



Appeal Decision

Site visit made on 22 October 2024

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th December 2024

Appeal Ref: APP/H1705/W/23/3328096

Hounsme Fields, Trenchard Lane, Dummer RG23 7LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Vistry Homes (Thames Valley) Ltd against the decision of Basingstoke and Deane Borough Council.
 - The application Ref is 21/01197/FUL.
 - The development proposed is the construction of 2 no. gypsy and traveller pitches, both independently serviced with an amenity building, large trailer and touring caravan with parking and landscaping and engineering associated works.
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Decision

1. The appeal is allowed, and planning permission is granted for the construction of 2 no. gypsy and traveller pitches, both independently serviced with an amenity building, large trailer and touring caravan with parking and landscaping and engineering associated works at Hounsme Fields, Dummer RG23 7LT in accordance with the terms of the application, Ref 21/01197/FUL, subject to the conditions set out in the attached schedule.

Background and Main Issue

2. A revised National Planning Policy Framework (Framework), accompanied by a written ministerial statement, and revised Planning Policy for Traveller Sites (PPTS) was published on 12 December 2024. The parts of the Framework and PPTS most relevant to this appeal have not substantively changed from the previous iteration. Consequently, this update to national policy does not fundamentally alter the main parties' cases or prejudice their position at appeal, and it is not necessary to seek further comments.
3. The appellant has submitted revised plans and a signed planning obligation in response to the reasons for refusal detailed in the Decision Notice. The proposed amendments are limited in their scope and the council has had the opportunity to comment in the appeal process. I am therefore satisfied that in accepting these submissions, no party, including local residents, would be disadvantaged.
4. The appeal site, and adjacent residential development was granted outline planning permission in September 2017. The development was described as "up to 750 residential units with a mix of units, and supporting social infrastructure (in the form of a neighbourhood centre including principal community centre, private children's nursery, local retail facilities, and three form entry primary school) and a requirement for two pitches to accommodate Gypsies and Travellers".

5. The planning obligation that accompanied that permission secured, as far as is relevant to this appeal, that the gypsy and traveller pitches must be laid out and made available for 'sale letting or lease' within two years from the approval of full planning permission or prior to occupation of the 450th dwelling¹.
6. I am satisfied that the submitted signed planning obligation secures the appropriate obligations and the "Local Planning Authority raise no objection to its content."²
7. Therefore, the main issue is whether or not the appeal scheme delivers acceptable gypsy and traveller provision.

Reasons

8. The Decision Notice refers to policy CN5 (d and g) of the Basingstoke and Deane Local Plan 2011-2029 (the LP) that amongst other matters requires the successful integration of travelling and settled communities, access to the highway and access to sustainable transport options. The Decision Notice also referred to Policy SD1 of the LP, this policy generally refers to sustainable development.
9. The appeal site is located adjacent to Trenchard Lane, to the periphery of the adjacent large residential development that was under construction at the time of the site visit. Furthermore, I note that there are a number of detached dwellings near to the site.
10. The revised plans show a 1.6m high fence to the boundaries of the appeal site, in addition to soft landscaping of native hedge and tree planting. I note that a 1.8m high fence is a more typical boundary treatment in many domestic residential situations and I am satisfied that the proposed boundary treatment would provide an appropriate degree of privacy and security for the occupiers of the appeal site without appearing as a prominent or excessive barrier, in particular with regards the guidance set out in paragraph 26 d) of Planning Policy for Traveller Sites.
11. A 1.8m weldmesh fence that encloses the adjacent allotments, as shown on the submitted plans, and the allotments themselves creates a degree of separation of the new housing development from the appeal scheme. The appellant describes the weldmesh fence as offering visibility through, whilst also providing the required enclosure. However, the allotments and fencing are outside of the scope of the appeal site and do not form part of the appeal scheme.
12. I note that the appeal site is located on the periphery of the new residential development site, indeed at the site visit it appeared that the appeal scheme is closer to the existing detached residential properties than many of the new residential dwellings currently under construction. Nonetheless, based on the evidence before me I am satisfied that there is no policy requirement that the Gypsy Traveller provision has to be located within the confines of the new residential development and no such scheme is before me.

¹ Appendix B Council's Statement Of Case – Officers Report to Committee

² Paragraph 6.19 Council's Statement of Case

13. For the reasons detailed above, I am satisfied that the appeal scheme is not segregated from the settled community and provides for the integration of future residents and the settled community.
14. The appeal scheme includes vehicular access on to Trenchard Lane and pedestrian access to the housing development to the rear of the site. A number of objectors have raised concerns that this is a dangerous form of access. The submitted plans includes details of visibility splays from the site and I note that the Local Highway Authority has not objected to the proposal. I saw at the site visit that the road is narrow and while I witnessed a number of vehicles traversing the Lane I do not consider the speeds or volume of the traffic were excessive and I have no substantive evidence before that persuades me that the proposed access is not satisfactory with regards highway safety.
15. Furthermore, the route of the pedestrian footpath as shown on the submitted plans appears somewhat elongated, running down the side of the site behind an area annotated as 'allotments' linking to a car parking area. Nonetheless it does provide a functional pedestrian link to the services and facilities that also serve the residential development.
16. As such, I am satisfied that the appeal scheme provides for safe access to the highway and access to sustainable modes of transport, including walking to access facilities and services nearby.
17. For the reasons detailed above I am satisfied that the appeal scheme delivers acceptable gypsy and traveller provision and thus is not contrary to the provisions of Policies SD1 and CN5 of the LP.

Other Matters

Heritage Asset

18. The appeal site is located some 200m away from Southwood Farmhouse, a grade II listed building, the significance of which is derived from its architectural interest as an example of early eighteenth-century farmhouse and from its historic interest and association with the surrounding farmland.
19. The setting of the heritage asset includes the adjacent farm complex, agricultural fields and wooded areas. The significant residential development, at various stages of construction at the time of the site visit, represents a considerable change to the character and appearance of the area.
20. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to its conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of the asset and that any such harm should have a clear and convincing justification.
21. The appeal site forms a small fraction of the new development currently underway in the local area, a significant element of which lies closer to the heritage asset than the appeal scheme. I saw at the site visit that views from the appeal site to Southwood Farmhouse are limited by distance, topography and intervening trees and hedges. Furthermore, soft landscaping proposed by the appellant will further screen the appeal site.

22. Consequently, I find that the appeal scheme would result in no harm to the significance of the Hall via its effect on setting and as such there is no conflict with the Framework and the LP in this regard.

Conditions

23. I have considered the conditions suggested by the council in light of the relevant guidance contained within the Planning Practice Guidance (the PPG). Where necessary, I have amended them in the interests of precision and so that they meet the relevant tests as set out in the Framework. With regard to Section 100ZA of the Town and Country Planning Act 1990 (as amended), the appellant has expressed agreement to the pre-commencement conditions suggested by the council and where I have modified these it has had no material bearing on their function.
24. In order to define the permission I have included conditions relating to the life of the permission (1), the approved plans (2) and restricting the occupation of the site to Gypsies and Travellers (3). For the same reason I have included a condition to control the number of caravans (4) that can be stationed on the site.
25. In the interests of the character and appearance of the area I have included a condition relating to the finished floor levels, ridge and heights of the caravans (5). For the same reason I have included conditions to ensure that the tree protection measures (6) detailed in the submitted documents are implemented, that materials used on the construction (7) match those detailed on the submitted plan and to control external lighting (8).
26. In interests of the environment, I have included a condition to control water efficiency (9). In the interests of the environment and the living conditions of the occupiers of nearby properties I have included a condition requiring the submission of a construction management plan (10) referring to various matters including working hours. In the interests of the character and appearance of the area, I have included a condition relating to landscaping (11).
27. There is evidence that there may be prehistoric and roman period remains in the local area, including the appeal site. Therefore, I have included conditions (12 and 13) relating to archaeology.
28. In the interests of the environment and wildlife I have included a condition (14) referring to the implementation of the submitted wildlife protection and mitigation plan.
29. In the interests of highway safety, I have included a condition (15) relating to the construction of the means of access. In the interests of the environment, I have included a condition (16) relating to a drainage strategy. For the same reason I have included a condition (17) relating to contaminated land.
30. In the interests of the living conditions of the future residents and highway safety I have included a condition in relation to the provision of the footpath shown on the submitted plans (18). In the interests of protecting wildlife I have included a condition relating to newts and a nearby body of water (19).
31. I have not included conditions suggested by the council referring to the prevention of the stationing of vehicles over 3.5 tons, controlling the number of

vehicles parked on the site and the prohibition of the carrying out of commercial activities on the site because I consider that such a condition is unnecessary and unreasonable. Such a condition is rarely imposed on 'brick and mortar' houses. Furthermore, I have not included a condition relating to deliveries of construction material because this is already referred to in the construction management plan condition.

32. I have not included a condition requiring the installation of an acoustic fence. I have no substantive evidence before me that persuades me that such a condition is necessary. I have also omitted a number of other suggested conditions where the matters are already appropriately controlled by another condition referred to above.

Conclusion

33. For the reasons given above I conclude that the appeal should be allowed.

Mr M Brooker

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:
 - : P18-0183_92A Location Plan
 - : Proposed Layout – drawing no.5648-GT-001 Rev J
 - : Ancillary building gypsy and travellers site – drawing no. 04 Rev P1
 - : Detailed Landscape Proposal – drawing no.140 Rev F
 - : Proposed site layout – drawing no. 03 P3
 - : 5648-GT-001 Rev H - G & T Proposed Access and Swept Path Analysis
- 3) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as 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 or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
- 4) No more than 4 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 2 shall be static caravans) shall be stationed on the site at any time.
- 5) No development shall take place until details of the proposed finished floor levels; ridge and heights of the caravans and structures hereby approved have been submitted to and approved in writing by the Local Planning Authority. The submitted levels details shall be measured against a fixed datum and shall show the existing and finished ground levels, eaves and ridge heights of surrounding property. The development shall be carried out and thereafter maintained in accordance with the approved details.
- 6) No development or other operations shall commence on site until the tree protection measures identified on the approved Tree Removal and Protection Plan (Drawing Number 740 Rev A) have been carried out. s been submitted to and approved in writing by the Local Planning Authority. The approved tree protection shall be erected prior to any site activity commencing and maintained until completion of the development. No development or other operations shall take place other than in complete accordance with the Tree Protection Plan.
- 7) The materials to be used in the construction of the external surfaces of the utility/dayroom hereby permitted shall match, in type, colour and texture those on the submitted application form and approved plans. The timber cladding shall be stained or painted in a recessive colour (such as dark brown or black colour) and retained as such in perpetuity.

- 8) No external lights shall be installed unless details have been submitted to and approved in writing by the Local Planning Authority. The details shall include a lighting scheme to comply with the Institution of Lighting Professionals Guidance Note for the reduction of obtrusive light 2011 (or any such later version), have regard to lighting guidelines produced by the Bat Conservation Trust, comprise the minimum level of lighting needed for security and operational processes, and be designed to minimise pollution caused by glare and spillage. The development shall be carried out and thereafter maintained in accordance with the details so approved.
- 9) No development of the day room above slab level shall commence on site until details of how the new utility/day room shall meet a water efficiency standard of 110 litres or less per person per day have been submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing with the local planning authority through a demonstration that this requirement for sustainable water use cannot be achieved on technical or viability grounds. The development shall be carried out in accordance with the approved details and maintained thereafter.
- 10) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) delivery, demolition and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 11) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include
 - : a statement setting out the design objectives and how these will be delivered;
 - : earthworks showing existing and proposed finished levels or contours;
 - : means of enclosure and retaining structures;
 - : boundary treatments;

- : vehicle parking layouts;
- : other vehicle and pedestrian access and circulation areas;
- : hard surfacing materials;
- : minor artefacts and structures specifically including refuse and lockable storage units;
- : an implementation and future maintenance programme,

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be maintained in accordance with an approved maintenance programme.

- 12) No development shall take place until:
- (i) An archaeological field evaluation has been carried out in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority; and
 - (ii) Safeguarding measures to ensure the preservation in situ of important archaeological remains and/or further archaeological investigation and recording identified in the archaeological field evaluation have been undertaken in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority
- 13) No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 14.
- 14) The development shall be carried out in accordance with the recommendations and procedures contained within the Wildlife Protection and Mitigation Plan prepared by RPS dated 10/2022.
- 15) The development shall not be brought into use until the means of vehicular access has been constructed in accordance with the approved plan (Drawing No 5648-GT-001 Rev H) and no structure, erection or planting exceeding 1.0m in height shall thereafter be placed within the visibility splays shown on the approved plan.
- 16) No development shall commence until a drainage strategy detailing all on/and or offsite drainage works have been submitted to and approved in writing by the Local Planning Authority. Details need to demonstrate:
- 1) the proposed drainage does not have a significant effect on a European site or a European offshore marine site and
 - 2) Implementation and maintenance strategy
- Once approved in writing the details shall be implemented in full prior to the first occupation of the use hereby permitted and retained and maintained in perpetuity.
- 17) Any contamination that is found during the course of construction of the development hereby permitted that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended until a risk assessment has been carried out and submitted to and approved in writing by the local

planning authority. Where unacceptable risks are found, the development shall not resume or continue until remediation and verification schemes have been carried out in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.

- 18) No occupation of the development shall take place until the proposed footpath has been installed and carried out in accordance with the approved details. Thereafter the footpath shall be maintained in accordance with the approved details.
- 19) Prior to the commencement of works, including site clearance, an update eDNA survey to check for the presence/absence of Great Crested Newts should be carried out on the pond located at 51°13'27.2"N 1°09'42.1"W (north east of the development). If the results of the survey show a positive sign for GCN then works will have to be postponed until an EPS Licence is obtained through Natural England.

End of Schedule