertheless, in travelling along the PROW, views of the development would be of short term duration and within a context of some established landscaping either side of the access framing such views. As the PROW runs alongside the side of the appeal site, there are some views of the pitches but there is a hedgerow and trees in a strip of land between the road and the site. There has been some clearance of vegetation to allow for repairs to a boundary fence but as whole, this established landscaping provides good screening of the site. From the rear end of the site, there is dense hedgerow landscaping largely obscuring the development.

18. Despite hedging being largely deciduous, the dense nature of landscaping would still significantly filter views of the development in winter from the PROW. The other side of the appeal site would be a considerable distance from the nearest public road with considerable intervening vegetation in between. From what I saw on my site visit, there would be no other public vantage points in the Swanmore built-up area from which to view the site.

19. Overall conclusions on landscape matters: for the reasons set out I conclude that the proposal would result in limited harm to landscape character and appearance having regard to the nature and extent of the views from public vantage points. In this regard, the Council's officer's report indicated that the caravan site is not considered a significant intrusive impact on the wider open countryside character of the area. For all these reasons, the proposal would be contrary to LPR policies DP3 and DP4 and LPP1 policy CP5, albeit the nature of the conflict is limited. Similarly, it would be contrary to LPP2 policies DM14 and DM15, albeit the nature of the conflict is also limited.

*Location of development*

20. The appeal site is located approximately 1.12km away from the Swanmore Village Store via New Road. The store contains a post office and next door there is a grocers and butchers. Swanmore Primary School is a similar distance away. The nearest secondary education provider is Swanmore College, approximately 0.64km away from the appeal site. Doctor's surgeries are available in nearby settlements Wickham and Bishop's Waltham. The distances and nature of the road along The Lakes without street lighting are such that residents of the site are likely to be discouraged from walking or cycling and are more likely to be reliant upon the use of the private motor vehicles to meet their day to day needs.

21. The site is within open countryside and just over a kilometre from the nearest settlement and services. Whilst most journeys are likely to be by means of private motor vehicle the trips would be relatively short and there would be an opportunity for linked trips for example to collect shopping after dropping children at school. For this reason, I find that the site would be relatively well-related to the existing community having regard to the distances involved.

Overall, I conclude that it would provide sustainable patterns of living in compliance with a requirement of LPP1 policy CP5.

22. PPTS at paragraph 13 sets out criteria to identify sustainable gypsy and traveller sites in plans. Although there are local objections to the proposal, third party objections are not unusual in connection with a residential use. Thus, there would be no reason why the site would not enjoy a peaceful co-existence with the local community. There are health services and schools in Swanmore and nearby settlements. The site would promote a settled base that reduces the need for long-term travelling. A settled base would provide a benefit in preventing a roadside or transient existence as unauthorised sites may be located in an areas with poor environmental quality. There has been no evidence that the occupation of the site has placed undue pressure on local infrastructure and services. There is no detailed evidence to indicate that the site is subject to any adverse flood risk. The site would enable traditional lifestyles to be maintained. Consequently, I conclude that the location of the site would broadly accord with the sustainability considerations set out in the PPTS.

*Living conditions*

23. Despite third party and Parish Council comments on noise, disturbance and anti-social behaviour, detailed reports of incidents linking them with the occupiers of the site are not before me. Furthermore, the Council has confirmed that complaints received are mainly not planning related. Accordingly, on the balance of evidence before me, the proposal would comply with LPR policies DP.3 which amongst other matters, requires development not to have an adverse impact on adjoining land, uses or property. It would also comply with emerging LPP2 policy DM16, which amongst other matters, requires development to not cause unacceptable levels of pollution to neighbours by means of noise.

**Other material considerations**

*Need and supply of gypsy and traveller accommodation*

24. PPTS confirms that the Government's aims, amongst others, are for local planning authorities to make their own assessment of need for the purposes of planning and to ensure that local authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites. A further aim is to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply.

25. The most up to date assessment of need is the Travellers Accommodation Assessment for Hampshire (TAA) 2013. The TAA identified an unmet need across Winchester City Council (excluding the South Downs National Park) of 26 gypsy and traveller pitches between 2012 and 2017. For the period between 2011 and 2031, there was a requirement of 33 pitches. In contrast, the Appellant identified an unmet need of 38 pitches from 2013 to 2017, with a further 12 additional pitches from 2017 to 2022 and an additional 14 pitches from 2022 to 2027.

26. Both parties used different methodologies to derive need figures and the five year deliverable supply of gypsy and traveller sites. At the hearing, there was

considerable disagreement over how data was extrapolated to derive need. The Appellant's need figures derived from a growth rate applied to a base date of total need. It was less evidence based compared to the Council's figures given that they were mainly based on survey work.

27. However there were no details of permissions and sites in the district to support the Council's base date figure of unmet need. At the hearing, its growth rate was in part derived from children identified at the time of a supporting survey and not from growth from individuals over 18 years old or family breakdown. Furthermore, the Council were not able to provide convincing reasons as to why the TAA should not make any allowance for those gypsies staying within bricks and mortar accommodation. Such weaknesses in the TAA could result in a higher level of need based on the evidence before me.

28. The DCLG annual count indicates a total of 82 caravans in 2015. Of these 38 caravans were unauthorised. No count was undertaken in 2014. Although the counts in previous years were less, the 2015 figures represent the most-up-to-date data on caravans within the district. Pitches will have more than one caravan, typically two caravans. The 2015 count indicates that the current unmet need is at least 18 pitches before account has been taken of future growth or other matters such as doubling up, hidden need and gypsies and travellers in bricks and mortar accommodation. Taking account of all of the above matters, including the TAA weaknesses, I am satisfied that the true unmet need figure lies somewhere in the mid range of the Council's figures and those of the Appellant.

29. Paragraph 25 of the PPTS provides that where a Council cannot demonstrate an up-to-date five year supply of sites, this should be a significant material consideration when considering applications for the grant of temporary planning permission. In this case, the Council does not have a five year supply and effectively, a permanent planning permission is being sought. In these circumstances, I consider that the lack of a five year supply and general unmet need attracts some weight in support of a permanent permission.

*Alternative provision*

*30.* No other private site was brought to my attention as being available for the occupiers of the appeal site. The Appellant has also confirmed that there are no public gypsy and traveller sites for him and his family or other occupants of the site in the surrounding area. This was accepted by the Council. On this basis, there are no alternatives available for the Appellant and his family at the present time once the existing temporary planning permission expires.

*Failure of policy*

31. Under the LPP1, the Council has a detailed gypsy and traveller policy. Work has commenced on the Council's DPD for future sites. At the hearing, the Council indicated their recent approval of the SAS as part of that process. Concerns were raised about the TAA based on the evidence before me. However, there is a DPD stage for representations to enable questions about the evidence base to be raised and the DPD will be assessed for its soundness. Therefore, there will be opportunities for further assessment of need and the adequacy of provision. In any case, I have already attached weight to unmet need and the lack of five year supply of pitches in this decision. Accordingly, I attach only limited weight to this consideration.

*Emerging allocation policies*

32. Part of the Council's case in justifying a temporary planning permission rests on the progression of the DPD and the argument that the appeal proposal should not pre-empt this process. Indeed the Council indicates that the site would be better considered under this plan since there may be other sites which are better located than the appeal site. The Council is aiming to have the traveller DPD adopted by June 2018. Be that as it may, Planning Practice Guidance (PPG) provides that arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. Whilst I appreciate that the Council did not refuse the application for variation, it did in effect refuse what was essentially an application for permanent planning permission. Therefore the same principles apply.

33. The PPG further states that circumstances where a planning permission could be withheld on the grounds of prematurity are likely, but not exclusively, to be limited to situations where the development proposed is so substantial or its cumulative effect significant AND where the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area. Such circumstances do not pertain here and therefore allowing this appeal and granting a permanent planning permission on the Site Allocations DPD process is not material to my decision making.

*Personal circumstances*

34. The appeal site is home for the Appellant's and other families. In total, there are 15 adults and 14 children on the site. Most of the children are of school age attending local schools. A roadside or transit existence would not provide a settled base for the raising of a young child. The appeal site does offer access to GPs and hospitals. The existing temporary planning permission provides some provision for a settled base but only until June 2018. Inevitably, there is some uncertainty over whether it would be renewed. Consequently, roadside encamping could occur after June 2018. An existence on the roadside or at transit site, where families may be required to move at short notice, would not be good for the child's well-being or future educational needs. Accordingly, I attach significant weight to this consideration.

*Planning appeal decisions*

35. My attention has been brought to many other appeal decisions. Nevertheless, the appeal is considered on its particular planning merits and having regard to any other material considerations including the personal circumstances of the occupiers of the appeal site. Indeed, each of these decisions demonstrates that rarely are any proposals alike because circumstances and policies change and consequently different planning balances arise.

## Conclusions

*Condition 1 (temporary restriction) and condition 3 (personal restriction)*

36. The proposal is contrary to LPR policy CE.22 and LPP1 policy MTRA4 in terms of its location in the countryside. These are important strategic policies which sit at the heart of development plans and seek to guide developments to appropriate locations. There would also be a conflict with LPR policies DP.3 and DP.4, and LPP1 policy CP5 by reason of the harm to the character and appearance of the area. However this conflict would be not great for the reasons indicated.

37. In favour of the proposal, there is the general unmet need for sites. There is the failure of policy to make sufficient provision to allocate sites. In addition, there are the accommodation needs, options and personal circumstances of the occupiers of the site and their families. These include the health, education and well-being needs of children. In respect of the location of the site, its disadvantages in encouraging reliance on private transport would be negated by the provision of a settled base and a reduction in long-distance travelling. The unmet need for gypsy and traveller sites is a consideration to which I attach moderate weight. Set against these considerations, the proposal would conflict with emerging LPP2 policies DM14 and DM15 by reason of the harm to the character and appearance of the area.

38. In terms of a permanent planning permission, I conclude that the adverse impacts would not outweigh the benefits when assessed against the policies in the Framework and the development would be sustainable. For this reason, the requirement for a temporary planning permission (condition 1) is unnecessary. In respect of a personal restriction (condition 3), the balance in favour of a permanent planning permission weighs heavily in favour even without consideration of personal circumstances given the unmet need for sites balanced against the limited harm. For this reason, there is no need for a personal condition naming occupiers.

*Remaining disputed conditions*

39. Condition 2 (pitch and caravan numbers, type of mobile home): the restriction on pitch and caravan numbers is necessary. Without some control, the plots could increase in number along with the caravans upon them and there would be more traffic along The Lakes. Such intensification would change the character and appearance of the area to its detriment. An exception to this would be pitch 5 where family circumstances indicate two family units. This pitch is the furthest away from the entrance into the appeal site and thus less visible than the other pitches and additional domestic traffic from additional two caravans would not be adverse. Therefore, a condition allowing no more than 2 caravans on pitches 1-4 and no more than 4 caravans on pitch 5 would safeguard the character and appearance of the area. Varying the condition to allow the mobile homes to be twin units would not add significantly to the visual impact of the caravan site if it fell within the definition under the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968.

40. Condition 5 (commercial activity, number and weight of vehicles): from what I saw on my site visit, the size of the pitch plots would not self-regulate against any commercial activities or a greater number of commercial vehicles. A greater intensity of commercial activity on the site would be significant for reasons previously indicated. Furthermore, further vehicular use by commercial vehicles of The Lakes would result in noise and disturbance

harming the living conditions of residents along this unmade road. Subject to some re-wording in the interests of preciseness, condition 5 is necessary with its components separately conditioned.

41. Condition 6 (permitted development rights and stipulation that all existing enclosures/structures be part of the permission): the site has well-established screening in the main and there are no incongruous boundary treatments presently. However, any future suburban style walls and fences could harm the character and appearance of this site especially with future occupiers and would serve to highlight its built-up presence in this countryside location especially with future occupiers. Given permanent planning permission is to be granted, there are exceptional circumstances for the withdrawal of permitted development rights for boundary treatments for these reasons.

42. However, any permanent outbuildings and structures would separately require planning permission and thus the part of the condition removing such rights is not needed. As to moveable buildings and structures, their impact would be limited given their likely incidental or ancillary nature and the screening of the site. Little justification has been provided to the requirement that existing enclosures/structures are to form the record of the planning permission. As I have indicated, permanent outbuildings and structures would require planning permission whilst the impact of moveable building or structures would be limited. In summary, condition 6 is necessary only in respect of withdrawal of permitted development rights for boundary treatments.

43. Condition 7 (lighting): poorly designed and sited illumination could be intrusive within a countryside location such as this. The condition does allow some flexibility in excluding necessary lighting at the front doors and rear doors from the requirement to submit details separately for approval. Accordingly, the condition is justified.

44. Condition 8 (foul drainage): a planning application has been submitted the housing site nearby under LPP2 and detailed drainage measures were put forward. However this is to be expected with a major housing scheme and there is no evidence that foul drainage problems have arisen here on a site which has been operational for a number of years. Furthermore to require the operation and maintenance with a document not detailed in the condition would be hard to enforce. Therefore, condition 8 is not justified.

45. Condition 9 (No use of touring caravans for overnight accommodation): the proposal allows for static caravans to be parked on the site for overnight accommodation. It is common for gypsy and traveller families to use touring caravans for overnight accommodation. Given that the caravans are already permitted on the site I do not consider that this condition serves any planning purpose. Therefore, condition 9 is not justified.

46. Condition 10 (No use of dayrooms for overnight accommodation and use to be ancillary): from what I saw on my site visit, the dayrooms are large structures and they could be used as surplus accommodation. In granting a permanent planning permission, the operation of individual pitches could change with future occupiers and consequently, the site could become more intensively used so adversely affecting character and appearance. The condition would be enforceable with an appropriate site inspection inside any building. Therefore, condition 10 is justified.

## Conclusion

47. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

*Jonathon Parsons*

INSPECTOR

## Schedule A

1. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning policy for traveller sites (or its equivalent in replacement national policy).

2. There shall be no more than five pitches provided on the site. No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than 1 shall be a static caravan) shall be stationed on each pitch at any time with the exception of pitch 5. For pitch 5 located furthest away from the vehicular entrance into the site, the requirement shall be no more than 4 caravans, of which no more than 2 shall be static caravans.

3. No commercial activities shall take place on the site including the storage of materials.

4. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site and the parking of vans or goods vehicles on it shall be limited to a maximum of 5.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or wall shall be erected within pitches 1-5 on this site.

6. Other than any existing lighting at the front and rear door of any static caravan, there shall be no external lighting on the site at any time other than in accordance with a detailed scheme which shall first have been submitted to and approved in writing by the local planning authority.

7. The day rooms provided on the site shall only be used for ancillary or incidental purpose to the main caravan/mobile home on the respective pitch the individual day room is provided to serve and shall exclude any permanent, temporary or occasional residential overnight accommodation by any person who is a resident occupier or visitor to the pitch or the site.

## APPEARANCES

FOR THE APPELLANT

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| M Green | Director, Green Planning Studio |
| H Hughes | Appellant |

FOR THE LOCAL PLANNING AUTHORITY

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| S Cornwell | Winchester City Council |

**Documents**

1. Statement of Common Ground.
2. Winchester City Council LPP2 Policies Map 18 Swanmore.
3. South Downs National Park Authority, East Hampshire District Council. Winchester City Council Gypsy and Travellers and Travelling Showpeople Site Assessment Study Peter Brett Associates July 2016.