

## Supplementary Planning Information

**HAVANT BOROUGH COUNCIL  
DEVELOPMENT MANAGEMENT COMMITTEE  
13 December 2018**

I am now able to enclose, for consideration by the Development Management Committee on 13 December 2018, the following supplementary planning information that was unavailable when the agenda was printed.

Agenda No	Item
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**9(1) APP/18/00929 - Southdown View, Long Copse Lane, Emsworth 1 - 6**

Proposal: Change of use of the site to a mixed use comprising private equestrian yard and siting of additional 1No mobile home to enable a total of 2No mobile homes on site for private gypsy and traveller site. Provision of a further 2 additional car parking spaces to allow a total of 4 car parking spaces on site and retention of touring caravan space.

Associated Documents - <https://tinyurl.com/y6v88lop>.

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Mr Chairman, members of the Committee,

Westbourne Parish Council represents the community just across the border, this proposal is very close to the boundary and therefore will have an impact on our village.

We have made a comprehensive objection to this proposal but would like to summarise;

We understand that Havant conducted a Housing Needs survey for Gypsy/Travellers which identified the need for **one pitch, that has been accommodated by the existing pitch on this site**, therefore you have no need to allow this additional static.

This site is very close to the boundary with Chichester / Westbourne and given that there are already 5 empty pitches in Westbourne, on Cemetery Lane, currently up for Sale through Hazel's in Emsworth, this is a material factor that should be taken in to account in your decision. As there is already a surplus of unused plots available within the immediate local area and ignoring the somewhat artificial local authority boundaries, there is in reality sufficient opportunity for Gypsy Traveller accommodation needs without the any additional plots being provided.

We in Westbourne have already suffered from speculative applications for Gypsy and Traveller accommodation attracted by a growing concentration of similar plots which we have tried with limited success to resist. However, a substantial growth in the Gypsy/Traveller community, may well result over time in the escalation of further units which in turn results in a scale of accommodation that dominates the local community and causes stress to social cohesion and to the already stretched infrastructure of the settled community. By approving this additional application, you would run the risk of exacerbating this problem.

Our experience is that there has already been a serious detrimental effect on the Settled Community of Westbourne and a rise in social tensions, to the extent we have included a Policy in our Neighbourhood Plan to cover such applications. The PPG issued by the government also recognises this problem and states that Pitches should not be allowed where such intensification or concentration could dominate a settled community and give rise to such tensions.

At the examination of the Neighbourhood Plan in late 2017 the Inspector reviewed the evidence put forward and agreed our approach to this policy. He said that Westbourne should not be subject to any further increases in Gypsy and Traveller Accommodation for the duration of the plan period. As this pitch is so close to the village it will have the same effect as if it were in Westbourne and would fly in the face of this policy position.

We would also like to point out that the development is in the Countryside and the cumulative effect will be one of urbanising the setting, Long Copse Lane is Rural and this would damage the setting and amenity of users of the Lane.

Again, it would contribute towards the coalescence of Emsworth and Westbourne which we are seeking to prevent. The setting of the Historic Village of Westbourne is one of a typical English village surrounded by green fields and woodland and this

should be protected. This proposal doesn't require a countryside location and there are vacant plots available so it appears to be speculative and would add to the concentration of Gypsy Traveller pitches within a relatively small area.

Previously the applicant was able to demonstrate their Gypsy/Traveller heritage, however the current planning guidance states to qualify they must maintain their nomadic way of life. Whilst this is difficult to prove/disprove as there is a condition attached to the site, it is down to the applicant to prove that they or whoever is to live in the new Static maintains a nomadic way of life. We have been informed that since the approval of this site the occupant has only been away from site on a similar basis as any settled resident would, that is for holidays etc. So, we doubt the basis of a truly nomadic lifestyle applies to this proposed occupation.

We note the Hants County Council GTO comments, and feel in Para 12 that says it all, 'somewhere for his family to establish a settled lifestyle'. Then in Para 14, again, 'He has a strong desire to settle down for the stability, health and future of his family unit' those comments contradict the Planning Policy Guidance and definition of Traveller. If he wishes to do this then they should retain their bricks and mortar property in Portsmouth.

The **GTO** also makes comments about other 'local' accommodation which is **incorrect**, not only is there one pitch on the Council site but **another 5 others** in Private control. Chichester planning Application 14/01217/FUL refers This is for 5 Pitches of which **not one** has yet been taken up. These are the ones for Sale through Hazle's estate agents.

With these points in mind we would urge you to refuse the application.

Thank-you Cllr Briscoe  
Chair of Planning  
Westbourne Parish Council

Link to the for sale at Hazle's;

[http://hazleandco.com/properties/property.html?property\\_id=102583002743](http://hazleandco.com/properties/property.html?property_id=102583002743)



Mr Chairman, members of the Committee -

My wife and I own Hollybank Cottage immediately adjacent to the site. We would like to object to the application for a number of reasons.

Policy CS10 of the local plan says that “there must be no unacceptable adverse effect on the amenities of nearby residences”. However, there would be additional noise generated from the site. As well as the additional mobile home, the applicant is requesting an additional 2 parking spaces, making 4 in all. Additional vehicles would be coming and going through the gate to the site immediately adjacent to our house, not just during daytime but also late at night. Our patio is very close to their gravel drive. Currently there typically about 30 vehicles movements per day over the drive, and this would only increase. Our house would also look out to the East on more of a caravan site than there is now. The second mobile home would be clearly visible from our house, and is an alien structure.

Planning Policy for Traveller Sites (PPTS) states that, when assessing the suitability of sites in rural or semi-rural settings, LPAs should ensure that the scale of such sites does not dominate the nearest settled community. Hollybank Cottage is an isolated house next to their site. If permission was granted, the site would consist of a large stable (recently extended), two mobile homes housing two families, a touring caravan, four cars, a horsebox and a field shelter. All of this would dominate our one house.

The applicant doesn't appear to have a very convincing need to live at the site. He currently owns a house in Portsmouth, but the Gypsy Liaison Officer says that he intends to sell this and move into the second mobile home. However note that if the Council gave permission simply on the basis of an intention, there would be no redress if for some reason the sale of the house did not take place. In this case, the Council would effectively have given permission for him to have a second home.

There are five quarter-acre sites with planning permission for gypsies for sale in Westbourne, only 1 mile away. Although this is in West Sussex, the PPTS rules say that neighbouring LPAs should collaborate to provide more flexibility in identifying sites. The applicant should purchase one of these rather than being allowed to do further harm to the Emsworth Gap by developing this site further. They are also not so close to settled population. He would be able to purchase a plot easily with the money from the sale of his house.

The Planning Inspector gave permission for the first mobile home last February. One of the conditions he imposed was that there should be no more than one mobile home on the site. If HBC granted permission for a second mobile home, they would be breaking this condition.

The applicant is a horse breeder and dealer, and the GLO noted that this was evidenced by the stable being fully occupied during his visit. However, another condition set by the Planning Inspector was that no commercial activities were to be allowed at the site.

Finally, we would also criticise the GLO for classifying the applicant is a nomadic gypsy simply on the basis of a cosy chat, and without demanding a single scrap of written evidence to prove his travelling. This seems to us very unprofessional. A nomadic gypsy can buy land at agricultural prices and put a caravan on it, which is cheap housing. A non-gypsy generally can't do this.

D. Mason (Dr)

Hollybank Cottage

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Councillors, Ladies and Gentlemen.

My Objection to this application is based on “Gypsy and Traveller Law” Second edition. Edited by Chris Johnson and Marc Willers.

Chapter 1 written by Angus Murdoch and Chris Johnsen is an introduction to ‘Who are Gypsies and Travellers’

Chapter 1 Paragraph 32

In Planning Law

“Gypsies are defined as persons of a nomadic habit of life, whatever their race or origin **and the law is concerned with how the Gypsy or Traveller concerned makes their living, rather than the circumstances of their birth**”.

Chapter 4 written by Tim Jones, Marc Willers and Angus Murdoch concentrates on planning law.

Chapter 4 Paragraph 72

Hearn v National Assembly for Wales. A traditional Gypsy was held **not to be** a Gypsy for planning law as he intended to abandon his nomadic habit of life, lived in a permanent dwelling and was taking a course that led to permanent employment.

Chapter 4 Paragraph 73

In R v South Hams DC the court of appeal updated the statutory Gypsy definition as follows

”That there should be some recognizable connection between the travelling of those **claiming** to be Gypsies and the means by which they made or sought their livelihood”

## Chapter 4 Paragraph 74

The latter part of the court of appeals interpretation of the statutory definition of Gypsy **involves a consideration of whether the individual concerned travels to seek or make their livelihood.**

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The Applicant has resided in a permanent dwelling, **which he owns**, for the last 19 years. The fact that he owns and does not rent the property implies a commitment to living a non-Gypsy lifestyle.

Furthermore, how much of the applicants income over this 19 year period has been obtained from normal working practices within the local community versus income from travelling?

Can the applicant truly return to a Gypsy lifestyle, travelling for his livelihood if he is already financially secure?

Finally, the applicant has expressed his intention to sell the property in order to return to his travelling lifestyle. Should this happen, it would actually make him even more financially secure thus negating his need to actually travel.

However, as planning is not concerned with what may or may not happen. This application is actually for a second home within a 10 mile radius of an existing permanent dwelling.

Should this application be approved it could set both a political and legal precedent nationally, which in turn could lead to a judicial review