



Appeal Decision

Hearing held on 9 July 2025

Site visit made on 9 July 2025

by Timothy C King BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2025

Appeal Ref: APP/L1765/C/23/3320989

Plot 2, Pony Paddock, Land adjacent to the Chairmakers Arms, Forest Road, Worlds End, Denmead, Hants PO7 4QX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mrs Bridie Doran against an enforcement notice issued by Winchester City Council.
- The enforcement notice was issued on 22 March 2023.
- The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the Land from agriculture to a mixed use for residential use of a caravan, and storage of caravans, and the laying of scalpings to facilitate the mixed use (shown marked in the approximate positions on the attached plan).
- The requirements of the notice are to:
 - 1) Cease the residential use of the site
 - 2) Cease the use of the site for the storage of caravans
 - 3) Remove all caravans from the site
 - 4) Remove all scalpings and other materials that have been brought onto the site.
- The period for compliance for steps 1 and 2 is 6 months after the notice takes effect, and for steps 3, 4, and 5, 7 months after the notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2) (a), (b), (f) and (g) of the Town and Country Planning Act 1990 as amended. Since the prescribed fee has been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act (as amended) falls to be considered.

This decision is issued in accordance with section 56(2) of the Planning and Compulsory Purchase Act 2004, as amended, and supersedes that issued on 1 October 2025.

Formal Decision

1. The appeal is allowed, the enforcement notice is quashed, and planning permission is granted on the application deemed to have been made under section 177(5) of the Act as amended for the development already carried out, namely the material change of use of the land from agriculture to a mixed use involving the residential use of a caravan, caravan storage, and the laying of scalpings to facilitate the mixed use, subject to the conditions set out in the attached Schedule.
2. The description of the breach has been slightly amended for the purposes of clarity.

Application for Costs

3. An application for Costs was made by Mrs Bridie Doran against Winchester City Council. This application is the subject of a separate decision.

Background

4. The appeal site is one of several adjoining plots currently in use for gypsy and traveller accommodation, which take the form of a linear strip, accessed by a side driveway off Fareham Road. Of these, plots 3, 4, 7 and 8 were granted planning permission on appeal in 2019 (ref. *APP/L1765/C/18/3201565*) with a time limitation condition of five years. The Inspector, in granting planning permission, concluded that the significant harm to the character and appearance of the surrounding area, and conflict with the development plan was outweighed, in the short term, by the lack of alternative, suitable sites available – and any likely to become available – together with the appellants' particular personal circumstances. .
5. The above planning permissions effectively confirmed the use of Pony Paddock, albeit temporary, of plots 3, 4, 7 and 8 for gypsy and traveller purposes, although these plots are still occupied for such despite the planning permissions having expired in October 2024. Plots 5 and 6 are similarly occupied, but the Council's evidence was unclear as to what the planning position is exactly with these two sites.
6. Plot 2, the appeal site, remains unauthorised. To expound, in 2020 the Council refused planning permission (20/01806/FUL) for the change of use of the land to a gypsy and traveller pitch comprising one mobile home, one touring caravan, and the erection of a dayroom. This decision was subsequently upheld following an unsuccessful appeal (ref. *APP/L1765/W/20/3262560*). In his decision letter, issued in September 2022, the Inspector concluded that the development would conflict with the strategy and policy of the development plan.
7. In terms of the then need and supply of gypsy and traveller sites the Inspector concluded that it was likely the Council could, at that time, demonstrate an adequate supply.
8. Nonetheless, the above development took place regardless and the Council subsequently saw it expedient to issue an enforcement notice.

Matters concerning the enforcement notice

9. The enforcement notice, in its description of the alleged breach of planning control – which I have set out verbatim in the above banner heading - is awkwardly worded, although the essence of the contravention is understood, and it is clear what steps the recipient is required to take to comply with its requirements. However, the bracketed sentence referencing the plan attached to the notice is confusing, as the plan shows an area marked 'A', within a hatched section of the site, and two separate areas marked 'B'. No illustrative key in this respect is provided.
10. If I was dismissing the appeal it would be necessary for me to correct the enforcement notice to provide greater clarity but, as I am quashing it, this is unnecessary and I shall leave the notice in the form it was issued.

The appeal on ground (b)

11. An appeal under ground (b) involves the claim that the alleged breach has not occurred as a matter of fact.
12. The enforcement notice indicates that the breach identified is a material change of use of the land from agriculture to a mixed use for the residential use of a caravan, and also the storage of caravans. The appellant disagrees and considers that the previous use of the site was that of a mixed use involving the stationing of a mobile home for residential purposes and also the keeping of horses.
13. The Council, to confirm its stance on the planning position, makes the point that site visits have been carried out to the various Pony Paddock plots over a number of years, due to unauthorised uses taking place on the other sites, and then for the purposes of the 2020 planning application and the pursuant appeal, but there was nothing firm to suggest that Plot 2 had been used for anything other than as an agricultural unit. The Council does accept that there were two caravans previously stationed at the site but neither were lived in, and they were effectively derelict. Photographs submitted would tend to substantiate this claim.
14. The primary purpose of an enforcement notice is to identify the breach of planning control – in this case an alleged material change of use – and specify the steps to remedy it.
15. While the meaning of 'use' is provided in s336(1) of the 1990 Act, the concept of a material change of use is not defined in statute or by way of any statutory instrument. The basic approach is that for a material change of use to have occurred, there must be some significant difference in the character of the activities from what has gone on previously as a matter of fact and degree, and I consider that to be the case here.
16. An enforcement notice does not always need to state what the material change of use was from, but it must clearly define the nature of the breach and what steps are required to remedy it. However, it is useful to include the previous use to avoid any ambiguity or questions about the materiality of the change, especially if the notice could be interpreted in multiple ways.
17. The planning authority does not have to identify or establish the "base use" for enforcement notice purposes at any stage when enforcing against an apparent breach of planning control. Further, even if the appellant's account of the site's planning history is correct – and I am not convinced that the evidence is sufficiently compelling on this point – the current unauthorised use still represents a contravention for which planning permission is required.
18. The ground (b) appeal does not therefore succeed.

The appeal on ground (a) and the deemed planning application (DPA)

Main Issues

19. These are:

- 1) The current need for gypsy and traveller accommodation in the Winchester City Council area, related policy, and whether the Council can demonstrate a five year land supply for such;

- 2) The development's effect on the character and appearance of the surrounding countryside; and
- 3) The implications for nitrate neutrality on the Solent water environment, in accordance with obligations under the Habitats Regulations.

Reasons

Policy, need, and supply

20. Up until less than one month before the Hearing the Council was relying on the findings of its most recent Gypsy and Traveller Accommodation Assessment (GTAA) and also those of a Pitch Delivery Assessment (PDA). Both these studies were carried out with their findings released in October 2022. The Council's line was that the assessment of a five year supply of land for gypsy and traveller accommodation should be based on the current development plan targets and supply.
21. The development plan comprises the Winchester District Local Plan Part 1 – Joint Core Strategy (LPP1), adopted in 2013, and the Winchester District Local Plan Part 2 – Development Management and Site Allocations (LPP2), adopted in 2017.
22. LPP1 Policy CP5 says that the Council will undertake needs assessments to quantify the accommodation requirements for gypsies and travellers within the Winchester Council area. The policy goes on to say that sites for such will be allocated and planning permission granted for sites to meet the objectively assessed accommodation needs, providing they meet various criteria including that sites should not be over-concentrated in one location and that they should be accessible to local services and facilities. There should also be foul water drainage provision and, where possible, play space for children.
23. In this particular case play equipment is provided at the plot and measures are being taken in respect of satisfactory drainage.
24. LPP2 policy DM4, reflects the above strategic policy, saying that planning permission will be granted for pitches to meet the accommodation needs identified for people falling within the definition of 'travellers', of about 15 gypsy/traveller pitches and about 24 travelling showpeople's plots between 2016 and 2031. Although this policy says that 'sites will be identified' I understand that no site specific allocations have been made.
25. Notwithstanding this, things have moved on with the previous definition of travellers widened and redefined in the latest iteration of the PPTS, published in December 2024. The new description is 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 dependents' 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...'
26. The primary objective of a GTAA is to provide a robust assessment of current and future need for gypsy and traveller pitches but the new definition must throw into doubt the accuracy and relevance of the Council's 2022 GTAA and PDA as to both current and future needs. The consultants who carried out the

PDA recommended that the Council consider its outcomes to contribute towards the need identified in the GTAA in terms of the potential allocation of pitches to contribute towards meeting the five year need and the identification of broad locations to meet future need requirements.

27. Emerging policy H12, concerned with the provision of land for gypsies, travellers and travelling showpeople, in the Regulation 18 submission version of the new local plan, published in 2022, says that planning permission will be granted for pitches to meet the accommodation needs for the Council's area, as identified by the 2022 GTAA. Policy H14 says that the Council will consider proposals for the additional provision of pitches/plots through intensification of sites that already enjoy permanent planning permissions. Indeed, the explanatory text says that most current and future traveller accommodation needs are expected to be met through this approach.
28. Subsequently, in July 2022, the Council produced a Gypsy and Traveller Topic Paper in order to respond to key issues raised by representations to the above draft policies, to consider the traveller pitch/plot needs identified by the 2022 GTAA and to assess the scope to meet these. Further, in December 2024, the Council's latest Annual Monitoring Report (AMR) was published.
29. The AMR includes a table which compares need with supply and it shows, for the period of 2022 to 2026, that there is a shortfall of 13 pitches/plots, and the Topic Paper indicates that the Council only currently has a 3.2 years supply of land for gypsy and traveller purposes.
30. The emerging Local Plan reached its examination in public (EIP) stage in May 2025 and, subsequent to its expected adoption, the Council anticipates, that for the following five year period (2027 to 2031), there will be a reduced need along with a substantial increase in supply equating to a surplus of 50 pitches/plots. The Council justifies this by an intention to rely on site intensification and expansion, where appropriate, regularising the use of unauthorised sites, certain allocations and also windfall provision. On this basis the Council considers it will then be able to demonstrate a five year supply, but currently that is not the case.
31. The Topic Paper has revised the GTAA's requirement figure which, over the plan period, was found to amount to a need for 91 pitches. However, neither the GTAA and PDA's findings nor the more recent Topic Paper and AMR, from 2024, can have taken into account the revised PPTS definition published in December 2024. Instead, when factoring this in, the appellant considers that the true figure should be a need in the region of 200 pitches. In this connection the appellant remarked that the relevant evidence base used for the EIP is flawed, but the Council witness said that the methodology had been accepted by the appointed Local Plan Inspector.
32. Although there may be a degree of conjecture here I am concerned that a proportion of the need from identified unauthorised sites has seemingly not been addressed. In such circumstances I must agree that, when taking into account the above factors, the need will most likely be significantly greater than the Council has put forward.
33. On the above basis the Council acknowledges that the tilted balance from paragraph 11(d) of the National Planning Framework (the Framework) currently applies. The relevant advice here is that, where there are no

relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless the Framework guidance which protects certain areas of particular importance provides a strong reason for refusing the development. Footnote 7 to paragraph 11(d) is the specific reference to the policies in the Framework that protect areas and assets of particular importance. This category includes Habitats sites. I shall discuss this further in the Planning Balance section of this decision letter.

34. From the evidence before me I find that LPP1 policies CP5 and LPP2 policy DM4 have failed to achieve their purpose which, on the face of it, this shows a failure of policy.
35. I attach significant weight to the absence of the requisite five year land supply for gypsy and traveller purposes and, an acknowledged absence of suitable alternative accommodation.

Character and appearance

36. The appeal site lies within a Landscape Character Assessment area. The Council's study document for such describes the area as 'Mixed Farmland and Woodland Landscape' and refers to the 'natural' and 'rural' aspects of the landscape which, it says, has been undermined by suburbanisation.
37. Paragraph 129 of the Framework says development should take into account the desirability of maintaining an area's prevailing character and setting. The advice continues in saying that development should add to the overall quality of the area, be visually attractive and sympathetic to local character.
38. The appeal site is the first plot reached from Fareham Road, and is therefore closer to the highway than the six other Pony Paddock plots behind. A number of pine trees within the site, behind the timber fencing erected, have been heavily lopped, with some likely removed – presumably to facilitate the use – which, in terms of appearance, has been deleterious to the area's rural feel.
39. LPP2 policy DM23 allows for development in the countryside where it would not result in an unacceptable effect on the rural character of the area by, amongst other things, visual intrusion and impacts on the tranquility of the environment with the introduction of noise and lighting. LPP1 policy CP5 similarly guards against visually obtrusive developments in rural areas.
40. The Inspector, in the 2022 appeal decision letter, concluded that the proposed use of Plot 2 for gypsy and traveller purposes would be harmful to the character of the countryside and as, at the time, the Plot could be seen in the context of the other Plots being used similarly, I do not find that the situation has changed to any appreciable extent. Accordingly, I must conclude that the use and its associated development is harmful to the character and appearance of the countryside, and contrary to particular aims and requirements of policies, CP5 and DM23 and, on this issue, the development plan as a whole.
41. Although, one of the reasons for issuing the enforcement notice relates to the development failing to protect and enhance biodiversity across the Winchester City Council area, from the evidence presented to me I consider that this is

actually limited to the matter of nitrate neutrality. I have assessed this as a main issue in this appeal and have addressed it below.

Nitrate neutrality

42. The application of the tilted balance would involve considering whether the impact on protected sites, including through nutrient pollution, provides a strong enough reason to refuse permission for the development.
43. In the Winchester City Council area foul water is distributed into the European designated areas of the Solent SPAs/Ramsar sites via water treatment plants. A net increase in residential development within is likely to result in impacts to the integrity of the SPAs due to the prospect of increased levels of nitrates entering the water environment due to wastewater from new residential developments. This can result in eutrophication, thereby affecting the status and distribution of key bird species against the stated conservation objectives of the Solent SPAs.
44. Natural England (NE) published advice in 2019 which sets out the requirement for all new development in the Solent region to achieve nitrate neutrality. Further advice has indicated that the applicant/appellant should provide a strategy for achieving nutrient neutrality using its guidance and nutrient calculator, and will also need to provide evidence for its treatment efficiency as well as a management and maintenance strategy, to protect against potential malfunction/failure and ensure its efficiency is maintained in perpetuity.
45. For the current appeal the appellant has submitted evidence that nutrient neutrality is achievable, producing a signed deed of allocation of allocation for nitrate offsetting and a certificate for a Package Treatment Plan (PTP) with calculations using the Natural England budget calculator to show an overall reduction in nitrates from the site compared to the existing situation.
46. The Council is agreeable in principle to this approach, but requests that a PTP Management Plan is provided in order that its effectiveness can be monitored. The appellant's agent appears to disagree with the need for such, although it is unclear whether this is because it is considered unduly onerous, or because there are doubts that the matter, in full, can be dealt with by condition. In this regard NE's original advice was that attempting to secure a nitrate neutrality strategy through a planning condition was not an acceptable approach as it did not provide the necessary certainty that the impacts of a development could be satisfactorily mitigated.
47. The matter has since moved on, though, with the recent appeal court judgement in the case *CG Fry & Son Ltd v SSLUHC* [2024] EWCA Civ 730. This concerned the nutrient neutrality approach developed by NE to meet the requirements contained within the Conservation of Habitats and Species Regulations 2017. It determined the question of whether the Regulations required an appropriate assessment before a local planning authority decided whether to discharge conditions on the approval of reserved matters having previously granted outline planning permission without such as assessment. The Court of Appeal concluded that the Regulations could require an appropriate assessment at the discharge of conditions stage.

48. The Court decided that on their true interpretation applying domestic principles of statutory consultation, Regs 63 and 70 allowed for an appropriate assessment to be undertaken when the discharge of conditions was being considered in a multi-stage process. Indeed, where the provisions for appropriate assessment were engaged, the said two regulations had the effect of requiring such as assessment to be carried out before development was authorised to proceed by the implementing decision. The Court held that the strict precautionary approach underpinning the regulations would be undermined if the assessment provisions were limited to the initial permission stage of a multi-stage process.
49. With the introduction of mitigation measures, by way of a suitably worded planning condition imposed the proposal would, on the face of it, satisfy the aims of LPP1 policies CP15 and CP16 which, amongst other things, support development which has regard to protecting sites of international, European and national importance from inappropriate development, and supporting habitats that are important to maintain the integrity of European sites.

Other Considerations

Personal Circumstances

50. The appellant, Bridie Doran and her husband, Patrick Doran, have provided individual Statements as to their family's circumstances. Only produced on the day of the Hearing they indicate that although they first moved to the site in 2019, this was initially not a permanent arrangement due to the preparations necessary for their purposes. They moved there permanently in 2023.
51. Mr and Mrs Doran have five children, four of which are of school age, with a sixth child due later this year. A letter has also been provided from the Headteacher confirming that three of the children attend Hambleton Primary School and, although behind their age-related expectations, they are all making good progress. The eldest daughter attends Denmead Secondary School.
52. I am legally bound to take into account the relevant provisions of the Human Rights Act, along with requirements under s149 of the Equality Act, 2010 which sets out the Public Sector Equality Duty (PSED) and the need to, amongst other things, eliminate discrimination for persons who share a protected characteristic. That said, I am satisfied that the enforcement notice's requirements serve a clear planning purpose – justifiable in certain respects - and these are all material considerations which need to be weighed in the balance.

Representations from interested parties

53. I have had regard to the various comments from a number of persons, all objecting to the development. Although I have already touched on a number of the points raised it seems clear that the majority of the objections relate to matters controllable by the Council's Environmental Health Department, under different legislation. Complaint has also been made regarding the occupation of the other Pony Paddock plots, but that must remain a matter between the complainants and the Council.

Denmead Neighbourhood Plan 2011-2031

54. This document, part of the Council's development plan, was adopted in 2015. However, given that ten years have since passed – it was published two years before the adoption of LPP2 - its relevance to the current appeal is considerably limited.

Sustainability of location

55. The open countryside location means that the site's accessibility to local shops, services and facilities is poor and LPP1 policy MTRA 4 seeks to limit development in such a location to specific uses which have a functional need to be located in the countryside. That said, gypsy and traveller pitches tend to locate in rural areas and, in instances where a need can be shown, LPP1 policy CP5 does not necessarily preclude such development. However, the site is not excessively remote and this was not considered a reason for issuing the enforcement notice. Nonetheless, it is a factor for consideration by way of advice within the PPTS. In the absence of public transport availability there will doubtless be heavy reliance on the private motor vehicle.

Intentional Unauthorised Development

56. As a result of a Written Ministerial Statement Intentional unauthorised development (IUD) is a material consideration that should be weighed in the determination of planning applications and appeals. The occupation was clearly taken up in the knowledge that planning permission was required. The Doran family had first occupied the site, temporarily in 2019, and a planning application in this respect had been refused in 2022 yet, despite this decision being unsuccessfully appealed in 2022, they moved on to the site in 2023, and have remained there since.
57. With hardstanding laid, along with trees and vegetation removed I attach weight to the IUD undertaken in order to facilitate and carry out the unauthorised change of use.

Planning Balance

58. The Council says that it currently only has a 3.2 years land supply for gypsy and traveller accommodation. This is a significant factor which weighs in favour of the development.
59. The Council takes the view, though, that following the adoption of the new Local Plan, which will provide for site allocations, along with regularising and intensifying the use of existing sites and also windfall provision, a supply of deliverable pitches in excess of five years can then be demonstrated. Moreover, the Council says that this approach will allow for a supply of pitches exceeding the overall need over the whole Plan period, thereby providing a long term supply of land for gypsy and traveller purposes.
60. However, I find that there is a fair degree of uncertainty with the intended approach should the current and future need be significantly greater than that anticipated by the Council. I consider this likely given the latest PPTS definition. Also, to be considered deliverable pitches should be available at the time required, have a suitable location. Further, there should be a

reasonable prospect that development can be delivered within the five year period.

61. Taking all the evidence into account on this matter I consider that the expected deliverability to achieve a five year land supply is an aspiration which the Council is hoping can be subsequently met. Moreover, I am not satisfactorily convinced as to whether the level of deliverability expected by the Council will fully bear fruit. The evidence is not yet there and the hoped for success is arguable.
62. The situation, though, may change over time, particularly with the foreseeable adoption of the new Local Plan, implementation of its policies, and some site allocations being earmarked for such accommodation. I am, therefore, making my decision with regard to all material considerations including advice within paragraph 28 of the PPTS and paragraph 11d) of the Framework, where the Council cannot demonstrate a requisite five year supply for this use.
63. The previous Inspector, in his 2022 appeal decision letter, considered it likely that the Council, at that time, could demonstrate an adequate supply of land for gypsy and traveller purposes, but he also concluded that the development, as was then proposed, would be harmful to the character of the countryside.
64. When visiting the site I noted that, although there are a scattering of houses and a nearby public house within the locality, these elements are not at odds with the area's appearance and rural feel. In contrast, though, the Pony Paddock plots are anomalous and somewhat detrimental to the local character.
65. At the time of my site visit, during the mid-afternoon, the amount of vehicular traffic along Fareham Road was perhaps greater than one would reasonably expect in such a rural location. Maybe, for some reason, this was untypical of the general norm, but, if not, it does draw into question whether the terms seclusion 'tranquility' and 'seclusion' are directly applicable to the immediate area. That said, external lighting, and the comings and goings of the occupiers of Plot 2, would only add to any disturbance.
66. In terms of local character I am mindful that the appeal site is one of seven plots in use by gypsies and travellers along the Pony Paddock land strip. However, the four plots which gained temporary planning permission in 2019 are now breaching their time limitation conditions by some twelve months, and I have seen no evidence that Plots 5 and 6 enjoy any planning permission for their use. At the Hearing I asked the Council witness as to the Council's intentions for regularising the current planning position at Pony Paddock, and it was put to me that the matters are under enforcement investigation.
67. No further information was offered in the above regard, but I have to reasonably assume that the Council will eventually attempt to take a course of action which it considers appropriate given the issues involved.
68. I cannot, therefore, take it for granted that the status quo will continue, but to speculate on the ultimate outcome would go beyond my remit. However, given the circumstances, it would be incorrect to consider that the prevailing character of the appeal site was one consistent with that established by the

use of neighbouring sites. The breach of the time limitation conditions on the neighbouring plots has brought the future use of the Pony Paddock plots into doubt and it is possible the situation could change in the foreseeable future.

69. As regards the appeal site itself I am aware that there are young children of school age residing at the site, and am conscious that they require stability for their welfare rather than be subjected to a possible roadside existence.
70. Turning to the matter of nitrate neutrality the appellant did not feel that the nitrate neutrality mitigation condition was necessary given that credits had been obtained. However, this issue and its requirements go beyond this.
71. An assessment is required as to whether the impact on the protected Habitats Site constitutes a strong reason for refusal, even with the tilted balance in place. However, with appropriate mitigation I am satisfied that the neutrality issue can be addressed.
72. To conclude, the previous Inspector who dismissed the appeal in 2022 for the use of Plot 2 for use by gypsy and travellers, and also the previous appeal Inspector who, in 2019, granted temporary planning permission for the similar use of Plots 3, 4, 7 and 8 both found that there would be significant harm caused to the character and appearance of the surrounding area. I agree with their findings in this respect. Both these appeals, though, turned on whether the Council could demonstrate a five year land supply for gypsy and traveller purposes. The former Inspector, considered this likely whereas the latter Inspector found otherwise. Currently, the Council has acknowledged that it falls significantly short in this area.
73. Whilst I find that the nitrate neutrality issue can potentially be addressed, sustainability – although not ideal in this case – is, on balance, insufficient an issue to warrant a refusal, and these matters are outweighed with the use's adverse impact on local character and the site being readily viewed from Fareham Road. The IUD undertaken also weighs against the DPA's success, but I consider that the unmet need and personal circumstances of the Doran family just tip the balance.
74. Nonetheless, when taking into account all material considerations, it is a close call and the grant of a permanent permission is not justified. In such circumstances, and with the current unavailability of suitable alternative sites, I have concluded that a time limited permission for five years should be granted, resulting in lesser harm by virtue of its temporary nature.
75. Taking into account the future adoption of a replacement development plan, and on the basis that its expected adoption is not too far away, I consider that a time limitation condition for five years should be imposed whereupon the appropriateness of the use of the land for gypsy and traveller purposes can be reassessed, should this prove necessary.
76. A wider and more complete picture as to deliverability will have been gained by September 2030, and the circumstances as a whole will likely have changed. Such an approach is consistent with advice contained within the government's planning practice guidance (PPG).
77. I have taken into account all representations made by interested parties, including those made verbally at the Hearing but, as regards the relevant planning issues here, these have not affected my conclusions.

Conclusion and Conditions

78. For the reasons given above I conclude that the appeal should succeed on ground (a) and planning permission will be granted. Accordingly, the appeals on grounds (f) and (g) do not therefore need to be considered.
79. Turning to conditions, I have considered those put forward and agreed by the main parties in accordance with the PPG. Where possible I have consolidated these, but I have discounted the Council's suggested condition as to one in respect of land contamination. The planning permission is only temporary, the work may be onerous considering the exploratory work given the previous agricultural use, and such a condition was not imposed on the permission granted for the other Pony Paddock sites.
80. I am imposing conditions which I consider to be both necessary and reasonable, and in accordance with the development plan as a whole. A time limitation condition is imposed for the reasons mentioned. It does not, of course, preclude the appellants from reapplying for planning permission prior to the expiry period.
81. In the interests of protecting the character and appearance of the surrounding area it is appropriate to limit the number of caravans on the site, provide details of a satisfactory site layout, limiting external lighting, bin storage, surface water and foul drainage, and also the erection of any new boundary enclosures. All the above can be brought together in a Site Development Scheme, details of which shall be submitted to the Council with a view to subsequent written approval. This condition is also in retrospective form in an attempt to guarantee the implementation of approved details.
82. Granting a temporary permission is in accordance with the law and pursues legitimate aims of protecting the environment and is proportionate to the situation, as is requiring for the use to cease and all buildings, structures and materials removed from the land when the premises cease to be occupied by those persons named or at the end of the temporary period granted.
83. A condition is also imposed requiring for the installation of the PTP and, in this connection, an appropriate PTP Management and Monitoring Plan to be submitted to the Council for written approval. This will require that the Council carry out an Appropriate Assessment in this regard.
84. Finally, standard conditions are imposed to prohibit any commercial activities taking place on the land, and also a restriction on the size of any vehicles stationed on the land.

Timothy C King

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Matthew Green – Green Planning Studio

Bridie Doran (Appellant)

Patrick Doran

FOR THE LOCAL PLANNING AUTHORITY:

Liz Young – Senior Planner

Stuart Dunbar Dempsey – Landscape Officer

Joe Toole – Senior Planner

Mark Fletcher – Planning enforcement Officer

INTERESTED PARTIES

Councillor Paula Langford-Smith

Neil Rushbridger – Chair, Denmead Village Association

SCHEDULE OF CONDITIONS

1. The use hereby permitted shall be for a limited period being the period of five years from the date of this decision. At the end of this period the use hereby permitted shall cease, all caravans, buildings, structures, materials and equipment brought on to, or erected on the land, or works undertaken to it in connection with the use shall be removed, and the land restored to its condition before the development took place.
2. The site shall not be occupied by any persons other than gypsies and travellers, as defined in Annex 1 of the Planning Policy for Traveller Sites; this being:

‘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.’
3. No more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (as amended) shall be stationed on the site at any time, of which not more than one shall be a static caravan/mobile home.
4. Within 3 months of the date of this decision a Site Development Scheme (SDS) including the following details shall have been submitted for the written approval of the local planning authority:
 - detailed layout for the mobile home, parking and amenity areas;
 - details of any external lighting within the site;
 - details of foul and surface water removal measures;
 - refuse storage
 - boundary treatments; and
 - a hard and soft landscaping scheme.

Hard landscaping shall include means of enclosure and surfacing materials.

Soft landscaping shall include identification of all trees, shrubs and hedges to be retained showing their spaces, spread and maturity; new tree, hedge and shrub planting including details of species, sizes and proposed numbers and densities, and a schedule of landscape maintenance for a period of 5 years following initial planting.

The drainage details shall:

- a) provide an assessment of the potential for disposing of surface water by means of a sustainable drainage system and the results of the assessment provided to the local planning authority;
- b) provide information about the design storm period and intensity the method employed to delay and control the surface water discharged

from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

- c) provide a management and maintenance plan for the lifetime of the development to secure the operation of the scheme throughout its lifetime; and
- d) provide details of foul water removal.

Within 3 months of this permission, the foul and surface water drainage works shall be carried out and shall thereafter be managed and maintained in accordance with the agreed management and maintenance plan.

If within 11 months of the date of this decision the local planning authority refuse to approve the SDS, or fail to give a decision within the prescribed period, an appeal shall have been made, and accepted as valid by the Secretary of State.

If an appeal is made, it shall have been finally determined and the submitted SDS shall have been approved by the Secretary of State.

The approved SDS shall have been carried out and completed in accordance with the approved timetable.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition will be suspended until that legal challenge has been finally determined.

- 5. The Package Treatment Plant (PTP), for which the appellant has provided the Council with a Certificate, shall be installed within three months of the date of this permission, and operated in accordance with the manufacturer's specifications. Following installation, details of a Management and Monitoring Plan shall be submitted to the local planning authority for written approval and shall require that the technical details of the installed PTP be recorded, monitored and maintained to the satisfaction of the local planning authority.
- 6. No commercial activities shall take place on the land including the storage of materials.
- 7. No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.