

UPDATE PAPER

Southern Area Planning Committee

Date: Tuesday 30th January 2024

Time: 5.30 p.m

Venue: Main Hall, Crosfield Hall, Broadwater Road, Romsey,
Hampshire, SO51 8GL

Southern Area Planning Committee – 30th January 2024

Update Paper

The purpose of the report is to provide information on planning applications which has been received since the agenda was printed.

Report of Head of Planning

1. Background

- 1.1 Reports on planning applications are prepared for printing on the agenda some 10 days before the date of the Committee meeting but information and representations received after that time are relevant to the decision. This paper contains such information which was received before 10.00am on the date of the meeting. Any information received after that time is reported verbally.

2. Issues

- 2.1 Information and representations are summarized but the full text is available on the relevant file should Members require more details. The paper may contain an officer comment on the additional information, amended recommendations and amended and/or additional conditions.

- | | | |
|------------|--|------------------|
| 6. | Information Notes | 23 - 28 |
|
 | | |
| 7. | <u>22/02694/FULLS (PERMISSION) 14.12.2022</u>

SITE: Land at Embley Lane, Embley Lane,
East Wellow
WELLOW

CASE OFFICER: Paul Goodman | 29 – 72 |
|
 | | |
| 8. | <u>23/01161/FULLS (PERMISSION) 23.05.2023</u>

SITE: 3 – 4 Sleepy Hollow Business Park
Ampfield Hill, Ampfield, SO51 9AW
AMPFIELD

CASE OFFICER: Nathan Glasgow | 73 – 93 |
|
 | | |
| 9. | <u>23/02924/FULLN (REFUSE) 14.11.2023</u>

SITE: Kingfisher Lodge, Longstock Road,
Longstock, SO20 6DW
LONGSTOCK

CASE OFFICER: Claudia Hurlock | 94 – 105 |
|
 | | |
| 10. | <u>23/02925/LBWN (REFUSE) 14.11.2023</u>

SITE: Kingfisher Lodge, Longstock Road,
Longstock, SO20 6DW
LONGSTOCK

CASE OFFICER: Claudia Hurlock | 106 – 116 |

INFORMATION NOTES

COMMITTEE DATE 30 January 2024

PAGE NO. 27

1.0 AMENDED TEXT

Following the recent publication of the National Planning Policy Framework (NPPF) in December 2023 the Information Notes in the SAPC agenda needed to be updated. The paragraph affected is changed to reflect that position, as follows:

“In **December 2023** the Government published a revised National Planning Policy Framework (NPPF). The revised NPPF replaced and superseded the previous NPPF published in **2021**. The revised NPPF is a material consideration in planning decisions”.

APPLICATION NO.	22/02694/FULLS
SITE	Land At Embley Lane, Embley Lane, East Wellow, SO51 6DN, WELLOW
COMMITTEE DATE	30 January 2024
ITEM NO.	7
PAGE NO.	29-72

1.0 **AMENDMENTS**

- 1.1 Following the publication of the report additional representations have been received and are considered below. The required legal agreement has been completed. In addition, some corrections are made to the Officer report.

2.0 **CONSULTATIONS**

- 2.1 **Natural England** – No objection, subject to mitigation being secured.

3.0 **REPRESENTATIONS**

- 3.1 An additional representation has been received from Wessex Planning on behalf of Embley Lane residents and has been reproduced in full at Appendix A.
- 3.2 In response to the additional representation a further supporting statement has been received from the applicant agent. This has also been reproduced in full at Appendix B.

4.0 **POLICY**

- 4.1 The Test Valley Borough Local Plan – Regulation 18 stage 2 was approved by Full Council for public consultation on 17 January 2024. The public consultation will start on 6 February 2024 and run for a period of 8 weeks.

5.0 PLANNING CONSIDERATIONS

5.1 Solent and Southampton Water SPA – Solent Neutrality

Following the consideration at SAPC in June 2023 consultation has been completed with Natural England who raise no objection. As stated in paragraph 8.48 of the Officers report there remained a need to complete the legal agreement to secure the provision of the nitrate mitigation before any permission is issued. The required legal agreement has now been completed. The recommendation has been updated accordingly.

5.2 Additional Plot Permission

Further to the table (para 8.64 of the Officers Report) detailing the authorised, unauthorised, and pending applications for Gypsy & Traveller pitches within the Blackwater Ward of Test Valley, an additional application for two additional pitches has been considered by SAPC (23/01752/FULLS, Wellow Wood Paddock). Members of SAPC resolved to grant permission, subject to completion of a legal agreement. However, the agreement is not yet completed, and a decision has not been issued.

5.3 Comments on Additional Representations

5.4 Status of the applicants

The additional representation has raised specific concern regarding the applicants' occupation of a bricks and mortar property (Granary Cottage) for a period of 5 and 7 years. In response the applicants' statement has advised that Mr Quinn previously owned that property but that the family lived in caravans and mobile homes stationed within the curtilage and used the dwelling as a communal utility dayroom. The statement also advises that Felix Nolan has never lived in a house.

5.5 The representation has also sought that the Council make enquires as to the applicants' future intentions to settle on the site and/or cease travelling for economic purposes. The applicants' statement has addressed this point and states that the Applicants have no intention of abandoning their nomadic way of life and that the site is used as a permanent base from which they travel for work.

5.6 The applicant's status must be assessed against the current (December 2023) definition as quoted in para 8.7 of the Officers recommendation report to this SAPC meeting. There is no weight of evidence to suggest that the applicants' do not meet the definition. As stated in the Officers report the advice of the HCC Gypsy Liaison Officer is that the applicants are of Irish Traveller ethnicity and satisfy the status required for planning purposes.

5.7 Alternative Accommodation

The additional representation seeks clarity on the 'discrepancies' referenced in

para 8.31 of the Officers Report. For clarity, this reference was specifically to one of the properties in High Wycombe that was initially stated to be occupied by one of the applicants' mothers, and latterly by another relative. For clarity that property is owned by a housing associated and there is no evidence that it is available or suitable to house the three families who are the applicants for this application.

- 5.8 The additional representation asserts that the applicant has purchased and lived in 'for many years' bricks and mortar accommodation. It is not clear which of the applicants this statement applies to but, in any event, previous ownership of property, including bricks and mortar accommodation and/or redevelopment of properties does not preclude someone from meeting the definition of a Gypsy as set out in the PPTS.

5.9 5-year supply of sites

The additional representation references Para 27 of the PPTS and emphasises that the lack of a 5-year supply should be a significant weight in favour of granting temporary permissions. As is stated at Para 8.16 of the Officer report, the PPTS does not specify the weight to be afforded the lack of a five-year supply when considering proposals for permanent pitches. The weight to be attached to the lack of a 5-year supply is a matter for the determining authority.

- 5.10 The representation states that as the application is for a permanent permission the lack of a 5-year supply is 'irrelevant'. The supporting statement from the applicant's agent has referenced the CLG Equalities Impact Assessment to PPTS 2012 and an appeal decision where an Inspector concluded that the PPTS policy did not preclude weight being given to the lack of a 5-year supply. In that case the Inspector has attached weight to what is described as a 'total lack' of a five-year supply.

- 5.11 It would seem perverse for the lack of a 5-year supply to be considered irrelevant as the third party has suggested. The supply figure, as set out in the recently published in the Council's own Gypsy & Traveller pitch and Travelling Showpeople plot supply statement (September 2023) is the best available evidence as to the 'need' and 'supply' within the borough. Whilst the stated supply figure of 1.1 years supply is not akin to the 'total lack' of a supply described in the appeal example cited by the applicant's agent, it is nevertheless significantly short of the 5-year target. It is not unreasonable that the lack of a 5-year supply can be afforded some weight in this decision and is material consideration in favour of granting permission as set out in the Officers report.

5.12 Precedent

The representation on behalf of residents' states that "The risk of this proposal being approved has not been addressed anywhere in the committee report." and that "It is clearly a material consideration." Specific reference is drawn to

the price paid for the site.

- 5.13 It is not explicitly set out in the third-party representation what the 'risk' associated with the application being approved would be, and how that might manifest itself into the future. The suggestion appears to be that permitting the application would lead to 'property development' based on the applicants' history. However, the application – and any future applications, must be considered on their own merits, against the provisions of the Development Plan in force at the time of determination and taking into account all material planning considerations – as required by planning law. Similarly, any future application would have to be considered on its merits. Officer advice is that it would be inappropriate for the LPA to refuse the application on the basis of a vague reference to risk of precedence.

5.14 Retrospective Development

The representation on behalf of residents has raised concern that the Officer report does not recognise that the applicants have moved onto the site following the previous committee meeting. The agent's additional statement has indicated that the applicants had mistakenly thought that they could move onto the site following the earlier SAPC resolution.

- 5.15 A single static caravan and three touring caravans have been brought onto the site. These are located within the existing gravel area adjacent the access and stable building. Whilst recognising that this activity has taken place within the application site the caravans are not currently located in the position proposed and shown on the submitted plans. In any event, the application must be determined on the basis of the proposed plans.

5.16 **Trees and Ecology**

The additional representation has referred to concerns raised by the Tree and Ecology Officers during the application process. Amendments and additional information have been provided over the course of consideration to address those concerns raised and consideration of these matters remains as set out in the Officer report.

5.17 **Corrections**

Paragraphs 2.1 and 8.11 of the Officers report contained typographic errors and are corrected as follows.

5.18 2.1

The application site is situated in the countryside area of Wellow Parish and to the northwestern side of Embley Lane. The site is accessed via an existing access serving a recently constructed stable block.

5.19 8.11

Representations have raised concern that the applicants do not meet the

definition of a Gypsy/traveller as per the PPTS. Specific concern is raised regarding the applicants' links to other sites and suggested residence in bricks and mortar accommodation. Representations have referenced several properties in High Wycombe, Codsall (Wolverhampton), Cross Green (Wolverhampton) and Epping. These sites are discussed in more detail in reference to criteria d) below but in relation to the gypsy status of the applicant it is not considered that there is any weight of evidence that would result in a conclusion contrary to the advice of the Liaison Officer and the previous conclusion that the applicants meet the definition. The Council has undertaken a review of publicly available information regarding ownership and planning history of the sites. In addition, evidence has been submitted of electoral registration for some of the properties.

6.0 AMENDED RECOMMENDATION

6.1 PERMISSION subject to conditions and notes, as per main agenda.

Appendix A

Paul Goodman

Development
Management Test
Valley Borough Council
Beech Hurst
Weyhill
Road
Andover
SP10 3AJ

26 January 2024

Wessex Planning
Ltd Meadowsweet
Cottage Morleys
Lane
Ampfield
Romsey
SO51 9BJ
louisecutts@wessexplanning.com
Tel: 07940 033645

Dear Paul

Planning Application 22/02694/FULLS for Change of use of land as a travellers caravan site consisting of 3 pitches, each containing 1 mobile home, 1 utility dayroom and 1 touring caravan, sewage treatment plant and associated development on Land at Embley Lane, East Wellow Hampshire.

As you are aware, I am representing the local residents who reside in Embley Lane who object to the above proposed development. Following the issue of a Pre-Action Protocol letter, I note that the application is to be returned to the Southern Area Planning Committee on 30th January 2024, for decision.

I have now read the updated committee report, which seeks to address the concerns of the Pre-Action Protocol letter. On behalf of the Embley Lane residents, I make a continued objection on the grounds set out below. These objections should be read in conjunction with my previous objection letters.

To summarise, the residents have taken further advice from their barrister, who has also reviewed the updated committee report, and consider that the report misadvises Councillors, with legal implications for their final decision. In addition, the local residents and their barrister have had just 5 days to consider the updated committee report. As such, they reserve the right to raise new grounds in the event of a future legal challenge.

Upon reviewing the committee report, the first impression gained is the appearance of an unwavering determination to find in favour of this development and support the previous Committee decision, whatever the planning merits.

Gypsy/Traveller Status

- In paragraph 8.12 of the committee report, it is suggested that the bricks and mortar homes occupied by the applicant were occupied for 'short' periods. However occupation for 5 and 7 years respectively at the Granary Cottage address is not a 'short' period.
- At paragraph 8.13 of the committee report, it is suggested that the applicant continues to travel for work purposes. The question must be asked as to what evidence has been received to establish this as accepted fact? From the evidence available, it appears that the applicants are actually involved in speculative property development and operating construction companies within Hampshire recently registered in Southampton. Without a much more rigorous assessment of the applicant's economic circumstances, granting this planning permission will provide a worrying precedent for other similar applications.
- Additionally, there remains no adequate assessment as to whether there is an intention to give up a nomadic way of life, given the stated intention to "settle down" on this site.

- With the committee report containing a wholly inadequate assessment of the status of the applicant, it is now incumbent upon the Planning Committee, acting reasonably, to make further inquiries concerning the applicants' future intentions i.e. whether they intend to settle down permanently on the Site and, if so, the reasons for this decision. An intention to abandon a nomadic way of life is relevant to the question of whether the applicants continue to have gypsy or traveller status or not: see ***Hearne v. National Assembly for Wales***.
- If the committee fails to consider these matters adequately or at all, or fails to take reasonable steps to test the applicants' evidence concerning the alternative addresses and business interests referred to in the officer report, or fails to make reasonable inquiries as to the applicants' future intentions to live a more "settled" lifestyle and the reasons for this, it will be in breach of its ***Tameside*** duty (the duty to seek out the information required to make a properly based decision) and will have acted irrationally and unlawfully.

Alternative Accommodation

- At paragraph 8.31, the committee report acknowledges that there are "discrepancies" in the evidence provided by the applicant but makes no attempt, whatsoever, to address these. This clearly raises concerns about the reliability of the applicants' evidence more generally.
- Given that the applicant has previously purchased, lived in (for many years) and then developed and sold bricks and mortar properties, the fact that they no longer own any property is a situation of their own making. This is no different to any homeowner who decides to develop and sell their property for a profit. This only serves to demonstrate the problems with this application and the applicants' purported gypsy status. As such, the consideration cannot be reconciled with the instruction in national policy to "very strictly" limit gypsy / traveller sites in the countryside.

Lack of 5 year supply of sites

- At paragraph 27 the PPTS states:
- " 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 for the grant of temporary planning permission"
- This is not an application for temporary planning permission, it is an application for

permanent permission. Therefore the lack of a 5 year supply of gypsy and travellers sites is irrelevant. This issue has been overstated in the committee report to a point of irrationality. Furthermore, the PPTS also states that there is no presumption that a temporary grant of planning permission should [subsequently] be granted permanently

- The weight the planning officer places on the lack of sites in TVBC is inaccurate and as such could be considered misdirection of the planning committee.

Trees and Ecology Harm

- The evidence demonstrates that the development will result in harm to trees and ecological harm. In paragraph 5.5, the tree officer clearly has concerns about the proximity of this development to existing mature trees which are shared by the ecology officer (see para 5.4). These concerns, which have been raised by experts in the field of arboriculture and ecology have been dismissed out of hand in the officer's report.
- Spouts Copse is included on the Ancient Woodland inventory. Policy E5 of the Local Plan states that development that is likely to result in the loss, deterioration or harm to habitats or species of importance to biodiversity or geological conservation interests, either directly or indirectly, will not be permitted unless: the need for, and benefits of, the development in the proposed location outweighs the adverse effect on the relevant biodiversity interest; it can be demonstrated that it could not reasonably be located on an alternative site that would result in less or no harm to the biodiversity interests; and measures

can be provided (and secured through planning conditions or legal agreements), that would avoid, mitigate against or, as a last resort, compensate for the adverse effects likely to result from development. None of these tests have been considered in the committee report, which is a clear omission.

- The potential for recreational pressure on Spouts Copse, as ancient woodland is also relevant, as per the ecology officer's consultation response, but has been incorrectly considered. Paragraph 8.54 of the committee report is incorrect as a matter of principle and law, in that a planning assessment is not limited only to impacts within the application site, but on nearby protected ancient woodland too.

Precedent Risk

- The risk of this proposal being approved has not been addressed anywhere in the committee report. It is clearly a material consideration, particularly as the price paid for this site in no way reflects its value even as a potential gypsy/traveller site for just 3 encampments, and the applicant's track record of property development.
- Any advice given to committee that the prospect of future development of the site is "not material to the determination of the planning application" would be unlawful and misleading.

Development without Planning Permission

- There is no mention anywhere in the committee report of the fact that the applicants have moved onto the site without the benefit of planning permission.
- The track record of non-compliance and planning breaches elsewhere is clearly relevant to whether the applicants are likely to comply with the conditions imposed to make this development acceptable.
- This is a clear omission.

Conclusion

- None of the legal errors detailed in the Pre-Action Protocol letter have been adequately resolved. Worse still, the committee report demonstrates that the Council is now seemingly entrenched in their unlawful position and in their determination to support previous advice.
- The materiality of the lack of other sites within the borough is significantly overstated, especially as the PPTS links this only with applications for temporary planning applications.
- Importantly, the Council remains to fulfil its 'Tameside duty' to properly investigate the matter of gypsy/traveller status.
- It is clear that the applicants plainly do not qualify as having gypsy and traveller status and the test under COM13 is not met.
- No proper consideration is given to the need to 'very strictly limit' such development within the designated countryside.
- The application will result in ecological and landscape harm.
- The application will set an irreversible precedent.
- By occupying the site 24 hours after the June 2023 committee meeting, the applicants have already clearly demonstrated that they do not respect the planning process and it is highly unlikely that they will

comply with the proposed planning conditions, which, in themselves, do not adequately guard against future expansion of this site or provide the ecological or landscape protections suggested by the consulted experts.

- As such, the application remains contrary to, and should be refused on the basis of, it is contrary to both the tests under Policy COM13 and those under Policy E5.

Yours sincerely

Louise Cutts BA(Hons) DipTP MRTPI

Director

Wessex Planning Ltd



Appendix B

Goodman, Paul

From: Angus Murdoch <angus@murdochplanning.co.uk>
Sent: 28 January 2024 20:19
To: Goodman, Paul
Subject: FW: Planning Application - Notification of Committee
Attachments: 1 2006.pdf; Planning for Traveller sites
2012.pdf;
Final_planning_and_travellers_policy
2015.pdf; EHRC
Gypsy_and_Traveller_sites_-_impact_of_the_revised_definition_-_final.pdf;
Lisa Smith judgment 31 October 2022.pdf; Tonbridge and Malling 2023
GB permanent any Traveller Appeal Decision - 3316969.pdf

Importance: High

Caution: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good evening, Mr Goodman

I refer to the submission dated 26th January 2024 made by Wessex Planning ['WP']. If WP's late submission is to be accepted by the LPA in the determination of this application, then in order to ensure fairness, so too should this rebuttal. Please confirm that this email will be provided to Members and summarised in the Update Sheet.

Gypsy/Traveller Status

WP ask "what evidence has been received to establish" [Traveller status]: the Applicants are ethnic Irish Travellers who have been living and travelling in caravans for generations. The LPA instructed the County's

Gypsy Liaison Officer to interview the Applicants to establish the facts following which he confirmed both their ethnic identity as Irish Travellers as well their Traveller status in planning terms.

In stating that “an **intention to abandon** a nomadic way of life is relevant to the question of whether the Applicants continue to have Gypsy or Traveller status or not: see *Hearne v National Assembly for Wales*” WP ignore the fact that **the Applicants have no intention of abandoning their nomadic way of life**: just like Travellers on local authority Gypsy caravan sites, they use the application site as the permanent base from which they travel for work. In addition, WP rely on case law (*Hearne*) that related to the definition of ‘gipsy’ in section 6 of the Caravan Sites Act 1968 that was repealed in 1994, namely that ‘gipsies are persons of a nomadic habit of life whatever their race or origin.’ That definition was then incorporated in Circular 1/94 Gypsy Sites and Planning which was then considered by the Court of Appeal in *Wrexham County Borough Council v National Assembly for Wales* (2003) in which I was instructed. Berry held that if a person ceased to travel permanently, then they fell outside the 1968 Act/Circular 1/94 definition. Mr Berry had ceased to travel permanently due to the chronic ill health (from which he later sadly died).

The Government then widened the definition of Traveller in Circular 1/2006 Planning for Gypsy and Traveller Caravan Sites (attached for ease of reference) thus:

“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...”

The 1/2006 definition was then incorporated verbatim into Planning Policy for Traveller Sites 2012 [PPTS 2012] (again, attached for ease of reference).

In 2015, the definition was amended by deleting the words “or permanently” such that the definition in PPTS 2015 (also attached) read:

“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...”

By excluding those Travellers who had become too old or too ill to travel, the PPTS 2015 definition was criticised by, amongst others, the Equality and Human Rights Commission (the Government’s Statutory advisors on Human Rights) who published a Report in 2019 entitled “Gypsy and Traveller Sites: the impact of the revised definition.” I was one of the authors of that Report (attached).

The PPTS 2015 definition was the subject to litigation in the case of Lisa Smith v Secretary of State for Levelling Up which in October 2022 culminated in the Court of Appeal finding that the definition unlawfully discriminated against Travellers on grounds of age and health. Lisa Smith is attached for ease of reference.

On 19th December 2023, the Government formally withdrew PPTS 2015 – and with it the definition found to be unlawful in Lisa Smith – stating:

'Following the judgment in the Court of Appeal in the case of Smith v SSLUHC & Ors, the government is reverting the definition of Gypsies and Travellers used in the Planning Policy for Travellers Sites to that adopted in 2012, with this change applying from today (19 December 2023) for plan and decision making.

<https://www.gov.uk/government/publications/planning-policy-for-traveller-sites>

Therefore, the definition upon which WP rely in their late submission is not only out of date but has been found to be unlawful by the Court of Appeal and withdrawn by the Government. The extant definition defines Travellers as:

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently...”

That said, the Applicants have not ceased travelling temporarily, let alone permanently. The Applicants are clearly Travellers in terms of PPTS 2015 (as found by the Gypsy Liaison Officer) let alone PPTS 2023.

The suggestion that the Applicants have lived “in bricks and mortar homes...” is incorrect: Felix Nolan has never lived in a house. So far as Granary Cottage is concerned, Mr Quinn has already explained that he

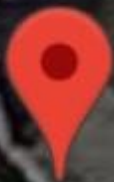
Test Valley Borough Council - Southern Area Planning Committee - 30 January 2024
did previously own that property but the family lived in caravans and mobile homes stationed within the curtilage and used the dwelling as a communal utility dayroom, as the attached Google Earth image demonstrates.

17:44



wv10 7pn

06"N 2°07'34"W



Alternative Accommodation

The Officer's Report addresses the issues raised by WP. In any event, the case law on this subject (Doncaster v SSCLG in which I was instructed in defence of the Inspector's Decision) establishes that the test is whether there are suitable alternative, affordable available site(s). No such site(s) have been identified; indeed, the Gypsy Liaison Officer's Report concludes that no alternative site(s) exists.

Lack of a 5 year supply of sites

On page 11 of the CLG Equalities Impact Assessment to PPTS 2012 it makes clear that:

"This policy operates in addition to (and not instead of) the presumption in favour of sustainable development, set out in the National Planning Policy Framework. This means that, a lack of five- year land supply may be relevant to the granting of a permanent permission..."

I attach a recent Appeal Decision Letter in which I was instructed for a Travellers' site in the Green Belt where the Inspector dealt with paragraph 27 PPTS as follows:

26. Paragraph 27 of the PPTS states that, if a Council 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 for the grant of temporary planning permission. However, this policy does not preclude such weight being potentially given to this issue when assessing schemes for permanent permission. This is the weight I attribute to the total absence of a five-year supply of deliverable sites in this case.

Trees and Ecology Harm

The Applicants instructed a Landscape Architect to design the application site working together with a qualified Ecologist so as to ensure that all of the issues raised by the Statutory Consultees were addressed in evidence and can be secured by Conditions to which the Applicants agree.

Precedent Risk

This is hollow complaint without foundation.

Development without Planning Permission

The Applicants mistakenly understood that after the previous Committee decision they could move onto the site in their caravans (which are stationed on pre-existing authorised hardstanding). They have apologised for this error and undertaken no works to the site since then whatsoever.

In the light of the foregoing, it is clear that the Officer's Report is soundly based and accordingly I respectfully invite Members to adopt their Officer's recommendation and approve this application.

Many thanks

Angus

Dr Angus Murdoch BA MA MSc MRTPI PhD
Director Murdoch Planning Limited

PO Box 71

Ilminster

Somerset TA19

0WF T - 01460

57881

E – angus@murdochplanning.co.uk

From: Angus Murdoch <angus@murdochplanning.co.uk>

Sent: Friday, January 26, 2024 1:59 PM

To: @testvalley.gov.uk>

Cc: Goodman, Paul <PGoodman@testvalley.gov.uk>

Subject: RE: Planning Application - Notification of
Committee Importance: High

Caution: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good afternoon

Can you register me to speak at the meeting

please? Many thanks

Angus

Dr Angus Murdoch BA MA MSc MRTPI PhD
Director Murdoch Planning Limited

PO Box 71

Ilminster

Somerset TA19

0WF T - 01460

57881

E – angus@murdochplanning.co.uk

Test Valley Borough Council - Southern Area Planning Committee - 30 January 2024
From: @testvalley.gov.uk>

Sent: Friday, January 19, 2024 2:28 PM

To: Angus Murdoch <angus@murdochplanning.co.uk>

Subject: Planning Application - Notification of Committee

Dear Sirs,

Please find attached Notification of Committee for 22/02694/FULLS Land at Embley Lane, Embley Lane, East Wellow.

Kind regards,

Business Support Officer
Planning & Building

Test Valley Borough Council
Beech Hurst

We
yhil
l
Roa
d
And
ove
r
SP1
0
3AJ



APPLICATION NO.	23/01161/FULLS
SITE	3 - 4 Sleepy Hollow Business Park, Ampfield Hill, Ampfield, SO51 9AW, AMPFIELD
COMMITTEE DATE	30 January 2024
ITEM NO.	8
PAGE NO.	73

1.0 AMENDED CONDITION

The applicant has recently clarified that it is their intention to apply external timber cladding to all of the buildings the subject of this application. In doing so the materials (Western red cedar) used will ensure a satisfactory consistency appearance with that of the main, existing building close to the site.

2.0 RECOMMENDATION

PERMISSION subject to conditions and notes as per the Officer recommendation in the agenda, with amended condition 3, as follows:

3. The external materials to be used in the construction of the external surfaces of the development hereby permitted shall match in type, colour and texture of those used on the existing buildings of Sleepy Hollow. Specifically, the approved buildings shall be clad in untreated Canadian Western Red Cedar, installed in a horizontal orientation, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Revised Local Plan (2016).

APPLICATION NO.	23/02924/FULLN
SITE	Kingfisher Lodge , Longstock Road, Longstock, SO20 6DW, LONGSTOCK
COMMITTEE DATE	30 January 2024
ITEM NO.	Item 9
PAGE NO.	94 -105

1.0 TYPOGRAPHIC ERROR

- 1.1 Paragraph 5.1, line 9 – should read ‘*previously refused applications* ~~it~~ *it is not considered that the...*’

2.0 NATIONAL PLANNING POLICY FRAMEWORK 2023

The Government published a new version of the NPPF in December 2023. While the substance and content of the paragraphs relating to heritage remained the same, the numbering of paragraphs were affected by the changes and those differed to that previously set out in the Officer report. These are recognised below. The reason for refusal in the recommendation has also been updated accordingly.

- 2.1 • Paragraph 8.4 should refer to paragraph 200 rather than 194.
- 2.2 • Paragraph 8.5 should refer to paragraph 201 rather than 195.
- 2.3 • Paragraph 8.8 should refer to paragraph 205 rather than 199.
- 2.4 • Paragraph 9.1, reason for refusal should refer to paragraph 205 rather than 199.

3.0 AMENDED RECOMMENDATION

REFUSE for the reason:

1. The proposed rear extension by virtue of its design, scale and mass would disrupt and dominate the historical character and appearance of

the listed building and would be an incongruous and unsympathetic addition that would result in less than substantial harm which is not outweighed by any public benefits of the proposal. The proposal is contrary to policy E9 of the Test Valley Borough Revised Local Plan (2016) and section 66 of the Planning (Listed Buildings and Conservation Areas) Act (1990) and paragraph **205** of the NPPF.

Note to Applicant:

1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.

APPLICATION NO.	23/02925/LBWN
SITE	Kingfisher Lodge , Longstock Road, Longstock, SO20 6DW, LONGSTOCK
COMMITTEE DATE	30 January 2024
ITEM NO.	Item 10
PAGE NO.	106 - 114

1.0 NATIONAL PLANNING POLICY FRAMEWORK 2023

The Government published a new version of the NPPF in December 2023. While the substance and content of the paragraphs relating to heritage remained the same, the numbering of paragraphs were affected by the changes and those differed to that previously set out in the Officer report. These are recognised below. The reason for refusal in the recommendation has also been updated accordingly.

- 1.1 • Paragraph 8.4 should refer to paragraph 200 rather than 194.
- 1.2 • Paragraph 8.5 should refer to paragraph 201 rather than 195.
- 1.3 • Paragraph 8.8 should refer to paragraph 205 rather than 199.
- 1.4 • Paragraph 9.1, reason for refusal should refer to paragraph 205 rather than 199.

2.0 AMENDED RECOMMENDATION

REFUSE for the reason:

1. The proposed rear extension by virtue of its design, scale and mass would disrupt and dominate the historical character and appearance of the listed building and would be an incongruous and unsympathetic addition that would result in less than substantial harm which is not outweighed by any public benefits of the proposal. The proposal is contrary to policy E9 of the Test Valley Borough Revised Local Plan (2016) and section 66 of the Planning (Listed Buildings and Conservation Areas) Act (1990) and paragraph **205** of the NPPF.

Note to Applicant:

1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.