



Appeal Decision

Hearing held on 1 April 2025

Site visit made on 30 March and 1 April 2025

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1ST August 2025

Appeal Ref: APP/M1710/W/24/3356693

Land off Willis Lane, Four Marks, Alton, Hants GU34 5AP

- 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 Mr Nathen Smith against the decision of East Hampshire District Council.
 - The application Ref is 59576.
 - The development proposed is change of use of land to a 3 pitch travellers caravan site, each pitch consisting of 1 mobile home, 1 dayroom, 1 touring caravan + car parking, foul drainage, landscaping and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of land to a 3 pitch travellers caravan site, each pitch consisting of 1 mobile home, 1 dayroom, 1 touring caravan + car parking, foul drainage, landscaping and associated works at Land off Willis Lane, Four Marks, Alton, Hants GU34 5AP in accordance with the terms of the application, Ref 59576, subject to the conditions in the attached schedule.

Preliminary Matters

2. I undertook an unaccompanied site visit on the afternoon of 30 March 2025 to enable me to familiarise myself with the site. At that time, I viewed the site from Willis Lane and visited the wider area, including Hawthorn Lane, Alton Lane and Telegraph Lane. I undertook a further site visit of the appeal site itself and immediate environs the day after the hearing.

Main Issues

3. The main issues are; the effect of the proposed development on the character and appearance of the area; whether the proposal, together with nearby gypsy and traveller sites, would dominate the settled community; and whether other material considerations, including the need for and supply of pitches, outweighs any harm identified such as to justify the development.

Reasons

Character and Appearance

4. The area is characterised by undulating countryside with fields of varying sizes separated by fences, hedgerows, and trees. The site lies off Willis Lane, a rural road, which serves residential dwellings, commercial uses, and existing gypsy and traveller pitches. The site lies opposite existing residential dwellings.

5. The site forms part of a large field adjacent to Willis Lane. The field is bounded by trees and hedging, which shields it somewhat from Willis Lane. The site gently slopes up away from Willis Lane. It is currently laid to grass with hedgerow and post and wire fencing along the boundaries giving it the appearance of an open agricultural field. Surrounding the appeal site are further agricultural fields. An existing agricultural access from Willis Lane would be upgraded to provide access to the site.
6. The three pitches would be arranged in a row perpendicular to Willis Lane. Pitches would be separated by post and rail fencing with native hedging. The boundary along the western edge of the appeal site would be planted with native woodland and the existing post and wire fencing along the southern boundary would be retained. A post and rail timber fence would be constructed along the western boundary of the site, with landscape planting and an access highway between it and the pitches.
7. The Planning Policy for Traveller Sites (2024) (PPTS) states that when considering applications weight should be attached to sites being well planned or soft landscaped in such a way as to positively enhance the environment and to increase openness.
8. Policy CP20 of the East Hampshire District Local Plan: Joint Strategy (2014) (LP) states that new development will be required to protect and enhance local distinctiveness, sense of place, and tranquillity, and should incorporate appropriate new planting to enhance the landscape setting of new development. LP Policy CP15 specifically related to gypsies, travellers and travelling showpeople. It states that planning permission will be granted if the site can be adequately screened or landscaped to blend the site into its surroundings.
9. Public views of the proposal would be limited for much of the year from Willis Lane given the trees and vegetation along the site's boundary with the highway. However, it is possible to view the site from the public right of way which runs to the west of the appeal site. Whilst there is vegetation along this boundary it is unlikely that it would screen the development from its users. I saw during my site visit that residential properties on the opposite side of Willis Lane have views, some of which are unrestricted. It would be likely therefore that the proposed development would be more visible when vegetation is sparser in the Winter. Even with proposed landscaping, it would be particularly visible from the right of way and elevated properties on the opposite side of the lane.
10. The proposed development would introduce an element of visual intrusion in an otherwise open field, thereby clearly encroaching on the countryside. This encroachment would be reinforced by the form, design and appearance of the day rooms, mobile homes and touring caravans. This would cause harm to the character and appearance of the area.
11. The appellant claims that the proposal would not give rise to visual harm as the proposed landscaping would enhance the character of the area and provide hedgerows and native trees similar to existing landscaping bounding nearby fields and lanes. The layout and landscaping proposed would certainly be more spacious and sympathetic to local character and appearance than nearby sites viewed during my site visit. However, it would still be apparent in the landscape from nearby vantage points and the landscaping would not fully blend the site into its

surroundings. Further it would result in the enclosure of an area of land that currently has the appearance of open agricultural land, thus not complying with paragraph 27, criteria b) of PPTS Policy H.

12. In conclusion, I find that the proposal would have a harmful effect on the character and appearance of the area. Consequently, it would fail to comply with LP Policies CP15, CP20 and CP29, PPTS Policy H, and paragraph 135 of the National Planning Policy Framework (the Framework). These policies require that, amongst other things, proposals are adequately screened or landscaped to blend into its surroundings, and have regard to the character of the surrounding area and its landscape setting.

Settled Community

13. PPTS Policy C, paragraph 14 states that when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community. PPTS paragraph 26 also confirms that, amongst other things, local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing undue pressure on local infrastructure.
14. The site lies outside the settlement boundary of Four Marks. The Council has assessed Willis Lane as being the settled community for the purposes of assessing the proposed development. The Council's officer report details 20 bricks and mortar properties along Willis Lane, with 9 gypsy pitches at Briar Lodge, 200 metres from the appeal site, and 6 gypsy pitches located Janeland. Interested parties have also identified other gypsy pitches in the wider area.
15. The appellant disagrees with the Council and asserts that the settlement of Four Marks should be used as the settled community. I was provided with the officer report for the Janeland site¹, located on Willis Lane, where the Council stated *'it is considered that the settled community is that of Four Marks as a village, which comprises a range of community facilities and services.'* Whilst at the Hearing the Council advised that this was a typographical error, based on the evidence before me it appears that an area larger than just Willis Lane was used to assess the Janeland scheme.
16. I find the Council's approach to identifying Willis Lane to be contrived. It is reasonable to include nearby dwellings as part of the settled community, even though they are scattered, but it appears unreasonable to exclude dwellings that form the wider rural area to the south of Four Marks, locally known as Hawthorn.
17. There is also scope to at least include properties on the southern side of the A31 which lie within walking distance of the appeal site. There are many factors which would define a community but I note in particular that Four Marks has a number of facilities. It seems reasonable to me to suggest that site residents would normally look towards Four Marks as the community hub.
18. Taking the dwellings identified in Hawthorn and to the south of the A31, the settled community can therefore be seen to be relatively extensive both in numerical terms and in area. The pitches to be provided on the appeal site would be of minor

¹ 29336/008

significance. There would be a relatively modest number of residents and in my judgement this addition to the locality would not dominate the settled community. In this regard there is no conflict with criterion Policy C and paragraph 26 of the PPTS.

Other Considerations

Need and supply of pitches

19. Paragraph 9 of the PPTS requires the Council set pitch targets to meet the accommodation needs of gypsies and travellers in their area. The Gypsy and Traveller Accommodation Assessment 2020 (GTAA) identifies a need for up to 66 pitches by 2036. The Council's most recent 5-year land review of deliverable land for Gypsies, Travellers and Travelling Showpeople undertaken in March 2023 identified a 2-year supply of deliverable pitches. The Council's statement of case confirms that they cannot provide a 5-year supply of housing.
20. Some residents suggest there are pitches available at an existing traveller site in the area. I was provided no evidence of the number of vacant pitches and whether they were truly available. As discussed above, the Council consider there to be an unmet need for pitches, and it is not likely that there is a surplus of available pitches.
21. The emerging Local Plan intends to include policies and allocations for traveller sites. I have not been provided details of the timetable for adoption of the emerging Local Plan and have been provided no details of the availability or deliverability of its draft site allocations. The Council also confirmed that the emerging Local Plan was at an early stage and policies could not therefore be given weight. Therefore, I have no evidence to suggest the emerging policies and allocations will increase the supply of pitches in the short term.
22. The proposed development would provide three additional pitches. This would significantly increase the supply of pitches in the district. Within the context of uncertainty of unmet need and limited available supply, the provision of three pitches to meet the accommodation needs of Gypsy and Travellers represents a substantial benefit.

Future Occupants

23. The appeal scheme is seeking permission for a Gypsy and Traveller site and during the application no personal circumstances were provided. During the appeal the appellant provided details of children, aged between 1 and 12 years, that would reside on the site. At the Hearing the appellant confirmed that the future residents are currently doubled up, on unauthorised sites and are waiting to get married so need to move from their parents' pitch. It was confirmed that due to the unauthorised nature that should planning permission be refused then they would return to a roadside existence.
24. With regards to children, it is proposed that these access local schools. They are currently in school close to the unauthorised and doubled up sites however the education of the children would clearly be disrupted if the families had to rely on a roadside existence, given the lack of alternative accommodation, to the detriment of the children's education. I consider therefore that it is in the best interests of the

children to continue that education and to benefit from a stable and secure base. I give this matter substantial weight.

25. The appellant has stated that there are no available, affordable, or acceptable sites available to them. The Council do not dispute this, and its submission advises that it is not aware of any alternative sites being available. I give the lack of alternative accommodation considerable weight.
26. The future occupants of the pitches have the protected characteristic of race under s149(7) of the Equality Act 2010. In such circumstances, s149(1) of the Equality Act required due regard to be had to the need to, amongst other matters, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not. This includes minimising disadvantages that are connected to that characteristic, such as access to suitable accommodation. This is the Public Sector Equality Duty (PSED).
27. The appeal scheme would facilitate the establishment of a base from which to pursue a nomadic lifestyle. This would allow cultural traditions to be balanced with the practicalities of modern living, thereby advancing equality of opportunity. It would also allow for children to access education. The absence of a five-year supply of pitches also indicates inequality in housing opportunities and the proposal would help to offset this. These are important points in achieving the social sustainability sought by Paragraph 13 of the PPTS. It does not automatically follow that the appeal should be permitted because the PSED is relevant, but the equality implications of allowing the proposal weigh moderately in favour of it in this instance.

Planning Balance

28. Policy H of the PPTS requires applications for gypsy sites be assessed in accordance with specific policies in the Framework and the PPTS and should include consideration of other relevant matters such as the existing level of local provision and need for sites.
29. The Council is currently unable to meet the identified accommodation needs of gypsies and travellers. Permitting an additional three pitches would make a significant contribution to the undersupply and attracts weight accordingly.
30. As discussed above, the proposal would not comply with LP Policies CP15, CP20 and CP29, PPTS Policy H, and paragraph 135 of the Framework.
31. Failure to comply with the development plan would result in moderate harm to the character and appearance of the area. However, this harm is outweighed by other material considerations including the general need for gypsy and traveller sites, the lack of progress made in meeting them, and the best interests of the child. Therefore, I conclude that, in this instance, there are other material considerations which warrant a decision other than in accordance with the development plan.

Other Matters

32. Interested parties have raised concerns regarding highway safety, local infrastructure, living conditions and drainage. Willis Lane is a fairly straight road which curves shortly after the access to the appeal site. I saw during my site visit, that despite being a rural lane, vehicles travel along it regularly. However, due to the straight nature of the road at the access to the site there is good visibility to see

vehicles approaching along Willis Lane and moving towards the curve. I note the concerns raised regarding the speed surveys undertaken, however I have no evidence before me that this were not undertaken in line with the relevant standards. I therefore have no reason to doubt their conclusion. Subject to conditions requiring access improvement and visibility splays to be maintained the development would not have a harmful impact on highway safety.

33. With regards to local infrastructure, I am mindful that the Council do not consider that the addition of three pitches would place undue pressure on local infrastructure. I have not been provided with any substantive evidence to demonstrate that local infrastructure would be unduly pressured.
34. Regarding the living conditions of future occupiers with regards to privacy, noise and disturbance. Whilst the development would be visible from residential properties, the distance maintained between them would mean that there would be no harmful impacts relating to privacy. With regards to noise and disturbance, whilst there would be noise from the development associated with three families living at the site, and potential dogs barking, the distance between the site and neighbouring properties would reduce any impacts. I have had regards to the concerns regarding commercial activity from the site which could impact on nearby residents. I would therefore attach a condition restricting commercial activity. In light of the evidence before me, and in the absence of anything sufficiently compelling to the contrary, the proposal would not have a harmful effect on the living conditions of nearby residents.
35. Whilst residents have raised concerns regarding drainage, I am content that subject to a condition requiring the submission of surface and foul water drainage details, that both surface and foul water can be appropriately managed. I have had regard to the comments made by the Council's drainage team who have recommended a condition relating to drainage and offered no objection.

Conditions

36. I have considered the advice contained within the Planning Practice Guidance (PPG) and the conditions recommended by the Council. I have made amendment where necessary in the interest of precision.
37. A condition regarding the time for commencement and plans condition are necessary in the interest of certainty. Drainage, access improvement, parking and hardstanding material conditions are necessary in order to ensure a safe access, parking and foul and surface water drainage is provided and maintained.
38. Whilst a landscape plan has been submitted, detailed information is required in order to ensure that it is provided and maintained. As such conditions regarding landscaping and biodiversity are necessary to safeguard the character and appearance of the area and local biodiversity interest.
39. As noted above due to the under supply of pitches there is no reason to limit the permission to a specific family. A condition is however required to secure occupation by those meeting the PPTS definition.
40. Conditions restricting the number of caravans and commercial activity at the site are necessary in order to safeguard the living conditions of nearby residents.

Conclusion

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

Tamsin Law

INSPECTOR

APPEARANCES FOR THE APPELLANT:

R Crandon BA (Hons) Dip LA

Dr A Murdoch BA MA MSc PhD MRTPI

N Smith

FOR THE LOCAL PLANNING AUTHORITY:

J Lacey BSc

K Pang BA MSc MRTPI

S Sharpe MSc MRTPI

INTERESTED PARTIES:

G Cox

M Cox

I de Peyrecave

M Johns

Cllr Mcallister

A Mynott

Cllr Richardson

A Sancisi

Mrs Thompson

A Tompkins

G Venediger

Schedule of Conditions

- 1) The development hereby permitted shall start no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan TDA.2858.01, Proposed Day Room (Plan & Elevations) TDA.2858.04, Proposed Site Layout & Revised Outline Landscape Scheme TDA.2858.05 (Sheet 1 of 2), Proposed Site Layout & Revised Outline Landscape Scheme TDA.2858.05 (Sheet 2 of 2).
- 3) No development shall commence on site until details of a scheme for foul and surface water drainage has been submitted to, and approved in writing by, the Local Planning Authority. Such details should include provision for all surface water drainage from parking areas and areas of hardstanding to prevent surface water from discharging onto the highway and should be based on site investigation and percolation tests. The development shall be carried out in accordance with the approved details before any part of the development is first occupied and shall be retained thereafter.
- 4) No development shall commence on site until the access, including the footway and/or verge crossing shall be constructed and lines of sight of 2.4 metres by 59 metres to the south east and 93 metres to the north east provided in accordance with the approved plans. The lines of sight splays shown on the approved plans shall be kept free of any obstruction to vision between 0.6 metres and 2 metres in height above the adjacent carriageway and shall be subsequently maintained so thereafter.
- 5) No development, including any demolition works, soil moving, temporary access construction/widening, or storage of materials, shall commence until a Wildlife Protection and Mitigation Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the following:
 - (a) details of how mature trees adjacent to the area of the proposed development will be protected during the construction works.
 - (b) details of the timing/ecological watching brief required to address the protection of breeding birds, bats, reptiles and badgers before and during any development works.
 - (c) details of measures that will be taken to avoid light spillage along any potential bat commuter routes.
 - (d) provisions for the supervision and monitoring of the plan, including briefing construction personnel, and the name and contact details of the person responsible for this.

No development or other operations shall take place other than in complete accordance with the approved Wildlife Protection and Mitigation Plan, unless otherwise agreed in writing by the Local Planning Authority.
- 6) The proposed hard surface/s shall either be made of porous materials or provision shall be made to direct run-off water from the hard surface/s to a permeable or porous surface within the site.

- 7) Prior to first occupation of the development hereby permitted, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall cover all hard and soft landscaping (including boundary treatments, biodiversity enhancements, planting specification, wildlife friendly lighting) and shall provide details of timings for all landscaping and any future maintenance. The works shall be carried out in accordance with the approved plans and to the appropriate British Standard, and maintained thereafter.
- 8) Prior to the first occupation of the development hereby permitted provision for parking shall have been made within the site in accordance with the approved plans and shall be retained thereafter.
- 9) No more than three pitches for gypsy/traveller accommodation shall be created on the land edged red on Site Location Plan TDA.2858.01, with each pitch containing no more than one mobile home and one touring caravan at any one time as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968.
- 10) The development hereby permitted shall not be occupied by anyone other than persons meeting the definition of gypsies and travellers set out in Annex 1: Glossary to the Planning Policy for Traveller Sites of 12th December 2024 or any subsequent amendment.
- 11) No commercial activities shall take place on the land, including the external storage of materials, and no vehicles over 3.5 tonnes shall be stationed, parked or stored on the site.