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PARTNERS IN PLANNING

Mr Shane Castle

Planning Applciaiton for the Change of Use of Land

The Paddock, Shop Lane, Sholing, Southampton SO19 0QS

Date: D01/05/2024

Supporting Planning Statement

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1. Introduction

- 1.1. Laister Planning Limited (Laister) has been instructed by Mr Castle (the Applicant) to submit a planning application for the 'Change of use to a Gypsy Traveller Pitch and construction of associated day room and hardstanding' at The Paddock, Shop Lane, SO19 0QS (the application site).
- 1.2. The Statement is accompanied by the following documentation:
 - Requisite Application Form (via the Planning Portal).
 - A Site Location Plan.
 - Existing Site Plan.
 - Proposed Site Plan.
 - Proposed plans and elevation of the day room.
- 1.3. The Local Planning Authority (LPA, or Council) for the site is Eastleigh Borough Council.

Site, Surroundings and Constraints

- 1.4. The Paddock is a small site roughly 1.6 acres, located to the south of High Town on the eastern side of Southampton, as shown edged in red on the google earth extract at figure 1 below. The site lies within the settlement gap between the settlements of Old Netley and Hightown, and is in the countryside for the purposes of planning. The site is accessed from Shop Lane through a private access, which itself joins to Botley Road (B3033) some 100m to the North. The site is bounded to the north, east and south east by open countryside, with a section of undeveloped land to the west and north-west on the other side of Shop Lane.
- 1.5. Immediately to the north of the site on Shop Lane, just beyond a small undeveloped wooded area, lies a series of residential dwellings. There is then a travelling showperson and gypsy traveller site just further beyond to the north-east at 'the old fairground' and junction of Botley Road and Bursledon Road.



Figure 1: Site Location



- 1.6. The application site is previously developed and is comprised of a steel portal framed building which is clad in green coloured profiled sheeting on a piece of land of approximately 1.6 acres. The building was originally erected for the accommodation of livestock, specifically pigs. There are also some pig run and polytunnel structures on the site. Parts of the site are also managed and maintained as pasture/meadowland. It appears from previous application and appeal decisions that the use of the land for agricultural uses ceased prior to 20th March 2013, possibly as early as 2007 and has since been used for a mixture of uses including horticulture and the storage, processing, and sale of firewood.

Constraints

- 1.7. The site lies in Eastleigh District and is outside of identified settlement boundaries in the 'Settlement Gap'.
- 1.8. However, the site is not in an area of notable constraint. It is not a designated Conservation Area, a Site of Ancient Monument, a Site of Archaeological Interest Affects/Setting of Listed Building, a Site of Special Scientific Interest, Local Nature Reserve, within a Site of Nature Conservation Interest. The Weston Greenway nature conservation area begins some 100m to the west.
- 1.9. The proposal is not considered to result in a likely significant impact on a European Protected site (SPA, SAC or Ramsar), given the small scale residential nature of the proposal.
- 1.10. The site is in a Flood Zone 1 at lowest risk of flooding.
- 1.11. There are no TPOs on this site according to the Council's online mapping system. The only trees located on the site are within the hedgerow boundaries and not within the areas where the proposed day room or caravan will be sited.



2. Planning History

- 2.1. A review of the planning history records has revealed a very limited planning history at the Paddock site, with the same owner using the property between 1994 until sale to the applicant in September 2023.
- 2.2. Permission was granted under application 33502/00 on the site for the erection of the barn which is still on site for the keeping of pigs in 1995. This granted an agricultural use over the site.
- 2.3. In the same year, consent was given under application 33502/01 for the erection of the pig runs, poly tunnels and the vegetable beds on site.
- 2.4. This agricultural use was at its most intensive in 2007, when it appears the agricultural use was ceased. This was confirmed in a later application then appeal in 2017. The reason for ceasing was due to a combination on thefts from the site and the viability of the small scale of the holding.
- 2.5. The most recent application, 'PN/17/82067', sought prior approval *'for the proposal to change the use of agricultural buildings to dwellinghouses (use class C3)'*. This was refused on the basis that the applicant had advised the Council that the buildings in question had been used for wood storage to facilitate the sale of wood from the site and had not been recently used for its original livestock purpose. It was therefore concluded by the Council that the building had not been used for purposes ancillary to agriculture and therefore was not permitted to be converted into a dwelling under Class Q of part 3 of the Town and Country Planning (General Permitted Development) Order 2015.
- 2.6. The refusal was then appealed under appeal ref: APP/W1715/W/18/3205650, this was dismissed, upholding the Council's view.
- 2.7. This confirmed that the use of the land was no longer that of an agricultural use but was instead some form of storage and commercial use. No enforcement action was taken on the use, which is now conclusively presumed to be the lawful use of the land.



3. The Proposed Development

- 3.1. This application seeks permission for '*Change of use from commercial timber storage and processing to one gypsy traveller pitch and day room and associated works*' on a previously developed site at the Paddocks, just outside of Southampton. Presently, the site has most recently been utilised for a storage and commercial use, for the storage and sale of timber for firewood (as confirmed in appeal APP/W1715/W/18/3205650).
- 3.2. The applicant and his family have been living within the district for their whole lives in static caravans. For the past 5 years, the applicant and his family have been living in a mobile home on other land elsewhere in the Borough, where they have been tenants. However, the site on which they have resided has recently gained permission to be redeveloped and as such, they must now move on to a new site. They strongly wish to stay within the Eastleigh Borough as they have connections and roots in the local community and lived locally for their whole lives. Having explored several other options, the applicant has identified the Paddock site as being suitable to accommodate one Gypsy Traveller (G&T) pitch and an associated day room and asserts that an application for such would be commensurate with National and Local planning policy (as addressed comprehensively in the following section of this statement).
- 3.3. As will also be detailed further, as part of the Gypsy and Traveller community the applicant and his family presently has a needs case that is unmet. This application would seek to ensure that the applicant and his family can remain in the vicinity to access the services and community in which they have lived for many years, avoiding the need to return to roadside living and contributing the Borough's general unmet G&T need. Planning conditions can be imposed by the Council to ensure that the site is satisfactorily controlled, adding a further benefit to the proposal. This will allow a permanent solution to the use of the site, meeting our client's family needs.
- 3.4. Additionally, the site is considered to be particularly appropriate site for a small scale and private Gypsy and Traveller site. The site is previously developed, self-contained, in a sustainable location which is near to services and transport links, bears no notable statutory planning constraints, is currently untidy and underutilised, is situated nearby to other gypsy traveller and travelling show person sites (the old fairground), and sits discreetly in the countryside setting, well screened from external viewpoints by established hedgerows.
- 3.5. Furthermore, the applicant works as a roofer and has a work van for this purpose which requires appropriate driveway space. The site currently has the character of a semi-commercial/ working yard and has the space to accommodate the applicants living and working needs simultaneously, so as to be a sustainable location for the Gypsy and Traveller way of life.
- 3.6. The nature of G&T pitches entail that they often have space for one static mobile home which is the main residence with dimensions (15m by 6.7m); a day room for use as 'extra space' during the day and to accommodate shower, clothes washing, and toilet facilities, with dimensions 9m by 6m; and parking for vehicles. Figure 2 below is an extract of a site block layout plan, which shows the part of the site where changes are proposed. This shows the locations of the gypsy pitch and day room on the small section of the application site to the rear of the Barn. The Barn and pig pen are to remain in situ and to be used by the applicant in conjunction with their occupation of the site. The applicant also proposes the access driveway to be extended into the site to facilitate access to the stationed caravan.



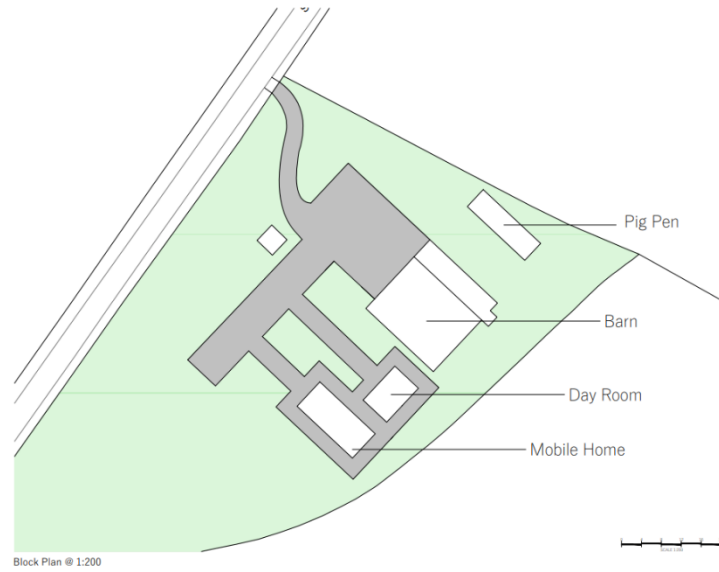
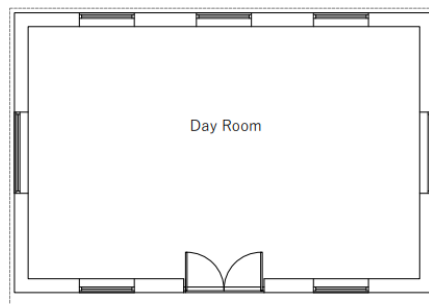


Figure 2: Block layout plan extract

- 3.7. Figure 3 below is an extract of the Plans and Elevations of the proposed day room which accompany this application. The dayroom will be 30ft by 20ft.



Day Room Plan @1:50

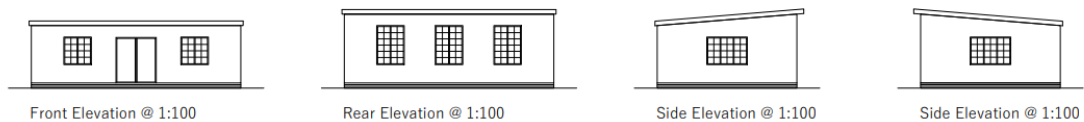


Figure 3: Day room plans and elevations extracts

- 3.8. Overall this proposal is an opportunity for the Council to provide additional G&T accommodation on a private site in order to address the applicant's family's unmet needs and personal circumstances without increasing the unmet G&T in the borough, and to regularise and control the planning status of the site.



4. Planning Policy

- 4.1. The adopted Development Plan for the application area is the Eastleigh Borough Local Plan 2016-36 (Adopted 2022) (hereafter referred to as the Local Plan or EBLP) and any made neighbourhood plans.

Eastleigh Borough Local Plan 2016-36

Relevant policies include:

- Strategic policy S1: Delivering sustainable development
 - Strategic policy S2: Approach to new development
 - Strategic policy S5: New development in the Countryside
 - Strategic policy S6: Protection of settlement gaps
 - Policy DM1, General criteria for new development
 - Policy DM13, General development criteria - Transport
 - Policy DM31: Gypsy, Traveller and Travelling Showpeople's Accommodation
- 4.2. **Strategic policy S1** - Delivering sustainable development, enshrines the golden thread of the NPPF (presumption in favour of sustainable development) in the Local Plan. The policy specifies that to be sustainable, new development in the Borough should meet community needs without compromising the identity of the Borough or its individual settlements, or the ability of future generations to meet their own needs; enhance social equality; maintain and help to grow a high-performing local economy; have regard to the potential impacts of climate change; minimise the need to travel longer distances and, where travel is necessary, prioritise more sustainable forms of transport; seek opportunities to optimise density of new development and redevelopments; use resources wisely and minimise the generation of waste; maintain local environmental quality, including avoiding damage to, and where possible enhancing, the existing valued urban and rural environments in the Borough and heritage assets; maintain, enhance, extend and connect the natural habitats within and landscape value of the Borough, extending natural habitats into new and existing development to achieve an environmental net gain.
- 4.3. When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
- 4.4. Planning applications that accord with the policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise.
- 4.5. **Strategic policy S2** -Approach to new development, details the locations towards which development will be directed. The Council will ensure a minimum 5 year supply (plus appropriate buffer) of deliverable sites across Eastleigh Borough. The urban edge as set out on the policies map defines the main built-up areas within which there is a presumption in favour of new development, subject to the policies of this plan.
- 4.6. **Strategic policy S5** -New development in the countryside, details the type of development permitted outside of settlement boundaries. Accommodation for Gypsies, Travellers and Travelling Showpeople, as further addressed by policy DM31, is one such exception.
- 4.7. In permitting new development in the countryside the Borough Council will seek to avoid adverse impacts on the rural, woodland, riparian or coastal character, the intrinsic character of the landscape including the avoidance of adverse landscape impacts on areas adjoining national parks and their settings, the significance of heritage assets and on the biodiversity of the area;
- 4.8. **Strategic policy S6** - Protection of settlement gaps, pertains to sites that are situated within an identified settlement gap (such as The Paddock).



- 4.9. Development within a Settlement Gap as set out in the policies map will be permitted provided that it would not undermine the physical extent and/or visual separation of settlements; and it would not have an urbanising effect detrimental to the character of the countryside; the separate identity of the adjoining settlements.
- 4.10. **Development Management Policy DM1** - General development criteria for new development, states that:
All new development should (as relevant):
- a. not have an unacceptable impact on, and where possible should enhance:*
 - i. residential amenities of both new and existing residents; the character and appearance of urban areas, the countryside and the coast;*
 - ii. biodiversity (avoiding significant adverse impacts); and*
 - iii. the significance of heritage assets;*
 - b. make efficient use of the site, maximise opportunities to increase density and have regard to potential development opportunities on adjoining land;*
 - c. take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbourhood, and be compatible with adjoining uses and be well integrated with these in terms of mass, scale, materials, layout, density, design and siting, both in itself and in relation to adjoining buildings, spaces and views. Where adjoining development is poor in urban design terms, new development should contribute to improving the character of the area;*
 - d. not involve the loss of or damage to trees, woodlands, hedgerows, ponds, priority habitats or other landscape features of value to the character of the area, for appearance or biodiversity unless they can be replaced with features of equivalent or enhanced value, (recognising that some species and habitats may be irreplaceable);*
 - e. include a landscape scheme covering the design and layout of external space;*
 - f. protect and enhance public rights of way and National Trails and provide fully connected green infrastructure that interlaces the development and connects into the wider network;*
 - g. provide satisfactory management arrangements for all landscape, green infrastructure and biodiversity enhancement;*
 - h. incorporate provision for people with disabilities and create accessible communities that cater for all;*
 - i. incorporate design measures to inhibit criminal and anti-social behaviour;*
 - j. incorporate provision for on-site waste management; and*
 - k. include provision for public art associated with new large scale development in accordance with the Council's adopted Public Art Strategy.*
- 4.11. **Development Management Policy DM13** - Transport, seeks that all new development must have safe and convenient access to the highway network and make provision for access to, and by, other transport modes including public transport and cycle and pedestrian routes as appropriate. Access arrangements to the highway network must meet national and local guidance and standards; not cause or increase danger to road users or have a significant detrimental impact on the highway network; and be provided without unacceptable environmental impact.
- 4.12. **Development Management Policy DM31** - Gypsy, Traveller and Travelling Showpeople's accommodation, sets out the Council's policy approach to new Gypsies, Travellers and Travelling Showpeople sites.
- 4.13. The policy seeks that the Council will meet the need for additional Gypsy and Travellers pitches and plots for Travelling Showpeople as identified in the Gypsy and Travellers and Travelling Showpeople Accommodation Assessment (GTTSA).
- 4.14. It seeks that development for Gypsies, Travellers and Travelling Showpeople, including transit sites, will be permitted where:
- 'a. there is an identified need for the pitch or plot provision which the proposal helps to meet;*



b. the site is able to accommodate both residential use and where necessary the range of economic activities and vehicles associated with residents' mobile lifestyles without unacceptable impact on local amenities, road safety, heritage, landscape or biodiversity interests;

c. the site has safe and convenient access to existing and proposed services and facilities to serve the residents, including education, health facilities and shops;

d. the site has or can be viably provided with utility services; and

e. the site has vehicular access to and from the strategic road network adequate to accommodate mobile residential units and any vehicles/machinery associated with residents' working activities.'

- 4.15. Existing Gypsy and Travellers sites and Travelling Showpeople sites permitted in the Borough, and any new sites granted permission and implemented, will be safeguarded for these purposes as long as the need exists for accommodation within the Borough.

Part of meeting the housing needs in Eastleigh Borough is addressing the needs of travelling communities. The Council is required to assess needs and then identify suitable sites for permanent and transit site accommodation to meet these needs.

- 4.16. The Council produced a Gypsy, Travellers and Travelling Showpeople Accommodation Assessment (GTTSAA) for Eastleigh in 2017.

Neighbourhood Plan

- 4.17. There is no made neighbourhood plan which captures this site.

Gypsy and Traveller Accommodation Assessment (February 2017)

- 4.18. Eastleigh Borough Council instructed Opinion Research Services to undertake a Gypsy and Traveller Accommodation Assessment, who published their findings February 2017.
- 4.19. This applied the updated national Planning Policy for Travellers sites (PPTS 2015) definition of Gypsies and Travellers and Travelling Showpeople to consider the existing provision in the Borough and the future needs. The GTTSAA identifies the current provision in Eastleigh Borough.
- 4.20. The GTTSAA found that there was an identified need for an additional 5 pitches with the plan period for those households who met the planning definition. They identified a need of an additional 4 pitches for the unknowns, and an additional 6 pitches for those who did not meet the planning definition, but now may. A total provision required between 2016 and 2036 of 15 pitches. In the case of the Applicant, he has a young family and therefore a new household formed within the plan period, as predicted would be the case.

National Planning Policy Framework (NPPF 2023)

- 4.21. The Government updated the NPPF in December 2023. This is the Government's statement of planning policy and guidance which provides the basis against which development plan policies and development control decisions should be made in England and how it expects these to be applied. The NPPF is a significant material consideration in planning decisions. Paragraph 2 states that:-

'Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.'

- 4.22. Paragraph 8 states that there are three dimensions to sustainable development, each of which give rise to the need for the planning system to perform a number of different objectives:-

'An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

A social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number



and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

An environmental objective- to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'

- 4.23. Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with an up-to-date development plan without delay; or, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 4.24. Paragraph 47 states, *"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise"*.
- 4.25. Chapter 5 *Delivering a sufficient supply of homes* provides guidance for new residential developments. Paragraph 60 states that enough housing land should come forward and that it should be able to cater for specific groups and needs:
- "To support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is without unnecessary delay. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community."*
- 4.26. Paragraph 63 goes on to provide a list of specific groups:
- "These groups should include (but are not limited to) those who require affordable housing; families with children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; **travellers**; people who rent their homes and people wishing to commission or build their own homes."* (my emphasis).
- 4.27. In terms of transport, Paragraph 115 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be 'severe'.

Planning Policy for Traveller Sites (PPTS)

- 4.28. The PPTS was published in March 2015 and should be read in conjunction with the Government's planning policy framework, therefore the PPTS is a material planning consideration.
- 4.29. Since the publication of the PPTS, the High Court has handed down a judgement in the *Lisa Smith -V- SoS for Levelling Up* case which is a further material consideration in applications for Gypsy and Traveller pitches and the deliverable supply of 5 year pitches, where a discriminatory application of the PPTS definition of a gypsy/traveller has led to certain Gypsy and Travellers being excluded from an identified need.
- 4.30. Paragraph 3 of the PPTS states that *"the Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community."*
- 4.31. Paragraph 4 sets out the Government's aims in respect of Gypsy/Traveller sites:
- 'a) that local planning authorities should make their own assessment of need for the purposes of planning;*
- b) to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites;*
- c) to encourage local planning authorities to plan for sites over a reasonable timescale;*



- d) that plan-making and decision-taking should protect Green Belt from inappropriate development;*
- e) to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites;*
- f) that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective;*
- g) for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies;*
- h) to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply;*
- i) to reduce tensions between settled and traveller communities in plan-making and planning decisions;*
- j) to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure;*
- k) for local planning authorities to have due regard to the protection of local amenity and local environment.'*

- 4.32. Paragraph 4 sets out that the Local Planning Authority should make their own assessment of need for Gypsy and Traveller pitches/sites to ensure that the appropriate number of pitches/sites are granted planning permission to ensure that a lack of supply/under provision is addressed and to maintain the appropriate level of supply.
- 4.33. Paragraphs, 9, 10, and 13 says that LPAs should set Gypsy/Traveller pitch targets, they should identify specific and deliverable sites sufficient to provide 5 years' worth of sites/ pitches and local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally.
- 4.34. Local planning authorities should, therefore, ensure that their policies: *'a) promote peaceful and integrated co-existence between the site and the local community; b) promote, in collaboration with commissioners of health services, access to appropriate health services; c) ensure that children can attend school on a regular basis; d) provide a settled base that reduces both the need for long-distance travelling and possible environmental damage caused by unauthorised encampment; e) provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development; f) avoid placing undue pressure on local infrastructure and services; g) do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans; h) reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability'*
- 4.35. Policy C: Sites in rural areas and the countryside: 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.
- 4.36. Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:
 - 'a) the existing level of local provision and need for sites; b) the availability (or lack) of alternative accommodation for the applicants; c) other personal circumstances of the applicant; d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites; e) that they should determine applications for sites from any travellers and not just those with local connections.'*
- 4.37. Existing case law has also established that the best interest of the child are of prime importance, where the health, welfare and educational needs of the child/ children must be taken in to account when conducting the planning balance exercise.
- 4.38. When considering applications, local planning authorities should attach weight to the following matters:
 - 'a) effective use of previously developed (brownfield), untidy or derelict land b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children d) not*



enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community'.

- 4.39. If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications. The exception is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads). None of these designations are reflected in the application site.



5. Traveller Needs Case

- 5.1. It is pertinent to set out the specific needs of the applicants as Travellers, in favour of the approval of this application.
- 5.2. Firstly, the applicant meets the PPTS definition of Gypsy/Travellers in that they maintain a nomadic way of life and travel for work purposes.
- 5.3. He and his partner have two children below the age of 8 and they are well integrated into the local community already, having previously been residing on a site less than a mile down the road. The children are registered with the local GP's surgery and are enrolled in and attend the local primary school.
- 5.4. The family has a personal and cultural need for a site as they are being evicted from their current pitch, which they do not own, as the site owners of the site have obtained permission to redevelop the site. This site represents the opportunity for a permanent home and security, as they own the land.
- 5.5. Though the GTAA 2007 attempted to provide for G&T need until 2031, it is now seven years old and has not been updated in the interim period, therefore, it is no longer completely reliable in indicating the current G&T need as families have grown and some sites re-developed, reducing the available stock. As such, the lack of an alternative site is a material consideration in this application.
- 5.6. They have struggled to find suitable alternative sites to create a permanent base from which they can continue their travelling life that are within their range of affordability, being unsuccessful until they identified the application site. The applicant and his children need access to the education and health facilities that are only available through having a settled base. The site will allow the continuation of the children's education at their current enrolled primary school, where an alternative pitch further afield would not provide this opportunity. It is also accepted that G&T pitches are often provided in countryside locations and are often poorly connected and less sustainable by way of transport and access. However, the application site is particularly well located in sustainability terms, as such, it is considered to be a particularly suitable G&T site, which is often hard to come by.
- 5.7. The best interests of the children are a material consideration that weighs in favour of a grant of planning permission. Case law is clear that there is a duty on both the LPA and Secretary of State to treat the best interests of the child (including unborn children) as a primary consideration, and that no other consideration is inherently more important. This was established in the cases of *AZ v SSCLG & South Gloucestershire Council [2012]* and *Collins v SSCLG [2013]*.
- 5.8. It is well established that the Best Interests of the Child (including any unborn child) is “a paramount consideration” and starts on the same footing as the most serious planning harm that can be identified. Whilst the rights of the child are not the determinative consideration, no other consideration can be put above it.
- 5.9. In the event that the Council refuses the application it is a simple fact and reality that children may be forced to return to roadside living, or be forced to move out of the local area, changing schools and GP surgeries, and this cannot serve the best interests of the family, or the children considering that suitable land is owned by the family and is available for the family in an appropriate location.
- 5.10. It is considered that significant weight should be attributed to the personal circumstances and need of the Children in addition to a moderate weight being attributed to the Family's desire to remain in the area in which they are established and settled.



6. The Case for the Applicant

Principle

- 6.1. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise.
- 6.2. The NPPF2023 sets out a presumption in favour of sustainable development which is seen as a central thread running through both plan making and decision taking. In terms of application decisions, this means approving development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies are out of date, granting permission unless adverse impacts significantly outweigh the benefits.
- 6.3. This section sets out the key issues and assesses the application proposals against the relevant national and local planning policies and the material considerations that weigh in the planning balance.

Principle of Development

- 6.4. As earlier stated, the site falls outside of the nearest settlement boundaries, as such the approach to development on the site is governed by the policies of the local plan which address development outside of the settlement boundaries and is considered as being in the countryside for the purposes of planning.
- 6.5. Strategic Policy S5 (SPS5) addresses new development in the countryside. One of the listed appropriate forms of new development in the countryside, as identified at subsection b) of the policy, is accommodation for Gypsies, Travellers and Travelling Showpeople. In relation to G&T sites specifically, subsection b) of S5 directs applicants to policy DM31, which specifically addresses the policy requirements of G&T sites. Separately, the second section of S5 lists five criteria which all development in the Countryside must consider. Each of these will be addressed later within this main assessment section.
- 6.6. In addition to being in the countryside, the site is also within a strategic settlement gap, as such Strategic Policy S6 applies in relation to ensure that applications seek to protect these gaps.
- 6.7. Advisory paragraph of the Local Plan 5.142 states that the Council seek to ensure that G&T sites have access to services, and that applications received by the Council for additional sites will be assessed by the criteria of DM31. This mirrors the first part of SPS5, which confirms that G&T sites have the potential to be appropriate development in the countryside subject to DM31.
- 6.8. Therefore, it is pertinent to begin the assessment of the proposal with policy DM31.
- 6.9. The policy sets out that the G&T need was assessed in the GTTSAA, and that sites are allocated for the additional pitches required by the GTTSAA are identified in policies BU4 and BU5 of the Local Plan. Both of the sites identified at BU4 and BU5 deliver one G&T pitch to the Council's stock.
- 6.10. The first criteria of DM31, criteria a, seeks that there must be an identified need for the pitch which the proposal helps to meet. As iterated previously, the applicant has a contemporary unmet need for a pitch which has arisen following the notification of his eviction from his current location and desire to stay based locally for continuity of his children's education. We opine that this is sufficient to demonstrate the applicant's now unmet need. Consequently, their additional need for a G&T pitch has arisen since the publication of the GTTSAA and as such their need is currently unprovided for by the Council and is not provided for by the provisions of sites in the local plan (BU4 and BU5).
- 6.11. Criteria b seeks that the site must be able to accommodate both residential use and where necessary, the range of economic uses and vehicles associated with the applicants mobile lifestyle, without unacceptable impacts on local amenities, road, safety, heritage, landscape or biodiversity and Criteria e (addressed out of chronological order here) stipulates that the site must have vehicular access to and from the road network, which is sufficient to accommodate mobile homes and other vehicles.
- 6.12. The applicant's proposal is for a single pitch and day room, on a previously developed, well connected and well



screened site, which affords enough space for the applicants economic and vehicular requirements. The applicant will be able to park his work van and a touring caravan on site without causing detriment or disruption to any third parties.

- 6.13. There is already an established access to the site which has historically seen movement of vehicles in relation to the previously agricultural use and the later commercial use. As such, the movement associated with the proposed new use are not envisaged to cause any unacceptable impacts on highways or safety. There are no notable heritage assets that will be impacted by the development, nor will there be any landscape impacts as the site is previously developed and the proposed pitch and day room will be wholly contained within the current site (which is screened from external viewpoints). Each of these latter points are addressed on their own in more detail later in this assessment.
- 6.14. Criteria c seeks to ensure that the site has a safe and convenient access to existing and proposed services and facilities to serve the residents, including education, health facilities and shops. The applicant has identified this site, as it is particularly appropriate in ensuring that they can continue to access the same services and facilities that they currently access from their previous home pitch. This includes the GP surgery they are currently registered at and the school the children currently attend. Furthermore, the site is sustainably located, with a bus stop 5min walk on to Botley Road and an Aldi a 9min walk away, with good access to goods and services locally and regionally through the bus and road networks.
- 6.15. Criteria d seeks that the site has or can viably be provided with utility services. There is already access to mains electricity and water on the site and foul drainage will be dealt with through the existing septic tank on the site, which is a common solution for rurally located properties.
- 6.16. In addition to the criteria of DM31, the applicant asserts that the proposal also accords with the five criteria set out by SPS5.
- 6.17. Criteria a seeks to avoid adverse impacts on rural and woodlands character and on landscape, heritage and biodiversity, and criteria b seeks to secure long term management practices in relation to landscape and biodiversity. As stated at paragraph 6.13, each of these considerations are addressed as standalone subsections later in this assessment.
- 6.18. Criteria c, d, and e, all relate to the protection of mineral resources, agricultural land, and soils. The proposal is of a small scale and will not directly impact any of these considerations, as such they are not of pertinence to this planning application.
- 6.19. SPS6 identifies that the settlement gap in which the site resides is between Burlesdon, Netley and Southampton (settlement gap 'h'). Development within the settlement gap must meet two criteria. Those being: a) it must not undermine the physical extent or visual separation of the settlements and b) it cannot have an urbanising effect on the character of the countryside or the separate identity of settlements.
- 6.20. The site is previously developed, and the proposal does not expand the boundaries of the extant site. In fact, the site is a defined site and is enclosed by third party land and a highway, so there is no chance of expansion and the character of the proposed use compared to the existing does not result in any change to the settlement gap. Furthermore, the site will not conjoin any other developed parcels within or adjacent to the settlement gap. Consequently, the proposal will cause no detriment to the separation or identity of the settlements and will not urbanise the character of the countryside in this location. In addition, the rural nature of the lane is one of individual residential plots, set in generous grounds. Both the caravan and day room are single storey structures, set away from the site boundary, behind existing hedgerows and therefore are not intrusive within the immediate or wider landscape. The proposal is therefore commensurate with the criteria of SPS6. Further to the above, the Planning Policy for Traveller Sites (PPTS) document is part of the National framework for planning for G&T sites. Policy SPS6 mirrors the requirements of PPTS Policy C in relation to countryside G&T provision (and retaining settlement identity).
- 6.21. The PPTS also encourages that the private provision of traveller sites and identifies that LPA considerations for G&T sites applications must include: *a) the existing level of local provision and need for sites; b) the availability (or lack) of alternative accommodation for the applicants; c) other personal circumstances of the applicant; d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should used to assess applications that may come forward on*



unallocated sites; e) that they should determine applications for sites from any travellers and not just those with local connections.

And that they should attach weight to the following matters:

'a) effective use of previously developed (brownfield), untidy or derelict land b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community'

- 6.22. It is the applicant's assertion that there is no alternative accommodation for the applicant, that would be better suited for their needs, as the sites which are provided through the local plan meet G&T need elsewhere in the Borough or are not available and their current pitch is no longer available.
- 6.23. The applicants' personal circumstances require that they find an alternative site as soon as possible so as to meet his and his family's needs, and they wish to remain in the borough where they have local connections and need to move quickly.
- 6.24. The proposal represents effective use of previously developed and untidy land which will be improved and 'neatened' by the implementation of the proposal. This will be affected by the removal of rubbish, waste and other commercial paraphernalia related to the previous commercial use and through giving the site a more tangible purpose, the new occupants will be permanently on the site and will be motivated to ensure that it is maintained a nice place to live.
- 6.25. The site is already well screened from external viewpoints and sits comfortably in the extant landscape without significant hard landscaping or fencing causing deliberate isolation, nor does the proposal seek any such elements that may cause a reduction of the openness of the countryside in this location.
- 6.26. There will be sufficient space not only for the residential and storage needs of the applicants, but also in giving the family a spacious and safe environment for their children to play and for them all to lead healthy lifestyles.
- 6.27. Considering all above, notwithstanding other planning considerations, there is a demonstrable need for the applicants to have new accommodation within the Borough and it is considered that the application site is particularly appropriate for the change of use to a small scale, privately owned, G&T site. The proposal is commensurate with ALL policy criteria stipulations of policies SPS5, SPS6, DM31 and the PPTS without deviation. In addition, the NPPF sets out the need to support various specialist housing groups, including travellers. As such, the principle of the development in this location is well supported by the Development Plan and National Planning Policy.

Design and Layout

- 6.28. In relation to other planning considerations, design is dealt with through Development Management Policies DM1. The criteria are set out in the previous policy section, and each relevant is addressed below.
- 6.29. The proposal will have no impact on residential amenities of any neighbouring properties. In relation to the amenity of future occupants, the pitch will be private and spacious and perfectly caters for the way of life and peaceful living of residential occupiers. Modern static caravans are designed to a high standard for living accommodation, and the day room will provide additional amenity and utility space.
- 6.30. The character of the site is defined by its countryside location and by the commercial and storage uses currently occurring, this character will not be significantly altered by the proposal. The barn will remain in situ, there will be a similar incidence of vehicles, and the proposal will remain within the boundaries of the developed site. The day room and mobile home will both be set back from the road and will not be prominent from external viewpoints, also being single storey in design.
- 6.31. The proposals make effective use of the land on the site, with the mass of new and existing elements, the day room, barn and mobile home, to be situated close to one another on the central rear section of the site, with plenty of space around them and between them and the external boundaries. The proposal makes good use of existing hardstanding areas which is adequate for the turning and parking for touring caravan and work vehicles and proposes only additional hardstanding sufficient to accommodate access to the pitch and day



room.

- 6.32. There will be no loss of trees or detriment to other landscape features, with the layout making the most of the existing structures, access and hardstanding present.
- 6.33. The development is therefore acceptable in design and layout terms and accords with Policy DM1.

Trees, Ecology and Biodiversity

- 6.34. In recent years the application site has been used for open storage and some ad hoc personal horticultural uses, which has maintained the site. With the exception of the boundary hedgerows, the site is predominantly clear with low quality unmade ground and grass. There are no changes proposed to the existing barn structure and therefore no survey work is required in this respect.
- 6.35. Given the proposal is for the laying of hardstanding for a driveway within the open ground, away from the boundaries and installation of a concrete pad for a static caravan, also away from the site boundary. No impact is foreseen any trees or hedgerows on the site. A tree protection plan and method statement could be conditioned if the council required any further assurance in this respect.
- 6.36. In respect of ecology and biodiversity. Given that the hardstanding and concrete pad will be laid on the existing unmade ground and managed grass area only, no impact is expected with regards to any protected wildlife. Biodiversity enhancements can be provided to the site and controlled by planning condition if required.
- 6.37. With regards to nutrient neutrality, given the small scale of the development the change from the existing use of the land to the proposed is not expected to create any increased impact. With foul drainage dealt with through a septic tank system and not within the mains sewer network. Approval of this application will also definitely take the site out of agricultural use, which is part of the wider mitigation strategy. Appropriate credits could be secured by condition or S106 agreement, should they be required to make the development acceptable in this instance.
- 6.38. The development therefore complies with Local Plan Policy G3 protecting and enhancing biodiversity and the principles of the NPPF.

Transport

- 6.39. The site will retain the existing access and hardstanding on the site which is already sufficient for parking and turning of associated vehicles. There is safe access to the highway network and there is ready availability to public transport routes, with Shop Lane safe for pedestrian and cyclists and with bus stops within a 5 minute walk from the site on Botley Road to the north.
- 6.40. Due to the established nature of the site and the nature of the proposed use, there are not envisaged to be any transport considerations weighing against approval of the application proposal. The development is therefore acceptable in accordance with Local Plan Policy DM13 and the NPPF.

Flooding and Drainage

- 6.41. The site is smaller than 1 hectare and is situated wholly within a flood zone 1 and is not identified as having surface water issues. Therefore, there is no requirement to produce a flood risk assessment in relation to this development.
- 6.42. The surface water drainage will be managed onsite into soakaways and the site benefits from an existing septic tank which will be used for the domestic waste and will be managed appropriately by the applicant. Therefore, the development should be considered acceptable in respect of flooding and drainage.



7. Conclusions

- 7.1. Laister Planning (Laister) has been instructed by Mr Castle (the Applicant) to submit a planning application for *'Change of use from commercial timber storage and processing to one gypsy traveller pitch and day room and associated works'* at The Paddock, Shop Lane, Sholing.
- 7.2. The proposal is appraised against the policies of the Eastleigh Borough Development Plan, including the Local Plan (adopted 2022) and associated supplementary documents. At a national level, The Planning Policy of Traveller's Statement (PPTS) and the National Planning Policy Framework (NPPF) are also material considerations and provide policy guidance, which relate to development and planning for Gypsy Travellers pitches in the countryside.
- 7.3. The site is a previously developed site, within the countryside and settlement gap 'h'. The change of use of the site to site one caravan and day room for residential occupation by a family identifying as travellers should be supported in principle. There is a clear need for the family to move locally and this location is a sustainable, well located and appropriately sized plot for the proposed use. As such, the proposal is commensurate with ALL policy criteria stipulations of policies SPS5, SPS6, DM31 and the PPTS without deviation. In addition, the NPPF sets out the need to support various specialist housing groups, including travellers. As such, the principle of the development in this location is well supported by the Development Plan and National Planning Policy.
- 7.4. Overall this proposal is an opportunity for the Council to provide additional G&T accommodation on a private site in order to address the applicant's family's unmet needs and personal circumstances without increasing the unmet G&T in the borough, and to regularise and control the planning status of the site.
- 7.5. The proposal would not result in any local landscape harm or any material change or amalgamation of the settlement gap between Sholing and Bursledon. The proposal is also acceptable in respect of all other material considerations, including design, layout, drainage, transport, arboricultural and ecological matters.
- 7.6. In conclusion, the change of use and operational development proposal would constitute sustainable development in accordance with Section 2 of NPPF and deliver a well needed pitch to contribute to the council's unmet need and address the specific needs of a local family. Consequently, the proposal should be granted in accordance with the Development Plan, NPPF and PPTS.



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