

## Notice of Meeting

# Southern Area Planning Committee

**Date:** Tuesday 28 November 2023

**Time:** 5.30 pm

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

**For further information or enquiries please contact:**

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**Legal and Democratic Service**

Test Valley Borough Council,  
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SP10 3AJ

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**PUBLIC PARTICIPATION SCHEME**

*If members of the public wish to address the meeting they should notify the  
Legal and Democratic Service at the Council's Beech Hurst office by noon  
on the working day before the meeting.*

### **Membership of Southern Area Planning Committee**

#### **MEMBER**

#### **WARD**

Councillor M Cooper (Chairman)	Romsey Tadburn
Councillor A Dowden (Vice-Chairman)	Valley Park
Councillor G Bailey	Blackwater
Councillor P Bundy	Chilworth, Nursling & Rownhams
Councillor J Burnage	Romsey Cupernham
Councillor C Dowden	Valley Park
Councillor K Dunleavey	Chilworth, Nursling & Rownhams
Councillor A Ford	North Baddesley
Councillor S Gidley	Romsey Abbey
Councillor I Jeffrey	Mid Test
Councillor A Johnston	Mid Test
Councillor J Parker	Romsey Tadburn
Councillor A Warnes	North Baddesley

## **Southern Area Planning Committee**

Tuesday 28 November 2023

### **AGENDA**

**The order of these items may change as a result of members  
of the public wishing to speak**

- 1 Apologies**
- 2 Public Participation**
- 3 Declarations of Interest**
- 4 Urgent Items**
- 5 Minutes of previous meeting** **5 - 7**  
  
To approve as a correct record the minutes of the meeting held on 7 November 2023
- 6 Information Notes** **8 - 13**
- 7 23/01071/FULLS -18.05.2023** **14 - 34**  
  
**(OFFICER RECOMMENDATION: PERMISSION)**  
SITE: Friars Orchard, Rectory Hill, West Dean, SP5 1JL,  
**WEST TYTHERLEY AND FRENCHMOOR**  
CASE OFFICER: Kate Levey
- 8 23/01264/FULLN - 18.05.2023** **35 - 54**  
  
**(OFFICER RECOMMENDATION: PERMISSION)**  
SITE: Marwood, Farley Street, Nether Wallop, SO20 8EQ,  
**NETHER WALLOP OVER WALLOP**  
CASE OFFICER: Katie Nethersole

**9 23/01752/FULLS - 13.07.2023**

**55 - 75**

**(OFFICER RECOMMENDATION: PERMISSION)**

SITE: Wellow Wood Paddock, Wellow Wood Road, West  
Wellow, SO51 6EP, **WELLOW**

CASE OFFICER: Mark Staincliffe



**ITEM 5** Minutes of the **Southern Area Planning Committee**  
of the **Test Valley Borough Council**  
held in Main Hall, Crosfield Hall, Broadwater Road, Romsey  
on Tuesday 7 November 2023 at 5.30 pm

Attendance:

**Councillor M Cooper (Chairman)**

Councillor G Bailey

Councillor P Bundy

Councillor J Burnage

Councillor C Dowden

Councillor K Dunleavy

**Councillor A Dowden (Vice-Chairman)**

Councillor S Gidley

Councillor I Jeffrey

Councillor A Johnston

Councillor J Parker

Councillor A Warnes

Also in attendance

Councillor T Swain

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**Apologies**

Apologies were received from Councillor Ford.

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**Public Participation**

In accordance with the Council's scheme of Public Participation, the following spoke on the application indicated.

<b><u>Agenda Item No.</u></b>	<b><u>Page No.</u></b>	<b><u>Application</u></b>	<b><u>Speaker</u></b>
7	20-49	23/00609/FULLS	Mr Henley (Chilworth Parish Council) Mr Joseph (Objector) Ms Webb (Applicant's Agent) Councillor Swain (Ward Member)

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**Declarations of Interest**

There were no declarations of interest.

289

**Urgent Items**

There were no urgent items to consider.

290

**Minutes**

**Resolved:**

**That the minutes of the meeting held on 17 October 2023 be confirmed and signed as a correct record.**

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**Schedule of Development Applications**

**Resolved:**

**That the applications for development, as set out below, be determined as indicated.**

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**23/00609/FULLS - 21.03.2023**

<b>APPLICATION NO.</b>	23/00609/FULLS
<b>APPLICATION TYPE REGISTERED</b>	FULL APPLICATION - SOUTH 21.03.2023
<b>APPLICANT</b>	Mrs and Mr Sam and Terry Davis
<b>SITE</b>	Land lying to The north east of Manor Farm, Chilworth Old Village, <b>CHILWORTH</b>
<b>PROPOSAL</b>	Change of use from arable to equestrian use, erection of stables, hay barn, jump shed, construction of manege and parking, installation of septic tank, erection of fencing
<b>AMENDMENTS</b>	19 <sup>th</sup> September 2023 – description of development altered to remove reference to floodlighting 31 <sup>st</sup> August 2023 – further information on essential need for the proposals received 24 <sup>th</sup> August 2023 – samples and details of materials and muck heap details received. 14 <sup>th</sup> July 2023 – amended landscape management plan received. 15 <sup>th</sup> May 2023 – surface water drainage information received. 12 <sup>th</sup> April 2023 – ecological impact assessment received.
<b>CASE OFFICER</b>	Kate Levey

**REFUSED for the reasons:**

- 1. The proposed development, by reason of the size and scale of the equestrian buildings, constitutes unjustified development in this countryside location. In both this context, and the resultant unacceptable impact of the proposal on character and function of the countryside gives rise to unjustified harm to the countryside, contrary to Policy COM2(b) of the Test Valley Borough Revised Local Plan (2016).**
- 2. The proposed buildings, by reason of their size and scale, and their siting and visual prominence from the A27 and Old Chilworth Lane which afford extensive views of the development from the public domain, results in an uncharacteristic and unacceptably prominent form of development within the local gap. The development results in a detrimental impact on the character and appearance of the area and both physically and visually diminishes the separation between settlements. In doing so the proposal has the unacceptable effect of compromising the integrity of the Local Gap. This was afforded significant weight in the planning balance by the Southern Area Planning Committee. The proposal is contrary to policies E2(a) and E3(a) and (b) of the Test Valley Borough Revised Local Plan (2016).**

The Officer's recommendation as per the agenda and the update paper was proposed by Councillor Cooper and seconded by Councillor A Dowden. Upon being put to the vote the motion was lost. A proposal for refusal was proposed by Councillor Bundy and seconded by Councillor Dunleavy. Upon being put to the vote the motion was carried.

(The meeting terminated at 7.05 pm)

## ITEM 6

# TEST VALLEY BOROUGH COUNCIL SOUTHERN AREA PLANNING COMMITTEE INFORMATION NOTES

### **Availability of Background Papers**

Background papers may be inspected up to five working days before the date of the Committee meeting and for four years thereafter. Requests to inspect the background papers, most of which will be on the application file, should be made to the case officer named in the report or to the Development Manager. Although there is no legal provision for inspection of the application file before the report is placed on the agenda for the meeting, an earlier inspection may be agreed on application to the Head of Planning and Building.

### **Reasons for Committee Consideration**

The majority of applications are determined by the Head of Planning and Building in accordance with the Council's Scheme of Delegation which is set out in the Council's Constitution. However, some applications are determined at the Area Planning Committees and this will happen if any of the following reasons apply:

- (a) Applications which are contrary to the provisions of an approved or draft development plan or other statement of approved planning policy where adverse representations have been received and which is recommended for approval.
- (b) Applications (excluding notifications) where a Member requests in writing, with reasons and within the Application Publicity Expiry Date, that they be submitted to Committee. A Member can withdraw this request at any time prior to the determination of the application to enable its determination under delegated powers.
- (c) Applications submitted by or on behalf of the Council, or any company in which the Council holds an interest, for its own developments except for the approval of minor developments.
- (d) Applications where the Head of Planning and Building Services recommends refusal of an application solely on the basis of failure to achieve nutrient neutrality where a Ward Member requests in writing, with reasons, within 72 hours of notification of the recommendation for refusal that they be submitted to Committee for determination. A Member can withdraw this request at any time prior to the determination of the application to enable its determination under delegated powers.
- (e) To determine applications (excluding applications for advertisement consent, certificates of lawfulness, listed building consent, and applications resulting from the withdrawal by condition of domestic permitted development rights;

Schedule 2, Part 1, Classes B, C, D, E, F, G, and H of the Town and Country Planning (General Permitted Development) (England) Order 2015 or as amended) on which a material planning objection(s) has been received within the Application Publicity Expiry Date and which cannot be resolved by negotiation or through the imposition of conditions and where the officer's recommendation is for approval, following consultation with the Ward Members, the latter having the right to request that the application be reported to Committee for decision.

### **Public Speaking at the Meeting**

The Council has a public participation scheme, which invites members of the public, Parish Council representatives and applicants to address the Committee on applications. Full details of the scheme are available from Planning and Building Services or from Democratic Services at the Council Offices, Beech Hurst, Weyhill Road, Andover. Copies are usually sent to all those who have made representations. Anyone wishing to speak must book with the Democratic Services within the stipulated time period otherwise they will not be allowed to address the Committee.

Speakers are limited to a total of three minutes per item for Councillors on the Area Committee who have personal interests or where a Member has pre-determined his/her position on the relevant application, three minutes for the Parish Council, three minutes for all objectors, three minutes for all supporters and three minutes for the applicant/agent and relevant Ward Members who are not Committee Members will have a maximum of five minutes. Where there are multiple supporters or multiple objectors wishing to speak the Chairman may limit individual speakers to less than three minutes with a view to accommodating multiple speakers within the three minute time limit. Speakers may be asked questions by the Members of the Committee, but are not permitted to ask questions of others or to join in the debate. Speakers are not permitted to circulate or display plans, photographs, illustrations or textual material during the Committee meeting as any such material should be sent to the Members *and* officers in advance of the meeting to allow them time to consider the content.

### **Content of Officer's Report**

It should be noted that the Officer's report will endeavour to include a summary of the relevant site characteristics, site history, policy issues, consultations carried out with both internal and external consultees and the public and then seek to make a professional judgement as to whether permission should be granted. However, the officer's report will usually summarise many of the issues, particularly consultations received from consultees and the public, and anyone wishing to see the full response must ask to consult the application file.

## **Status of Officer's Recommendations and Committee's Decisions**

The recommendations contained in this report are made by the officers at the time the report was prepared. A different recommendation may be made at the meeting should circumstances change and the officer's recommendations may not be accepted by the Committee.

In order to facilitate debate in relation to an application, the Chairman will move the officer's recommendations in the report, which will be seconded by the Vice Chairman. Motions are debated by the Committee in accordance with the Council's Rules of Procedure. A binding decision is made only when the Committee has formally considered and voted in favour of a motion in relation to the application and, pursuant to that resolution, the decision notice has subsequently been issued by the Council.

## **Conditions and Reasons for Refusal**

Suggested reasons for refusal and any conditions are set out in full in the officer's recommendation.

Officers or the Committee may add further reasons for refusal or conditions during the Committee meeting and Members may choose to refuse an application recommended for permission by the Officers or to permit an application recommended for refusal. In all cases, clear reasons will be given, by whoever is promoting the new condition or reason for refusal, to explain why the change is being made.

## **Decisions subject to Completion of a Planning Obligation**

For some applications, a resolution is passed to grant planning permission subject to the completion of an appropriate planning obligation (often referred to as a Section 106 agreement). The obligation can restrict development or the use of the land, require operations or activities to be carried out, require the land to be used in a specified way or require payments to be made to the authority.

New developments will usually be required to contribute towards the infrastructure required to serve a site and to cater for additional demand created by any new development and its future occupants. Typically, such requirements include contributions to community facilities, village halls, parks and play areas, playing fields and improvements to roads, footpaths, cycleways and public transport.

Upon completion of the obligation, the Head of Planning and Building is delegated to grant permission subject to the listed conditions. However, it should be noted that the obligation usually has to be completed sufficiently in advance of the planning application determination date to allow the application to be issued. If this does not happen, the application may be refused for not resolving the issues required within the timescale set to deal with the application.

## **Deferred Applications**

Applications may not be decided at the meeting for a number of reasons as follows:

- \* The applicant may choose to withdraw the application. No further action would be taken on that proposal and the file is closed.
- \* Officers may recommend deferral because the information requested or amended plans have not been approved or there is insufficient time for consultation on amendments.
- \* The Committee may resolve to seek additional information or amendments.
- \* The Committee may resolve to visit the site to assess the effect of the proposal on matters that are not clear from the plans or from the report. These site visits are not public meetings.

## **Visual Display of Plans and Photographs**

Plans are included in the officers' reports in order to identify the site and its surroundings. The location plan will normally be the most up-to-date available from Ordnance Survey and to scale. The other plans are not a complete copy of the application plans and may not be to scale, particularly when they have been reduced from large size paper plans. If further information is needed or these plans are unclear please refer to the submitted application on the Council's website. Plans displayed at the meeting to assist the Members may include material additional to the written reports.

Photographs are used to illustrate particular points on most of the items and the officers usually take these. Photographs submitted in advance by applicants or objectors may be used at the discretion of the officers.

## **Human Rights**

The European Convention on Human Rights ("ECHR") was brought into English Law, via the Human Rights Act 1998 ("HRA"), as from October 2000.

The HRA introduces an obligation on the Council to act consistently with the ECHR.

There are 2 Convention Rights likely to be most relevant to Planning Decisions:

- \* Article 1 of the 1st Protocol - The Right to the Enjoyment of Property.
- \* Article 8 - Right for Respect for Home, Privacy and Family Life.

It is important to note that these types of right are not unlimited - although in accordance with the EU concept of "proportionality", any interference with these rights must be sanctioned by Law (e.g. by the Town & Country Planning Acts) and must go no further than necessary.

Essentially, private interests must be weighed against the wider public interest and against competing private interests. Such a balancing exercise is already implicit in the decision making processes of the Committee. However, Members must specifically bear Human Rights issues in mind when reaching decisions on all planning applications and enforcement action.

### **The Natural Environment and Rural Communities (NERC) Act 2006 and Environment Act 2021**

The Council has a duty under the Environment Act 2021, from the 1<sup>st</sup> January 2023, to ensure consideration is given to what can be done to conserve and enhance biodiversity through the exercise of its functions, agree policies and specific objectives based on those considerations and to act to deliver these policies and achieve objectives.

Previously the Council had a duty under the Natural Environment and Rural Communities Act 2006 as follows: *"every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity"*.

It is considered that this duty has been properly addressed within the process leading up to the formulation of the policies in the Revised Local Plan. Further regard is had in relation to specific planning applications through completion of the biodiversity checklists for validation, scoping and/or submission of Environmental Statements and any statutory consultations with relevant conservation bodies on biodiversity aspects of the proposals. Provided any recommendations arising from these processes are secured either by condition or, where appropriate, legal Obligation as part of any grant of planning permission (or included in reasons for refusal of any planning application) then the duty to ensure that biodiversity interest has been conserved and enhanced, as far as practically possible, will be considered to have been met.

### **Other Legislation**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination of applications be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the Borough comprises the Test Valley Borough Revised Local Plan (2016), and 'made' Neighbourhood Plans. Material considerations are defined by Case Law and includes, amongst other things, draft Development Plan Documents (DPD), Supplementary Planning Documents (SPD) and other relevant guidance including Development Briefs, Government advice, amenity considerations, crime and community safety, traffic generation and safety.

In July 2021 the Government published a revised National Planning Policy Framework (NPPF). The revised NPPF replaced and superseded the previous NPPF published in 2018. The revised NPPF is a material consideration in planning decisions.



So that sustainable development is pursued in a positive way, at the heart of the revised NPPF is a presumption in favour of sustainable development. Decisions should apply a presumption in favour of sustainable development. This does not change the statutory status of the development plan as a starting point for decision making. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Where a planning application conflicts with an up to date development plan, permission should not usually be granted. Local planning authorities may take decisions which depart from an up to date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

For decision-taking, applying the presumption in favour of sustainable development 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:
  - The application of policies in the revised NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the revised NPPF when taken as a whole.

Existing Local Plan policies should not be considered out of date because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF (the closer the policies in the Local Plan to the policies in the revised NPPF, the greater the weight that may be given).

## ITEM 7

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<b>APPLICATION NO.</b>	23/01071/FULLS
<b>APPLICATION TYPE</b>	FULL APPLICATION - SOUTH
<b>REGISTERED</b>	18.05.2023
<b>APPLICANT</b>	Mr and Mr Parsons
<b>SITE</b>	Friars Orchard, Rectory Hill, West Dean, SP5 1JL, <b>WEST TYTHERLEY AND FRENCHMOOR</b>
<b>PROPOSAL</b>	Demolition of barn, erection of dwelling and installation of treatment plant
<b>AMENDMENTS</b>	27 October 2023 – structural engineers letter received
<b>CASE OFFICER</b>	Kate Levey

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

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### 1.0 INTRODUCTION

- 1.1 The application is presented to Southern Area Planning Committee because it is contrary to the provisions of an approved or draft Development Plan or other statement of approved planning policy, adverse third party representations have been received and the recommendation is for approval.

### 2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site is comprised of a large agricultural barn situated to the east of Rectory Hill within the countryside area of West Tytherley and Frenchmoor Parish. The site is accessed via a track which is also a right of way – West Tytherley footpath number 12. Dean House is situated 100 metres to the south west and is listed at Grade II\*.

### 3.0 PROPOSAL

- 3.1 This proposal is for demolition of a barn, erection of dwelling and installation of a treatment plant

### 4.0 HISTORY

- 4.1 20/02712/PDQS Application to determine if prior approval is required to change use of agricultural building to 1 dwellinghouse, and for building operations reasonably necessary for the conversion. Prior approval not required 06.01.2021
- 4.2 21/00536/FULLS Change of use of agricultural barn to dwelling, with associated parking, landscaping and access. Permission subject to conditions and notes 28.09.2022

### 5.0 CONSULTATIONS

- 5.1 Ecology: no objection subject to conditions

5.2 Environmental Protection: no objection subject to conditions

5.3 HCC Highways: no objection

6.0 **REPRESENTATIONS** Expired 16.06.2023

6.1 West Tytherley and Frenchmoor Parish Council: No objection, subject to: materials used for the roof of the building complying with policy HD4 of the West Tytherley and West Dean NDP.

An "Object" response would have been submitted had the proposed roof been metal

6.2 Three representations received from the occupier of Dean House, West Dean – object (summarised below)

*Validity of the class Q permission (20/02712/PDQS)*

- At the Extraordinary General Meeting of the West Dean Parish Council on 5<sup>th</sup> June, the applicant revealed that the reason for applying to demolish and rebuild the barn was that the steels which formed the structure of the barn were not strong enough to allow conversion
- The determination of 20/02712/PDQS assumed that the structure of the barn was sufficient to enable conversion
- The full planning permission was issued despite the development being contrary to the development plan as a whole. The argument put forward was that of fall back.
- It is now clear that the barn must be demolished to build a residential unit. TVBC do not have to have regard to the principle of fall back as there is no realistic prospect of the barn being converted.
- Previous decisions on this site were based on misleading information.
- Notwithstanding what the applicant stated at the Parish Council meeting, it should be confirmed in writing that the barn can be converted into a residence without demolition and explain how the demolition and rebuilding of the barn will lead to improvements in thermal efficiency.
- The recent Andrew Waring Associates letter does not clarify whether the building can be converted
- Andrew Waring Associates should be required to confirm this particular barn could be converted in accordance with 2020 designs and the applicant should provide a written explanation for his contradictory statement at the June Parish Council meeting.
- Unless TVBC can be satisfied on these points, approval may result in legal challenge and approval of the application would be unlawful
- No report reference 10899 has been posted on the website, only report reference 10825.

*Incorrect application form*

- Certificate A has been signed. The access track from the main road is within the red edge on the proposed site plan. However, this track belongs to Dean House so certificate A is untrue and the application form is misleading.

*Design and access statement*

- Incorrect statements within the design and access statement relating to visibility of the barn from the footpath, overlooking from the east gable end and site context.

*West Dean and West Tytherley Joint Neighbourhood Development Plan*

- The NDP has come into effect since the last planning application
- Policies EL3 Conservation Areas, EL8 Countryside Rights of Way and HD4 Design are relevant and the application fails to meet requirements of the NDP.

*Screening*

If it is decided that the application should go ahead, the NPD should influence permission granted. Effective screening of the building should be implemented.

**7.0 POLICY**

**7.1 Government Guidance**

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Planning (Listed Buildings and Conservation Areas) Act 1990

**7.2 Test Valley Borough Revised Local Plan (2016)(TVBRLP)**

COM2: Settlement hierarchy

COM12: Replacement dwellings in the countryside

E1: High quality development in the Borough

E5: Biodiversity

E7: Water management

E9: Heritage

LE16: Re-use of buildings in the countryside

LHW4: Amenity

T1: Managing movement

T2: Parking provision

**7.3 Neighbourhood Plan**

West Dean and West Tytherley Joint Neighbourhood Development Plan

**7.4 Supplementary Planning Document**

West Dean Village Design Statement

**8.0 PLANNING CONSIDERATIONS**

**8.1 The main planning considerations are:**

- Principle of development
- Character and appearance of the area
- Heritage
- Biodiversity
- Neighbouring amenity
- Highways
- Parking provision
- Other matters

## 8.2 Principle of development

The application site is, for the purposes of planning policy, within the countryside. The application site is not allocated for development in the currently saved policies of the Local Plan. The principal planning policy of the TVBLP therefore is policy COM2. Planning policy COM2 seeks to restrict development outside of settlement boundaries unless identified within the specified policies.

- 8.3 The site comprises a former agricultural barn which benefits from an extant class Q prior approval for conversion to a residential dwelling, under 20/02712/PDQS. This decision was issued on 6<sup>th</sup> January 2021. Condition Q.2 (3) of class Q states that:

*'(3) Development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b), if any, must be completed within a period of 3 years starting with the prior approval date.'*

The development of the prior approval would need to be completed by 6<sup>th</sup> January 2024 to comply with condition Q.2 (3) above. Development has not commenced at the time of writing this report. Whilst there is a possibility the development may be commenced and completed within this timescale, it appears unlikely and so only limited weight is given to the extant prior approval. However, the site also benefits from an extant full planning permission for change of use of this barn to a dwelling, with associated parking, landscaping and access, under 21/00536/FULLS. That decision was issued on 28.09.2022 and to remain 'live' must be commenced within 3 years from that date.

- 8.4 Third party representations have been received stating that there is no realistic prospect of the barn being converted, as it is alleged that the steels which formed the structure of the barn are not strong enough to allow conversion. This stems from conversations which took place at a Parish Council meeting held on 5<sup>th</sup> June, and the minutes for this meeting state that:

*'Mr Simon Parsons, speaking on behalf of his son Mr Edward Parsons who now owns the site, explained that the steels in the current barn were not strong enough to support the upper storey in the building, so it is to be rebuilt in order to rectify that issue.'*

Notwithstanding what was said in the Parish Council meeting, the original class Q application 20/02712/PDQS was supported by a structural report which states that:

*'... the 'conversion can be carried out within the criteria mandated by a Class Q Application. We consider that the principle structural elements of the building are in a satisfactory, and of an adequate condition for the conversion to take place'.*

The report further states that *'no new structure is required to support the existing external envelope.'*

Based on the professional opinion outlined within the submitted structural report, the LPA were satisfied that the building was capable of conversion and paragraph 7.14 of the Officer report for 20/02712/PDQS states that:

*'advice contained within the NPPG confirms that a proposal under Class Q can only be permitted development if the existing building is capable of taking the loading associated with a residential conversion without the requirement of any additional structural elements. It is considered that the building, as confirmed in a structural survey submitted, is capable of being converted without any further works to the structure. Consequently, the proposal complies with criterion (i).'*

- 8.5 An additional letter from the structural surveyor supports this application which concludes that *'the conversion approach still remains a perfectly viable proposition for these buildings'*.

As such, given the available evidence, the LPA are satisfied that the barn is capable of conversion whereby the extant fall back position is a realistic prospect. The submitted letter also explains the benefits to be had from demolition and re-build, such as better thermal performance, air tightness and possibility for higher levels of insulation and underfloor heating without comprising headroom within the building.

- 8.6 Replacement dwelling?

Policy COM12 provides for the erection of replacement dwellings in the countryside but as the permission for the change of use is yet to be implemented or substantially complete, the barn cannot be classified as a dwelling and therefore does not fall to be considered under COM12.

- 8.7 Reuse of existing building in the countryside?

Policy LE16 allows for the re-use of buildings within the countryside. However the works proposed to the building under this application are considered to go beyond what would constitute a "conversion" for the purposes of Policy LE16. This Policy is therefore not relevant in this instance.

- 8.8 As the proposed development is neither a conversion, replacement dwelling or any of the other exceptions listed in policy COM2 the development is contrary to the Local Plan as a whole.

- 8.9 That said, Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. This is echoed by the National Planning Policy Framework. It is considered that in this instance, there are other material considerations that must be taken into consideration in the determination of the application, and this is discussed in detail below.

- 8.10 Although the existing barn is currently not a dwelling, it has permission to become one, the applicant has indicated that were planning permission to be withheld they would seek to implement the extant planning permission (21/00536/FULLS) and undertake works in accordance with those plans. In this case it is considered that the barn has a realistic prospect of being converted into a residential unit of accommodation, whereby COM12 would then apply if the proposal was submitted once the permission was implemented and substantially complete. Furthermore, the proposal does not seek a net increase in the number of dwellings on the site and the development would result in no significant increase in the footprint of the current building.
- 8.11 The principle of a fallback position was examined in a recent appeal (APP/C1760/W/16/3154235 – Barrow Hill Barns, Goodworth Clatford). In that case the site benefited from a notification for prior approval under Class J (now Class O) of the Town and Country Planning (General Permitted Development) Order 1995 (GPDO) for the conversion of the existing building into 5 residential units.
- 8.12 In considering the probability that the permitted scheme would be feasible and would be implemented if the appeal scheme for the replacement of the building for 5 dwellings failed at appeal the Inspector stated:
- “I have no evidence before me to doubt the appellant in respect of these matters. I therefore find that the fall-back position to convert the building into 5 dwellings is therefore more than a theoretical prospect; there is likely to be a high probability that the scheme would be constructed if the appeal proposal is dismissed.”*
- 8.13 When considering the planning balance, the Inspector recognised that the proposal would conflict with policy COM2 of the RLP, but considered the likely residential use of the site a material consideration which would justify making a decision which is not in accordance with the development plan.
- “However, the appellant’s fall-back position to change the use of the existing buildings upon the site is a very real possibility. The effects of the appeal proposal would be unlikely to be discernible over and above the permitted development scheme for the reasons given. I regard the likely residential use of the site, a material consideration which would, in this case, justify making a decision which is not in accordance with the development plan.”*
- The appeal was allowed on this basis.
- 8.14 The assessment, as outlined by the Inspector’s decision, has subsequently been followed in recent applications which were recommended for permission by Officers and subsequently approved at Southern Area Planning Committee.

- 8.15 The site currently benefits from an extant consent under Class Q of the GPDO and also an extant full planning permission for creation of a dwelling. Whilst the class Q approval should be afforded limited weight, there is no practical reason why the FULLS permission could not be implemented and the fall-back position therefore weighs significantly in favour of permitting the proposed development, despite it being contrary to the provisions of the Test Valley Borough Revised Local Plan 2016.
- 8.16 Along with considering the likelihood of the Part O scheme being implemented, the Inspector of the Barrow Hill Barns appeal also considered it necessary to assess the impact of the proposed scheme against the permitted scheme, to 'determine whether or not there would be any significant impacts over and above the permitted scheme'. In relation to this proposal, this is discussed further below.
- 8.17 **Character and appearance of the area and the setting of heritage assets**  
The site is located within the rural countryside to the east of Rectory Hill. The access to the site from Rectory Hill is a single lane track which is also a public footpath. Dean House is situated 100 metres to the south west and is listed. The existing barn is of a relatively modern construction and is of no particular architectural or historic merit.
- 8.18 The vehicular highway of Rectory Hill is situated approximately 118 metres to the west, which limits wider views of the site. The dwelling will be clearly visible from the right of way to the front (south) of the site. Views from this public right of way are partially obscured by mature trees along the east boundary of the site, save for the double gated access point, where there is a break in the vegetation. The proposed dwelling would have four bedrooms with car parking area and bin store situated to the west of the building. The scheme retains the scale of the existing barn. The increased height of the ridge (maximum ridge height 6.1 metres) is not considered to give rise to a materially different appearance compared to the existing barn and this ridge height was previously approved under 21/00536/FULLS. Third party comments regarding the visibility of the roof from the walled garden of Dean House are noted, however this is a private view and is not public.
- 8.19 Whilst the development would be clearly visible from the footpath, it is not considered to be overbearing. The general form and design of the building would still have an agricultural appearance, which would make the residential influences less obvious from the footpath. The proposed dwelling is not considered to give rise to unacceptable levels of light spill towards the footpath, given the amount of glazing proposed on the front and side gable elevations. In any case, the impact would be minimised and not be significantly apparent due to the likely lack of night time use of the path. There remains some potential for light pollution should further fenestration be installed in the roof and as such a condition restricting permitted development rights for new windows has been applied. An additional condition is recommended which restricts the ability to install external lighting without the prior approval of the Council.



8.20 The proposed materials include vertical dark stained timber and light coloured render. The application form states that the roof would be constructed of metal standing seam and concern from the Parish Council about this proposed roofing material is acknowledged. Policy HD4 of the West Tytherley and West Dean Neighbourhood Plan sets out a preference for grey or brown roofing materials, and that this could include thatch, clay tiles or slate. As such, a condition has been recommended which seeks to ensure that an appropriate roofing material is used, which is in line with the West Dean and West Tytherley Joint Neighbourhood Development Plan, which was made following the positive referendum on 17 March 2022.

8.21 Heritage

An important planning consideration is whether the proposed works would provide harm to the listed building or the conservation area, in terms of fabric, setting or appearance, and in accordance with Sections 66(1) and 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which places a statutory duty upon decision makers to have special regard to the desirability of preserving the heritage asset or its setting. The Framework advised that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater weight there should be.

8.22 As previously described Dean House is listed at Grade II\*. However it is situated approximately 100 metres to the south west of the building to be converted, and as a result the views of the two buildings together are limited. In any case the conversion works would improve the appearance of the existing agricultural building. For these reasons the development is considered to have a neutral impact on the setting of the listed building and the conservation area.

8.23 As a result it is considered that the proposed development, by virtue of its layout and design, makes a positive contribution to the character, appearance and setting of the site. In addition the proposal must be assessed against the fall-back position of the extant conversion permission. The modern barn is of no particular architectural or historic merit. The proposal is considered to respect the agricultural character of the setting and does not harm the setting of the nearby listed building or the conservation area. Overall the proposed development is considered to comply with policies E1, E2 and E9 of the TVBLP 2016. The development is also considered to comply with the West Dean and West Tytherley Joint Neighbourhood Development Plan, specifically policies EL3, EL8 and HD4.

**8.24 Amenities of neighbouring properties**

The application site is situated in a relatively isolated location on the east edge of the village of West Tytherley. The nearest neighbouring dwelling is Lime Tree Cottage which is situated approximately 32 metres south west of the barn, on the opposite side of the footpath. Given the distance from the neighbouring property, the boundary treatment and intervening features it is not considered that the proposed conversion will result in any significant detrimental increase in overshadowing or have any significant overbearing impact. Third party comments about overlooking are acknowledged, however this proposal seeks one velux rooflight on the front (south) elevation which would serve a service zone and void in the roofspace. These are areas where the occupants are unlikely to spend significant amounts of time. Additionally, four windows are proposed at ground floor level which would serve the stairs, utility and kitchen. The primary outlook from these windows would be across the front boundary treatment and the footpath. It is not considered that the proposed conversion would have any significant detrimental impact on the amenities of the neighbouring properties. The proposal complies with policy LHW4.

8.25 The Environmental Protection Officer consulted has advised that a condition is added to this recommendation such that no work relating to the construction of the development shall take place before the hours of 07.30 nor after 18.00 on Mondays to Fridays; before the hours of 08.00 nor after 13.00 on Saturdays; and at all on Sundays and Public Holidays. However as this is an application for a single dwelling it is not anticipated that the development works would be for a protracted period and due to the scale of the works proposed, it is not considered that this condition is necessary or reasonable in this instance.

**8.26 Ecology**

Protected Species

This application is supported by a Bat and Barn Owl Survey (David Leach Ecology, August 2020). The submitted ecology report confirms that the existing barn is of negligible potential to roosting bats and no evidence of barn owls or nesting birds were found within the barn. The areas surrounding the barn also appear to be areas of existing hardstanding. The application site is within the Mottisfont Bats SAC. With respect to Mottisfont Bats SAC and the LPA's engagement with the Conservation of Habitats and Species Regulations 2018 that provides the legal protection for this, potential impacts on the SAC have been considered during the consideration of the application and a habitats regulation assessment has been undertaken. The application site is not within the SAC. The SAC is confined to the extensive woodland / Ancient Woodland near Mottisfont. Therefore, it is clear that the development will not directly affect the SAC habitats themselves, nor directly affect any bat roosts within the SAC. The affected area of the site is agricultural land, and the area of the proposed building is of limited value as a foraging resource for bats in general as it does not provide a high-quality environment for supporting an abundance of suitable invertebrate prey. No woodland loss is required for these works. The HRA completed concludes that the proposals will not have any likely significant effect on the SAC.

- 8.27 No objection is raised by the Council's Ecologist on ecology grounds. The proposal is not considered to give rise to any adverse impacts on existing habitat or on-site ecology, and the proposal is in accordance with Policy E5.
- 8.28 Solent and Southampton Water SPA – Solent Neutrality  
There is existing evidence of high levels of nitrogen and phosphorus in the water environment across the Solent, with evidence of eutrophication at some designated sites. An Integrated Water Management Study for South Hampshire was commissioned by the Partnership for Urban South Hampshire (PUSH) Authorities to examine the delivery of development growth in relation to legislative and government policy requirements for designated sites and wider biodiversity. This work has identified that there is uncertainty regarding whether any new housing development does not contribute to net increases in nutrients entering these designated sites.
- 8.29 As such, the advice from Natural England is that the applicants for development proposals resulting in a net increase in dwellings are required to submit the nitrogen budget for the development to demonstrate no likely significant effect on the European designated sites due to the increase in waste water from the new housing.
- 8.30 In this instance, a nutrient budget calculation was undertaken identifying that the proposed scheme, in the absence of any mitigation generated, would result in a total additional nitrate output of 0.29 kg / TN /year. In order to mitigate the additional nitrate output generated by the proposed development, the applicant has agreed to take an area of 0.1 hectares of mixed arable agricultural land on site out of agricultural production. The farm is classified as mixed arable farming and is run as one holding CPH45/230/0002 which included a dairy, then a beef suckler herd and ten years ago a sheep flock with beef grazing. The field which contains the nitrate mitigation management plan has had arable rotation including linseed which was planted for harvest in 2021. Google maps currently shows that the land is in agricultural use and the case officer has had sight of a Countryside Stewardship Agreement document covering the period 01/01/2019 to 31/12/2023. The evidence suggests that the land has been in arable use and for the basis of this assessment they are adopting a precautionary land use and nitrogen figure and classifying the land as mixed arable. It is therefore accepted on a precautionary basis that this represents an accurate classification. To secure the future use of the land in perpetuity a unilateral undertaking will be completed preventing the use of the land for agricultural production. The Officer recommendation reflects the requirement for this agreement prior to permission being granted.
- 8.31 Subject to such an agreement being completed, it is considered that the proposal would achieve nutrient neutrality as required by the guidance contained within Natural England's 'Advice on achieving nutrient neutrality for new development in the Solent region'. Therefore, it can be concluded that there will be no adverse effect on the integrity of the designated site with respect to nutrient neutrality. The proposals are therefore considered to comply with policy E5 of the RLP.

8.32 **New Forest SPA**

The development will result in a net increase in residential dwellings within 15km of the New Forest SPA. This distance defines the zone identified by recent research where new residents would be considered likely to visit the New Forest. The New Forest SPA supports a range of bird species that are vulnerable to impacts arising from increases in recreational use of the Forest that result from new housing development. While clearly one new house on its own would not result in any significant effects, it has been demonstrated through research, and agreed by Natural England that any net increase (even single or small numbers of dwellings) would have a likely significant effect on the SPA when considered in combination with other plans and projects.

8.33 To address this issue, Test Valley Borough Council has adopted a strategy whereby a scale of developer contributions has been agreed that would fund the delivery of measures to address these issues. With respect to the New Forest, a new strategic area of alternative recreational open space is being delivered that would offer the same sort of recreational opportunities as those offered by the New Forest.

8.34 Therefore it is considered necessary and reasonable to secure the appropriate contributions. The applicant made the required contributions by direct payment on 23<sup>rd</sup> June 2021, during the course of the previous application 21/00536/FULLS.

8.35 **Water management**

The 2016 Local Plan includes a requirement in policy E7 to achieve a water consumption standard of no more than 100 litres per person today. This reflects the requirements of part G2 of the 2015 Building Regulations. In the event that planning permission was to be recommended a condition would be applied in order to address this. Subject to such a condition the proposal would comply with policy E7.

8.36 **Highways and parking provision**

The Highways Officer has raised no objection to the proposed development, commenting that the proposal provides sufficient space for safe and efficient manoeuvring of vehicles. As such the proposed development would not have a materially detrimental impact upon the safety and efficiency of the public highway network.

8.37 The proposal is for a four bedroom house and as such three parking spaces are required to comply with the parking standards. The proposed site layout plan shows two cars plus a third parking space, and given the size of the parking area it is reasonable to conclude that three cars could easily use the parking area efficiently. Subject to a condition to ensure the proposed parking is retained, the proposed development is considered to have no significant adverse impact on highways or pedestrian safety and complies with policies T1 and T2.

**8.38 Other matters**

Application form

A third party comment has been received which states that the access track from the main road is within the red edge on the proposed site plan and certificate A has been signed. The representation received states that the track belongs to Dean House and therefore certificate A is incorrect. As originally submitted, certificate A was signed on the application form. However, certificate B has since been signed with notice served to Lime Tree Cottage, Dean House and Park Cottage on 15<sup>th</sup> May 2023.

**8.39 Planning reports**

The third party representation received which states that there is no report reference 10899 on the website, only report reference 10825, is acknowledged. Report reference 10825 supported the previous class Q application. The case Officer has not had sight of any report reference 10899.

**8.40 Request for additional information**

Third party correspondence states that Andrew Waring Associates should be required to confirm this particular barn could be converted in accordance with 2020 designs and the applicant should provide a written explanation for his contradictory statement at the June Parish Council meeting. However, the structural report accompanying the class Q application and the subsequent letter from Andrew Waring Associates are considered to provide sufficient evidence that the barn could be converted. No further information on this matter is considered necessary in this instance.

**8.41 Planning Balance**

The development would be contrary to the development plan in that the proposals would result in a new residential dwelling on a site designated as countryside in the Test Valley Borough Revised Local Plan 2016 (RLP). Policy COM12 and Policy LE16 are not relevant to the current proposal as whilst an extant permission exists it has not yet been commenced or completed. As a result the proposal for a new dwelling in the countryside is contrary to policy COM2 of the RLP.

8.42 Notwithstanding the above, there are other material planning considerations that must be taken into account when determining this application and these must be weighed against the conflict with the development plan.

8.43 The report details the fall-back position of the applicant and it has been demonstrated that the conversion of the existing barn to a dwelling is a realistic prospect and thus a fall-back position. The fall-back position that the building can be converted to a residential dwelling is a consideration that weighs significantly in favour of the proposals now submitted.

8.44 In any case, the conversion works would improve the appearance of the existing agricultural building and the replacement of the existing structure would result in a scheme of better design. It would also reduce light spill due to the reduction in the number of rooflights on the front elevation. There are also social benefits to the future occupiers, in that the roof height is increased, making the internal accommodation at first floor level more useable. It is secured by condition that landscaping details are submitted for approval, and so the scheme provides scope to improve the appearance of the site as a whole. Furthermore, the proposal would have no additional adverse impacts over and above the extant permission. These aspects weigh in favour of the development.

8.45 To the extent that it is necessary to find that it breaches certain development plan policies, it might be contrary to the development plan as a whole; under s.38(6), however, the benefits and compliance with the NPPF provide the material considerations that indicate that permission should be granted in any event. On balance, the public interest is best met by resolving to approve the application.

## 9.0 CONCLUSION

9.1 The proposed development is a departure from the Test Valley Borough Revised Local Plan 2016 in that it is contrary to policy COM2. However, there is an extant and implementable planning permission in place to convert the building on site to a residential dwelling. The likely residential use of the site is a significant factor in determining this application and weighs significantly in favour of granting permission. Considering this, coupled with the proposal not resulting in any adverse impacts on the character and appearance of the surrounding area, heritage, amenity, highways or ecology, permission is recommended subject to conditions.

## 10.0 RECOMMENDATION

**Delegate to Head of Planning & Building for completion of satisfactory consultation with Natural England with respect to the impact of the development on European sites (together with any appropriate conditions as required), and the completion of a legal agreement to secure;**

- **Removal of nitrate mitigation land from agricultural production**
- **Future management of the nitrate mitigation land**

**Then PERMISSION subject to:**

1. **The development hereby permitted shall be begun within three years from the date of this permission.**

**Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**

2. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers**

**0202-02-02-004 E, 0202-02-02-005, 0202-02-02-001 D, 02-02-02-002a, 0202-02-02-003a, 0202-02-02-005, 202-02-03-001a B, 0202-02-04-001 D, 0202-02-05-001 D, 0202-02-05-002 C**

**Reason: For the avoidance of doubt and in the interests of proper planning.**

- 3. No development shall take place above DPC level of the development hereby permitted until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The roof material shall be either be thatch, clay tiles or slate. Development shall be carried out in accordance with the approved details.**

**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) Policy E1 and policy HD4 of the West Tytherley and West Dean Neighbourhood Development Plan.**
- 4. No development shall take place above DPC level of the development hereby permitted until full details of hard and soft landscape works have been submitted and approved. Hard landscape details shall include: means of enclosure and hard surfacing materials. Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities.**

**The landscape works shall be carried out in accordance with the implementation programme and in accordance with the management plan.**

**Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.**
- 5. No development shall take place above DPC level of the development hereby permitted until a schedule of landscape management and maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas and an implementation programme, shall be submitted to and approved in writing by the Local Planning Authority. The approved management plan shall be carried out in accordance with the implementation programme.**

**Reason: To ensure the provision of amenity afforded by proper maintenance of existing and new landscape features as an improvement of the appearance of the site and to enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.**
- 6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows or roof lights [other than those expressly authorised by this permission] shall be installed or constructed in/on the dwelling hereby permitted.**

**Reason:** In order that the Local Planning Authority can exercise control in the locality in the interest of residential amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy LHW4.

7. The development shall not be occupied until space has been laid out and provided for the parking and manoeuvring of vehicles in accordance with plan number 0202-02-02 004E. This space shall thereafter be reserved for such purposes at all times.

**Reason:** In the interests of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.

8. In the event that contamination (that was not previously identified) is found at any time during construction works, the presence of such contamination shall be reported in writing to the Local Planning Authority without delay and development shall be suspended on the affected part of the site until a remediation scheme for dealing with that contamination has been approved by the Local Planning Authority. The approved remediation scheme shall be implemented and, if requested, a verification report, for the purpose of certifying adherence to the approved remediation scheme, shall be submitted to the Local Planning Authority prior to the site being brought in to use.

**Reason:** To ensure a safe living/working environment in accordance with Test Valley Borough Revised Local Plan 2016 policy E8.

9. Development shall proceed in accordance with mitigation and enhancement measures outlined within Section 5.3 'Recommendations' of the Friars Orchard, West Dean, Salisbury, Wiltshire, Bat and Barn Owl Survey (David Leach Ecology Ltd., August 2020). Biodiversity enhancement measures shall be retained and maintained in perpetuity.

**Reason:** To enhance biodiversity in accordance with NPPF and the Natural Environment and Rural Communities Act 2006 and with Policy E5 of the Test Valley Revised Local Plan (2016).

10. The development hereby approved shall be designed and built to meet Regulation 36 2 (b) requirement of 110 litres/person/day water efficiency set out in part G2 of Building Regulations 2015.

**Reason:** In the interests of improving water usage efficiency in accordance with policy E7 of the Test Valley Borough Revised Local Plan 2016.

11. No external lighting shall be installed unless in accordance with details that have been submitted to and approved in writing by the local planning authority. The details shall include plans and details sufficient to show the location, type, specification, luminance and angle of illumination of all lights/luminaires and a light spread diagram. All lighting shall be implemented in accordance with approved details and retained and maintained as such in perpetuity.

**Reason:** In the interest of visual amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1, and additionally to ensure the favourable conservation status of bats in accordance with Policy E5 of the Test Valley Revised Local Plan 2016.

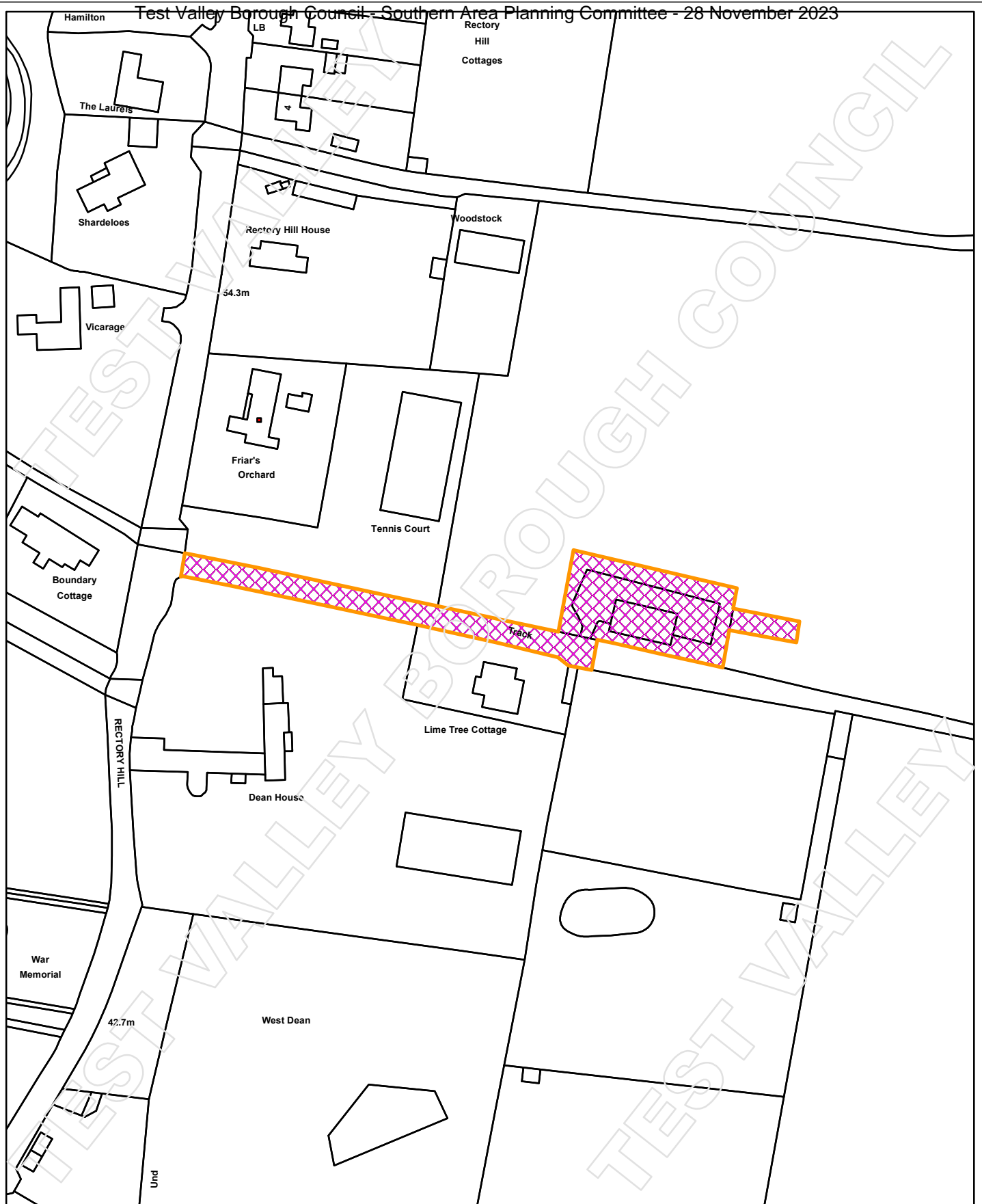


- 12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure shall be erected within the curtilage of the dwelling house forward of any wall of the dwelling house which fronts onto the public footpath.**

**Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policies E1 and E2.**

**Notes 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.**
  - 2. No builders or contractor's vehicles, machinery, equipment, materials, scaffolding or anything associated with the works should be left on or near the footpath so as to obstruct, hinder or provide a hazard to users.**
  - 3. Nothing connected with the development or its future use should have an adverse effect on the right of way, which must remain available for public use at all times in perpetuity.**
  - 4. All vehicles would be accessing the site via a public footpath and should give way to public users at all times.**
-



**Siteplan**



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**23/01071/FULLS**

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Test Valley Borough Council - Southern Area Planning Committee - 28 November 2023



Rainwater to go to new Polystorm soakaway system which is to be sited minimum of 5m from building, size to be determined by percolation test. Carried out in accordance with BRE Digest 365

Proposed line of foul drainage which is to connect into new Biorock waster water treatment system.

Sampling chamber on entry and exit point of STP.

New new Biorock waster water treatment system.  
100mm perforated hard drain, length to be determined by percolation test.

Rev D - 04/05/2022 - Red line altered  
Rev D - 15/03/2022 - New build drawings to match existing approval and ground floor level lowered.  
Rev C - 12/02/2021 - planning application, ridge height raised, windows and rooflights adjusted  
Rev B - 09/11/2020 - Red line adjusted to enclose curtilage only  
Rev A - 02/11/2020 - Residential curtilage line highlighted



Rev -

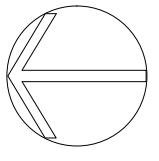
Proposed line of foul drainage which is to connect into new Biorock waster water treatment system.

new dwelling on footprint of existing barn building

Proposed site plan @ 1:200

Client: Simon & Edward Parsons	<b>Planning</b>	
Project: Planning application for barn at Friars Orchard, Rectory Hill, West Dean, Salisbury SP5 1JL	Drawing No: 0202-02-004	Revision: E
Title: Proposed site plan	Drawn: nb	First Issue: AUG 2020
	Scale: 1:200 @ a3	Check:

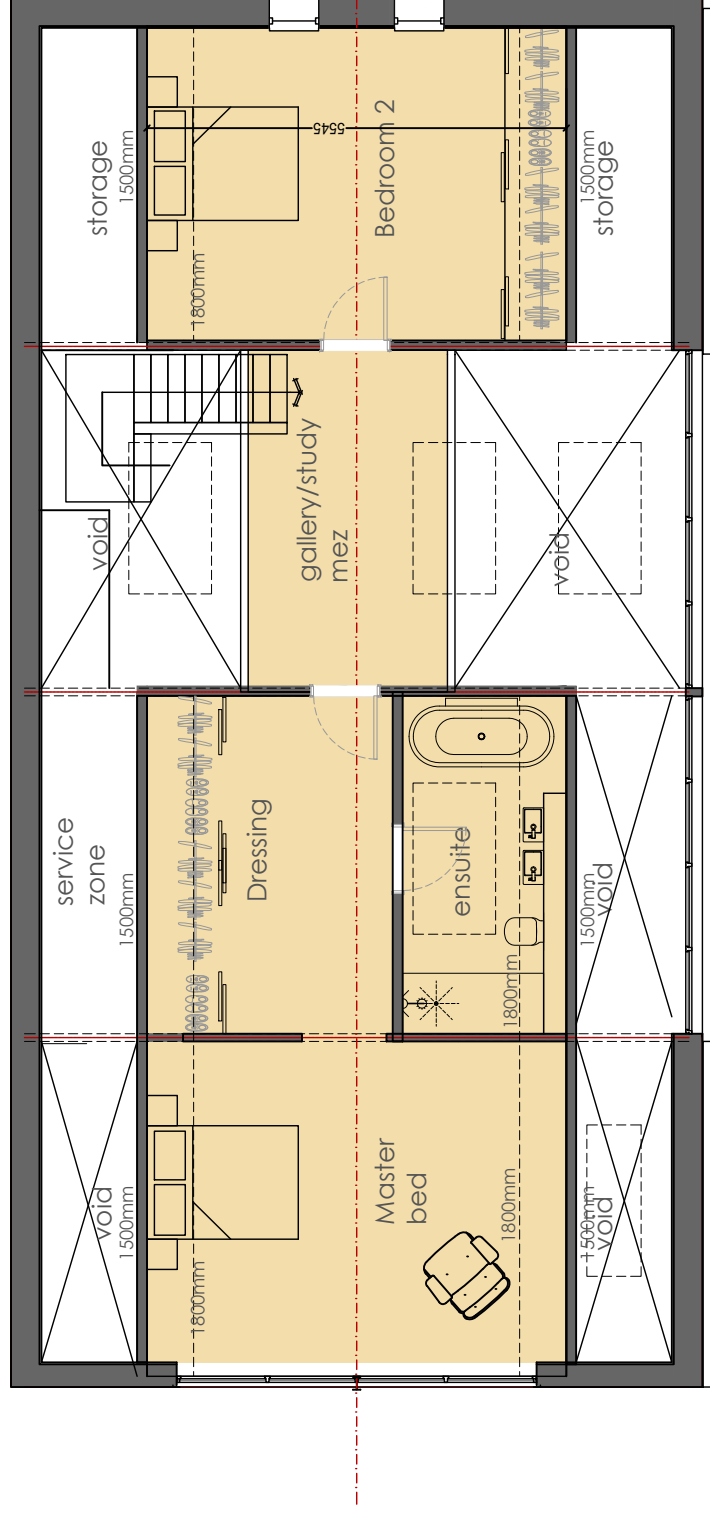
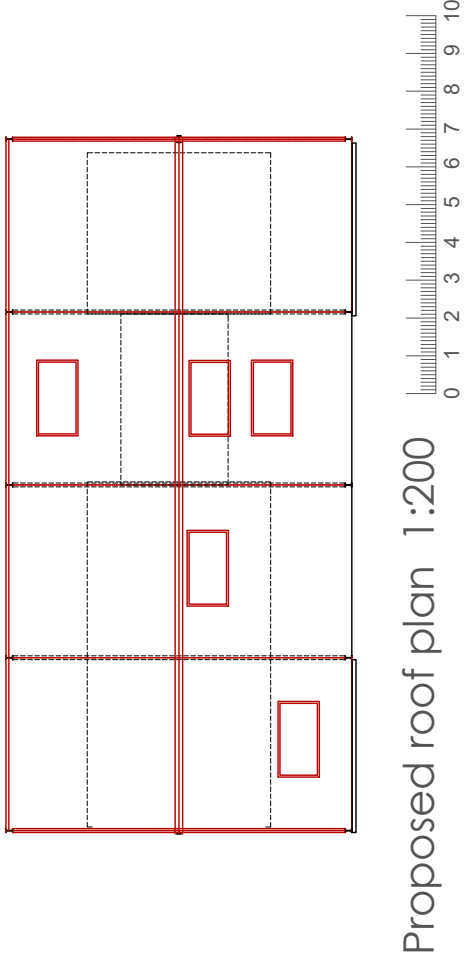
**birch**architects  
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e: info@bircharchitects.co.uk



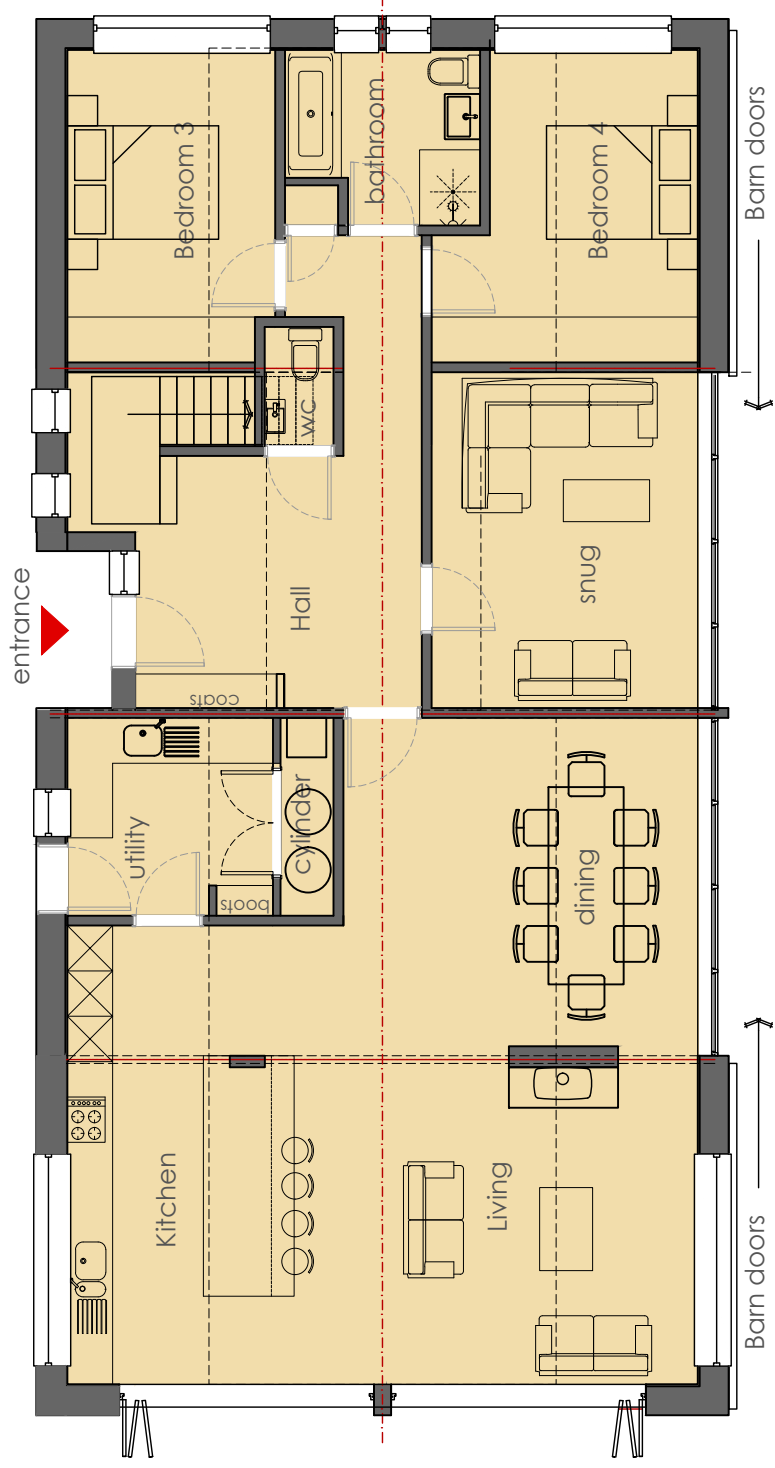
# Friars Orchard, West Dean

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Test Valley Borough Council - Southern Area Planning Committee - 28 November 2023



Proposed First floor plan 1:100



Proposed Ground floor plan 1:100

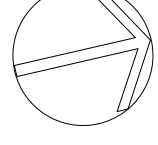
Rev B - 15/03/2022 - New build drawings to match existing approval and ground floor level lowered.  
 Rev a - 12/02/2021 - planning application, ridge height raised, windows and rooflights adjusted



Rev-

Client: Simon & Edward Parsons	<b>Planning</b>	
Project: Planning application for barn at Friars Orchard, Rectory Hill, West Dean, Salisbury SP5 1JL	Drawing No: 0202-02-03-001a	Revision: B
Title: Proposed plans	Drawn: nb	First Issue: Aug 2020
	Scale: 1:100 & 1:200 @ cd	Check:

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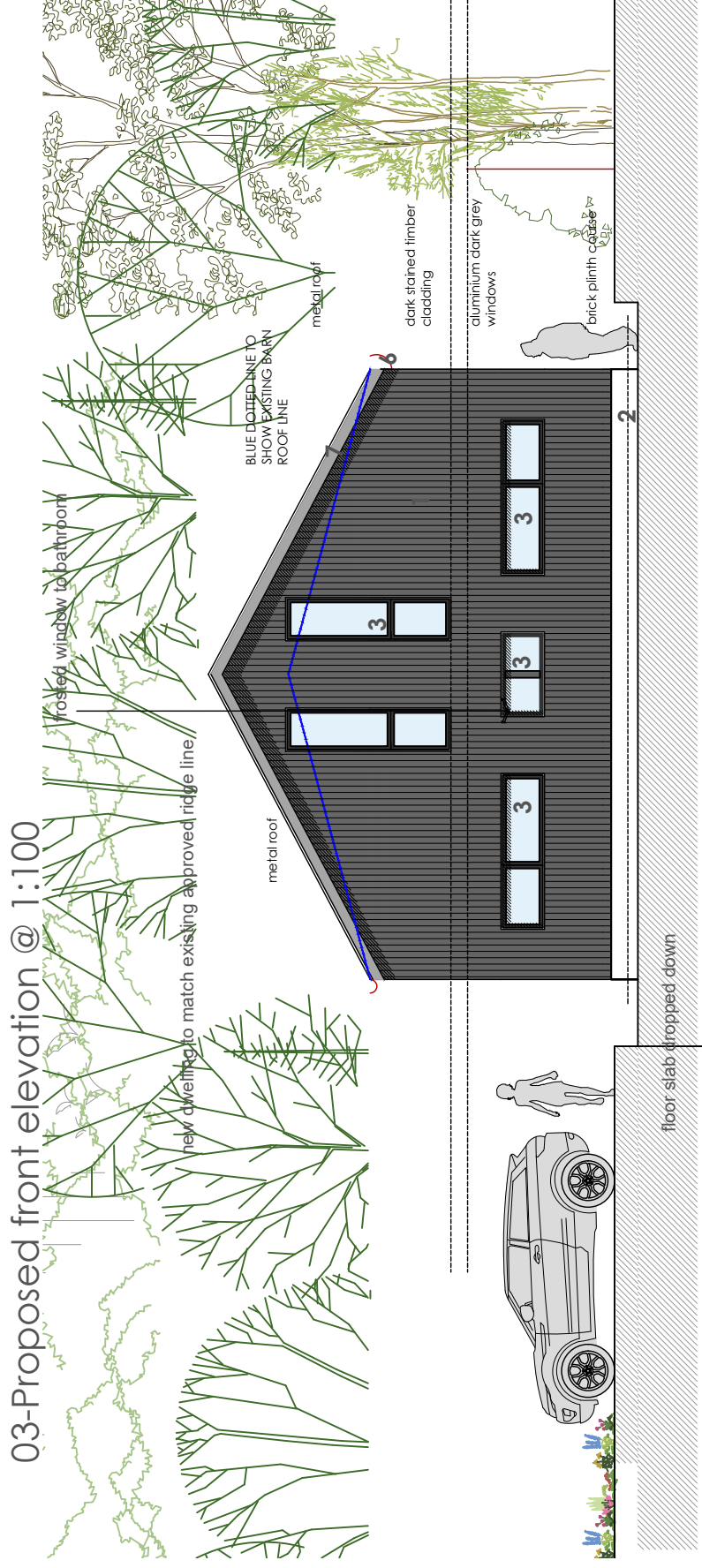
# Friars Orchard, West Dean

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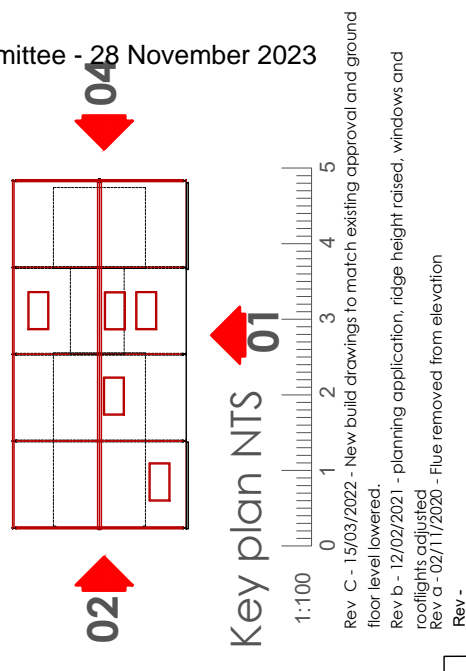
Test Valley Borough Council - Southern Area Planning Committee - 28 November 2023



03-Proposed front elevation @ 1:100



04-Proposed side gable elevation @ 1:100



Key plan NTS

Rev C - 15/03/2022 - New build drawings to match existing approval and ground floor level lowered.  
 Rev b - 12/02/2021 - planning application, ridge height raised, windows and rooflights adjusted  
 Rev a - 02/11/2020 - Flue removed from elevation  
 Rev -

Material Key	
1.	Walls - vertical dark stained timber cladding
2.	Walls - light colour render
3.	Windows - grey aluminium frame
4.	Roof - metal standing seam
5.	Doors - Timber hardwood
6.	Gutters/downpipes - half round / black UPVC
7.	Fascias/soffits - grey aluminium
8.	bifold door - grey aluminium
9.	rooflights - velux or similar
10.	timber sliding barn doors

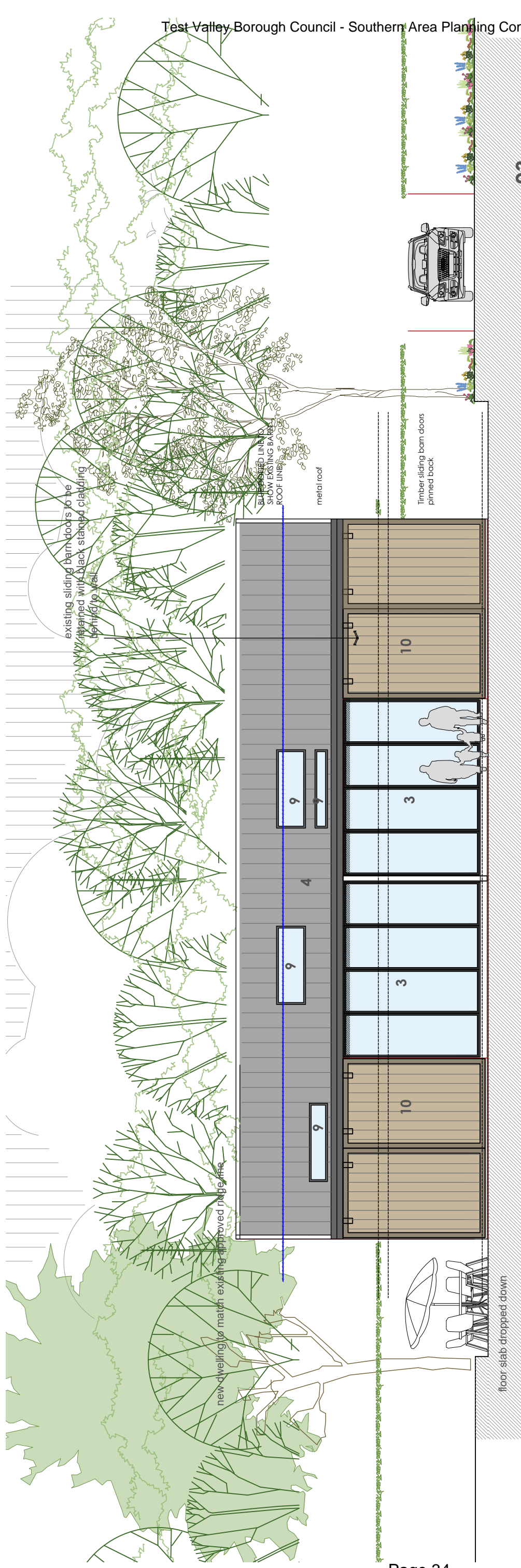
Client:		Simon & Edward Parsons	
Project:		Planning application for barn at Friars Orchard, Rectory Hill, West Dean, Salisbury SP5 1JL	
Drawing No:		0202-02-05-002	
Revision:		C	
Title:		Proposed elevations 2	
Scale:		1:100 @ a3	
Drawn:		nb	
Check:			
First Issue:		AUG 2020	

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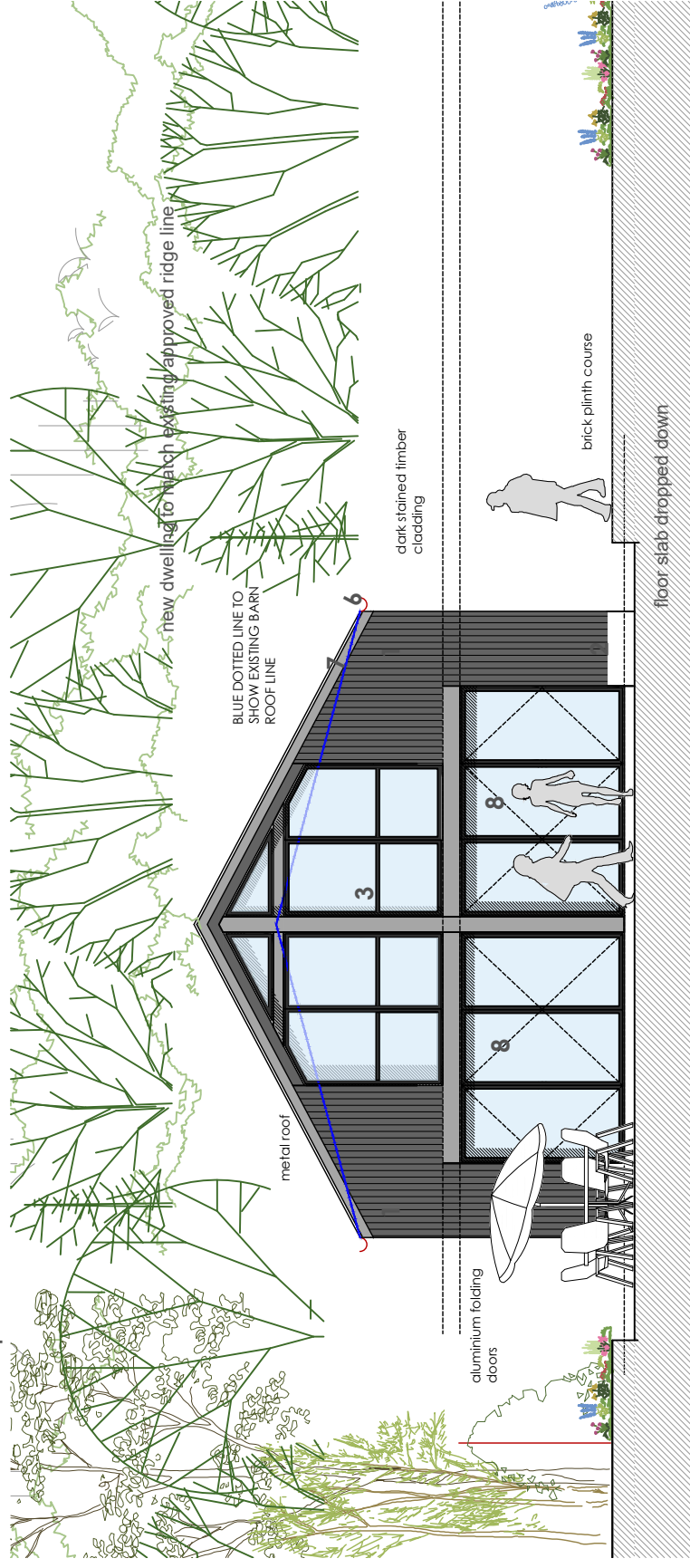
# Friars Orchard, West Dean

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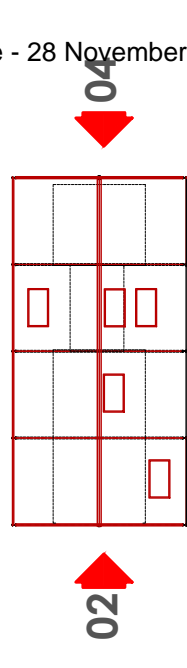


Test Valley Borough Council - Southern Area Planning Committee - 28 November 2023

01-Proposed rear elevation @ 1:100



02-Proposed side gable elevation @ 1:100



Key plan NTS 01

Rev D - 15/03/2022 - New build drawings to match existing approval and ground floor level lowered.  
 Rev C - 12/02/2021 - planning application, ridge height raised, windows and rooflights adjusted  
 Rev B - 02/11/2020 - Flue removed from elevation  
 Rev A - 21/10/2020 - Elevation 01 description note updated

Material Key	
1.	Walls - vertical dark stained timber cladding
2.	Walls - light colour render
3.	Windows - grey aluminium frame
4.	Roof - metal standing seam
5.	Doors - Timber hardwood
6.	Gutters/downpipes - half round / black UPVC
7.	Fascias/soffits - grey aluminium
8.	bifold door - grey aluminium
9.	rooflights - velux or similar
10.	timber sliding barn doors



Client: Simon & Edward Parsons	<b>Planning</b>	
Project: Planning application for barn at Friars Orchard, Rectory Hill, West Dean, Salisbury SP5 1JL	Drawing No: 0202-02-05-001	Revision: D
Title: Proposed elevations	Drawn: nb	First Issue: Aug 2020
	Check: 	Scale: 1:100 @ a3

**birch**architects

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 T: +44 (0)1725 510407  
 E: info@bircharchitects.co.uk

## ITEM 8

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<b>APPLICATION NO.</b>	23/01264/FULLN
<b>APPLICATION TYPE</b>	FULL APPLICATION - NORTH
<b>REGISTERED</b>	18.05.2023
<b>APPLICANT</b>	Mr and Mrs Suckling
<b>SITE</b>	Marwood, Farley Street, Nether Wallop, SO20 8EQ, <b>NETHER WALLOP OVER WALLOP</b>
<b>PROPOSAL</b>	Demolition of existing dwelling and agricultural building, erection of two dwellings and associated works
<b>AMENDMENTS</b>	Amendments received 12.07.2023
<b>CASE OFFICER</b>	Katie Nethersole

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

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### 1.0 INTRODUCTION

- 1.1 This application has been called to SAPC at the request of a member as it raises issues of more than local interest.

### 2.0 SITE LOCATION AND DESCRIPTION

- 2.1 The application site consists of a detached chalet bungalow set in a large plot located to the north east of Farley Street. It is within the settlement boundary of Nether Wallop and is also within the Wallops Conservation Area. An access drive off Farley Street leads to the dwelling and associated driveway. To the rear of the plot is a large outbuilding. At the rear of the site runs the Over Wallop 7 public footpath. The existing house is a detached chalet bungalow that is set to the rear of the plot. It is constructed in render and plain tiles. Views of the dwelling are limited from Farley Street due to its distance from the road and the presence of mature trees.

### 3.0 PROPOSAL

- 3.1 This application seeks permission to demolish the existing dwelling and construct a replacement dwelling in the same location. It also seeks to demolish the existing outbuilding and construct a single storey dwelling in its place. The existing access would remain and would serve both dwellings.
- 3.2 The replacement dwelling would be two storeys and would measure approximately 7.3 metres in height. It would be constructed in a combination of brick, render and natural timber cladding with a slate roof. It would be located in approximately the same footprint as the existing dwelling. It would be served by a detached garage located to the side of the dwelling.

3.3 The new dwelling would be sited on the same footprint as the existing outbuilding. It would be single storey and constructed in timber cladding and standing seam metal cladding with a grey metal roof. It would measure approximately 4.3 metres in height. Parking would be provided to the front of the dwelling on the proposed driveway.

#### 4.0 **HISTORY**

4.1 23/00422/FULLN Demolition of dwellinghouse and agricultural building, erection of two dwellings, garage, stable block, and associated works. Withdrawn 12.04.2023

#### 5.0 **CONSULTATIONS**

5.1 **Landscape** – No objection subject to conditions

5.2 **Ecology** – No objection subject to conditions

5.3 **Trees** – No Objection subject to condition

5.4 **Ramblers** – Comment

We are pleased to note the intention to remove the planting and to plant a new screen hedge within the garden perimeter. A condition is recommended to request that the planting is within the garden perimeter and at least 1.5 metres away from the boundary fence to protect the footpath from encroachment.

5.5 **Highways** – No objection

5.6 **Conservation** – Objection

The proposed development would stand out unduly, would not be appropriate development in accordance with Policy E1, and would harm the character and appearance of this part of the conservation area (Policy E9).

5.7 **Natural England** – No objection subject to condition

5.8 **Rights of Way** – No objection subject to informatives

6.0 **REPRESENTATIONS** Expired 10.08.2023

6.1 **Nether Wallop Parish Council** – Objection

Impact on the public right of way – the hedge has been planted on this rather than within the garden and this should be rectified. The subdivision of the plot would leave plot 2 narrower than surrounding dwellings. Increased ridge height of dwellings would result in them being prominent from the road and public right of way. Overdevelopment of the site. No need for two five bedroom dwellings. Development would result in an increase in traffic. Design and materials are not in keeping with the area.

6.2 3 letters of objection to originally submitted plans from the occupiers of Wykeham House Farley Street, Aubrey House Farley Street and Carpenters Farley Street, for the following reasons:

- Proposed dwellings would result in overdevelopment of the plot
- Adverse impact on the existing landscape character



- Design is not sympathetic to the character and appearance of the area
- No identified need for dwellings of this size, contrary to Nether Wallop Neighbourhood Development Plan and COM12 of the Local Plan
- Adverse impact on the privacy and amenity of the garden of Aubrey House
- Concerns about the location of the package treatment plants
- Concern about the impact of the proposal on the PROW
- Overlooking towards recreational fields and school from proposed balcony
- Adverse impact on neighbouring properties through loss of light
- Adverse impact on biodiversity including bats

3 further letters of objection to amended plans from the occupiers of Wykeham House Farley Street, Aubrey House Farley Street and Carpenters Farley Street for the following reasons:

- Adverse impact on the character of the conservation area
- Noise impact from the proposed driveway and parking area serving plot 2
- Noted that amendments have reduced the overall mass and re-siting of plot 2, but do not address their concerns
- If permission is granted then permitted development rights should be removed
- Whilst the elevations of plot 2 have been amended and number of bedrooms reduced the plot remains overdeveloped
- Amended plans have not changed the proposal enough to warrant a permission

## 7.0 **POLICY**

### 7.1 Government Guidance

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

### 7.2 Test Valley Borough Revised Local Plan (2016)(RLP)

COM2: Settlement Hierarchy

E1: High Quality Development in the Borough

E2: Protect, Conserve and Enhance the Character and Appearance of the Area

E5: Biodiversity

E7: Water Management

E8: Pollution

E9: Heritage

LHW4: Amenity

T1: Managing Movement

T2: Parking Standards

### 7.3 Wallops Neighbourhood Plan

Area designation only

### 7.4 Supplementary Planning Documents (SPD)

The Wallops VDS

Wallops Character Appraisal

## 8.0 **PLANNING CONSIDERATIONS**

### 8.1 The main planning considerations are:

- Principle of Development
- Impact on the Character and Appearance of the area
- Effect on the character and appearance of the Conservation Area and Listed Building
- Biodiversity
- Nitrate Neutrality
- Highways and Parking
- Residential Amenity
- Other Matters

### 8.2 **Principle of Development**

The application site is within the settlement boundary of Nether Wallop and therefore having regard to policy COM2 development and redevelopment will be permitted provided that it is appropriate to the other policies of the Revised Local Plan.

### 8.3 **Impact on the Character and Appearance of the Area**

Policy E1 and E2 of the RLP seek to ensure that development is of high quality, respects and complements the character and appearance of the area and does not result in a detrimental impact on the landscape character.

8.4 The character of the area is defined by large dwellings on generous plots and set back from the road. Generally dwellings are set centrally within their plots however Marwood is the exception to this where it is set back in the rear of its plot. The proposed replacement dwelling (Plot 1) would be of a similar footprint to the existing but would be taller by approximately 0.6 metres. Plot 2 would be sited on the footprint of the existing outbuilding and would be single storey. It has been designed to reflect the style and appearance of an outbuilding with a simple pitched roof and timber cladding. Views of the existing dwelling are not possible from Farley Street as you approach from the south due to intervening vegetation. Views are also limited from Farley Street at the entrance due to it being set to the rear of the plot and the intervening vegetation. There are views possible from the public right of way to the rear.

8.5 Public right of way, Over Wallop 7, runs along the rear boundary of the site, and there are views into the site from this footpath. It is acknowledged that the proposed dwellings would alter the existing view due to the slight increase in height of the proposed replacement dwelling. However the current domestic setting would be retained and the character of this view would not be significantly altered, nor would it impact on the wider landscape setting. The submitted site plan shows that a large proportion of the existing trees on site would be retained, with some smaller fruit trees requiring removal. The retention of the larger and more mature trees would help to retain the edge of village rural character of the site. Those trees to be removed are small fruit trees that have a limited public amenity value and a larger tree (Robinia) that is in a poor condition. It is considered that the tree removal would not have an adverse effect on the character and appearance of the area.

- 8.6 The design of plot 1 is considered to be sympathetic to the rural character of the area with the use of timber cladding and a slate roof with some small elements of render. Through the submission of amended plans, the massing and bulk of this dwelling has been reduced with its orientation away from the PROW meaning that domestic garden elements would be largely to the south west away from the PROW.
- 8.7 With respect to plot 2, this has been reduced in bulk and massing through the submission of amended plans and is now a single storey building with a simple pitched roof. It would have the appearance of a barn on the footprint of the existing outbuilding and would therefore have a negligible impact on the wider setting. The main garden elevation is to the south west away from PROW and therefore it would not result in any harmful impact on the landscape setting.
- 8.8 The development would result in the loss of a small number of trees, including a Robinia tree that is located adjacent to the outbuilding. The tree impact assessment has provided information to evidence that this tree is in a poor condition and this has been confirmed through a site visit by the Tree Officer. It is proposed to plant three replacement trees to mitigate the loss of the existing trees and these are considered to be of an appropriate size and specimen by the Tree Officer.
- 8.9 It is considered that the proposed development would respect and complement the character and appearance of the area and would have no adverse impact on the wider landscape setting. The proposal is therefore in accordance with policies E1 and E2 of the RLP.
- 8.10 **Effect on the character and appearance of the Conservation Area and Listed Building**  
The application site is located with The Wallops Conservation Area and adjacent to Chapel House which is a Grade II listed building, and therefore it is important to consider the proposal against policy E9. This policy seeks to ensure that development affecting a heritage asset makes a positive contribution to sustaining or enhancing the significance of that asset taking account of its character, appearance and setting.
- 8.11 The existing dwelling, Marwood, is a modern dwelling within the conservation area and lies on land to the rear of Chapel House. It is considered that neither the existing dwelling nor the outbuilding are of any particular architectural merit or historical significance. The Wallops Character Appraisal states that, *'newer development within the conservation area is generally interspersed among the historic development and tends to be larger, squarer in plan form...on infill plots'*  
It goes on to say that in this part of the conservation area the plots, *'are more random in nature and have been subdivided to incorporate more recent built development...the older buildings are more set towards the road frontage and consist of Ringwold House and Chapel House, both listed Grade II. The two modern dwellings are set back to the rear of their plots and are not particularly visible from the road'*.

The proposed dwellings would be located to the rear of their respective plots and as such would not be readily visible from Farley Street and would therefore have a limited impact on the character and setting of the conservation area. There would be views from the PROW but it is considered that the change from this view would be minimal and would still have a domestic setting, and would have a neutral impact on the conservation area. Due to the siting and distance from Chapel House it is not considered that the proposal would have an adverse harm on the character and appearance of this heritage asset.

8.12 It is considered that the proposed development would have no adverse impact on the identified heritage assets, in accordance with policy E9 of the RLP.

8.13 **Biodiversity**

Policy E5 of the RLP seeks to ensure that development does not have an adverse impact on biodiversity. The application has been supported by a Preliminary Ecological Appraisal which has been reviewed by the Ecology Officer. This concludes that the existing barn and dwelling provide no significant features suitable for roosting bats or nesting birds, and the existing buildings have been assessed as having a negligible suitability for roosting bats. It also concludes that the trees on site have a low suitability for roosting bats.

8.14 The report includes a number of recommendations to ensure that the development does not adversely impact on protected species, namely bats, birds, and hedgehogs. A condition has been recommended to ensure that these measures are carried out.

8.15 Subject to these conditions and controls being put in place and adhered to it is considered that the proposal would accord with the requirements of policy E5 of the RLP.

8.16 **Nitrate Neutrality**

In June 2019 Natural England published guidance which required all new developments providing overnight accommodation to demonstrate nutrient neutrality. This guidance was updated in March 2022. The guidance stated that there is evidence that high levels of nitrates from new housing development that results in waste water entering The Solent is contributing towards eutrophication of internationally legally protected sites in the Solent and resulting in a detrimental impact upon the conservation interest of these sites. These sites are;

- Solent Maritime SAC
- Solent and Southampton Water SPA & Ramsar site
- Portsmouth Harbour SPA & Ramsar site
- Solent and Dorset Coast SPA

- 8.17 Advice from Natural England is that the applicants for development proposals resulting in a net increase in dwellings are required to submit a nitrogen budget for the development to demonstrate that there will be no likely significant effect on these internationally designated sites. The requirement to demonstrate no likely significant effect is outlined within Regulation 63 of the Conservation of Habitats and Species Regulations (2017).
- 8.18 The existing dwelling is served by a septic tank, and it is proposed to replace this for package treatment plants that would serve the replacement dwelling and the proposed dwelling respectively. The replacement of the septic tank and the provision of new package treatment plants would result in a reduction in the overall total nitrogen for the site and therefore no additional mitigation beyond this is required to ensure the effect on the European site is achieved. A condition is recommended to ensure that the existing septic tank is removed, and the proposed package treatment plants are installed and maintained in accordance with the proposed details. That will ensure that the total nitrogen load arising from the development has a net-benefit compared to the existing position.
- 8.19 A maintenance and monitoring plan for the proposed package treatment plants (PTP) has been submitted with the application which states that the lifespan of the PTP is 50 years and has a 25 year warranty. The PTPs will be installed by a properly qualified professional servicing company and would be serviced and maintained in accordance with the operating and maintenance guidance.
- 8.20 It is therefore considered that subject to suitable conditions, the proposal would not result in any increase in the total nitrogen and would therefore be in accordance with policy E5 and E8 of the RLP.
- 8.21 **Highways and Parking**  
Policy T1 of the RLP seeks to ensure that development is accessed safely and efficiently. The existing access serving Marwood would be retained and used to access both the replacement dwelling and the new dwelling. The Highways Officer has reviewed the proposal and confirmed that the proposal would not lead to any material detrimental impact on the safety or efficiency of the public highway network, in accordance with policy T1.
- 8.22 Policy T2 seeks to ensure that adequate parking is provided in accordance with Annex G of the RLP. Plot 1 would be a four bedroom dwelling which would require a minimum of 3 car parking spaces. The submitted plans demonstrate that parking would be provided by the proposed double garage and driveway. Plot 2 would be a three bedroom dwelling which would require 2 car parking spaces. The site plan shows that three car parking spaces would be provided within the driveway serving this plot. Therefore both dwellings would be served by a sufficient level of parking.
- 8.23 The proposal would therefore accord with the parking standards as set out by policy T2 of the RLP.

- 8.24 It is acknowledged that third party correspondence has been received concerned about the impact on the public right of way to the rear of the site. The proposal would not impact on the public right of way and there is no requirement for it to be re-routed. There is hedgerow planting that has been carried out by the applicant outside of the red edge of the site and within the public footpath. This in itself is not considered to be development and would not require planning permission and the incursion on the footpath is covered by separate legislation. However, the applicant has indicated that this planting would be removed from the footpath and re-planted within the site boundary. A landscape condition has been recommended to secure that a detailed landscaping plan is submitted and approved with it being implemented in accordance with the approved details.
- 8.25 The proposal is therefore considered to be in accordance with policies T1 and T2 with respect to highway safety and parking.
- 8.26 **Residential Amenity**  
Policy LHW4 of the RLP seeks to ensure that development protects and provides for the privacy and amenity of the future occupants and those that neighbour the site.
- 8.27 *Impact on Chapel House*  
Plot 1 would be a replacement dwelling for Marwood and would be sited approximately in the same footprint as the existing dwelling and approximately 37 metres away from Chapel House to the south east. It is therefore considered that due to the distance and intervening vegetation that the proposed replacement dwelling would not have any adverse impact on the privacy or amenity of the occupiers of Chapel House in terms of loss of light, overlooking or overbearing.
- 8.28 *Impact on Aubrey House*  
Plot 2 would be sited approximately 52 metres to the north west of Aubrey House and would be sited on the same footprint of the existing outbuilding. It is considered that the distance, along with the intervening vegetation, would ensure that the proposed Plot 2 would not have any adverse impact on the privacy or amenity of this neighbour in terms of loss of light, overbearing or overlooking. It is noted that the occupiers of this neighbouring dwelling have objected to the proposal and have raised concerns about the impact of noise from cars entering and leaving the driveway associated with plot 2, however it is considered that as there would be a distance of approximately 31 metres between Aubrey House and the parking area for plot 2 there would unlikely be any adverse noise impact from car movements.
- 8.29 *Impact on Carpenters*  
Plot 2 would be sited approximately 40 metres away from the neighbouring dwelling Carpenters and there is a mature tree to the boundary which provides some screening. It is therefore considered that the proposal would not have any adverse impact on this neighbour in terms of loss of light, overlooking or overbearing. Whilst it is noted that the occupiers of Carpenters have raised an objection to the proposal due to overlooking and noise impacts from car

movements, it is considered that due to the separation distance between this neighbour and plot 2 and its associated driveway as well as the intervening vegetation would ensure that no adverse impacts would result from the proposal.

8.30 *Impact on Wykeham House*

In terms of the neighbour to the north west of plot 2, Wykeham House, there would be a separation distance of approximately 42 metres, and therefore it is not considered that plot 2 would result in any adverse impact on the privacy and amenity of this neighbour.

8.31 *Impact on future occupiers*

There would be approximately 20 metres between Plot 1 and 2 and the existing mature tree positioned to the south east of plot 2 would be retained and would provide a visual separation between the two dwellings. No windows are proposed in the elevation of plot 2 that faces towards plot 1 and therefore there would be no overlooking in this respect. Both dwellings would be served by adequate amenity space through the provision of front and rear gardens.

8.32 In conclusion, it is considered that the proposal would not result in any adverse impact on the privacy and amenity of future occupiers and those that neighbour the site, in accordance with policy LHW4.

8.33 **Other Matters**

It is acknowledged that third party representation has been received concerning conflict with policy COM12 of the RLP. This policy relates to the replacement of dwellings in the countryside and as such this is not relevant to this proposal as the application site is entirely within the settlement boundary.

8.34 It is noted that third party representation has been received concerning conflict with the draft Nether Wallop Neighbourhood Development Plan, however as this is only at designation stage and not yet formally “made” it carries no weight.

8.35 It is noted that third party representation has been received suggesting that if permission is to be granted that permitted development rights should be withdrawn. It is not generally considered good planning practice to blanket withdraw permitted development rights as this is rarely considered to be necessary or reasonable. Whilst it is understood that there is concern about the plot size of unit 2, due to the width of the dwelling there would be no scope for extending the dwelling out to the sides and there would not be the scope to provide dormers within the roof to provide accommodation in the roof due to the low roof pitch. It is therefore not considered necessary or reasonable to withdraw permitted development rights from this development.

9.0 **CONCLUSION**

9.1 In conclusion it is considered that the proposal accords with the relevant policies of the Local Plan and is recommended for permission subject to conditions.

## 10.0 RECOMMENDATION

### PERMISSION subject to:

1. The development hereby permitted shall be begun within three years from the date of this permission.  
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 001 P1, 020 AI, 025 AC, 030 AC, 031 AB, 032 AB, 045 AA, SK13 AB  
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The development hereby permitted shall not be occupied until the new package treatment plants have been installed in accordance with drawing no. 42078-020 AI. The package treatment plants shall be retained and maintained in perpetuity in accordance with the maintenance and monitoring plan dated July 2023.  
Reason: In order to avoid adverse impact on the Solent and Southampton Water SPA by way of additional nitrates emanating from the development in accordance with the Conservation of Habitats and Species Regulations 2017 and Test Valley Borough Revised Local Plan 2016 Policies E5 and E8.
4. No development shall take place above DPC level of the development hereby permitted until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
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) Policy E1.
5. No development shall take place above DPC level of the development hereby permitted until full details of hard and soft landscape works have been submitted and approved. Details shall include:
  - proposed finished levels or contours;
  - means of enclosure;
  - car parking layouts;
  - other vehicle and pedestrian access and circulation areas; hard surfacing materials;
  - proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports.)Soft landscape works shall include:
  - planting plans;
  - written specifications (including cultivation and other operations associated with plant and grass establishment);
  - schedules of plants, noting species, plant sizes and proposed numbers/densities.



**The landscape works shall be carried out in accordance with the implementation programme and in accordance with the management plan.**

**Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.**

- 6. No development shall take place above DPC level of the development hereby permitted until a schedule of landscape implementation and maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for the phasing of the implementation and ongoing maintenance during that period in accordance with appropriate British Standards or other recognised codes of practise. Development shall be carried out in accordance with the approved schedule.**

**Reason: To ensure the provision, establishment and maintenance to a suitable standard of the approved landscape designs to create and maintain the appearance of the site and enhance the character of the development in the interest of visual amenity and to contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.**

- 7. Development shall proceed in accordance with the measures set out in section 4 of the Preliminary Ecological Appraisal dated 20<sup>th</sup> June 2022, reference S1198.001. Thereafter, the enhancements shall be permanently maintained and retained in accordance with the approved details.**

**Reason: To ensure the favourable conservation status of bats and other protected species in accordance with Policy E5.**

- 8. The development hereby approved shall be designed and built to meet Regulation 36 2 (b) requirement of 110 litres/person/day water efficiency set out in part G2 of Building Regulations 2015.**

**Reason: In the interests of improving water usage efficiency in accordance with policy E7 of the Test Valley Borough Revised Local Plan 2016.**

- 9. The development hereby approved shall be undertaken in full accordance with the provisions set out within the SJ Stephens Associates Arboricultural Impact Appraisal and Method Statement reference 1774 dated 31<sup>st</sup> August 2023 and Tree Protection Plan reference 1774-03 Rev C. Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.**

- 10. Tree protective measures installed (in accordance with the tree protection condition) shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment what-so-ever shall take place within the barrier.**

**Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.**

- 11. All service routes, drain runs, soakaways or excavations in connection with the development hereby permitted shall remain wholly outside the tree protective barrier.**

**Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.**

- 12. Replacement trees, as detailed in SJ Stephens Associates drawing, reference 1774-03 Rev C, shall be planted in the approved positions in the first planting season following first occupation of the development. These trees must be planted in accordance with the recommendations in BS8545:2014 'Trees: from nursery to independence in the landscape -Recommendations'. If any of the trees planted in discharge of this condition, (or any other tree planted in replacement for it) is removed, uprooted, destroyed or dies within a period of five years from the date of planting, another tree of the same size and species shall be planted in the same place, or as may be agreed in writing with the Local Planning Authority.**

**Reason: To ensure the continuation of canopy cover in the area and enhance the development, in accordance with policy E2 of the Test Valley Borough Revised Local Plan 2016.**

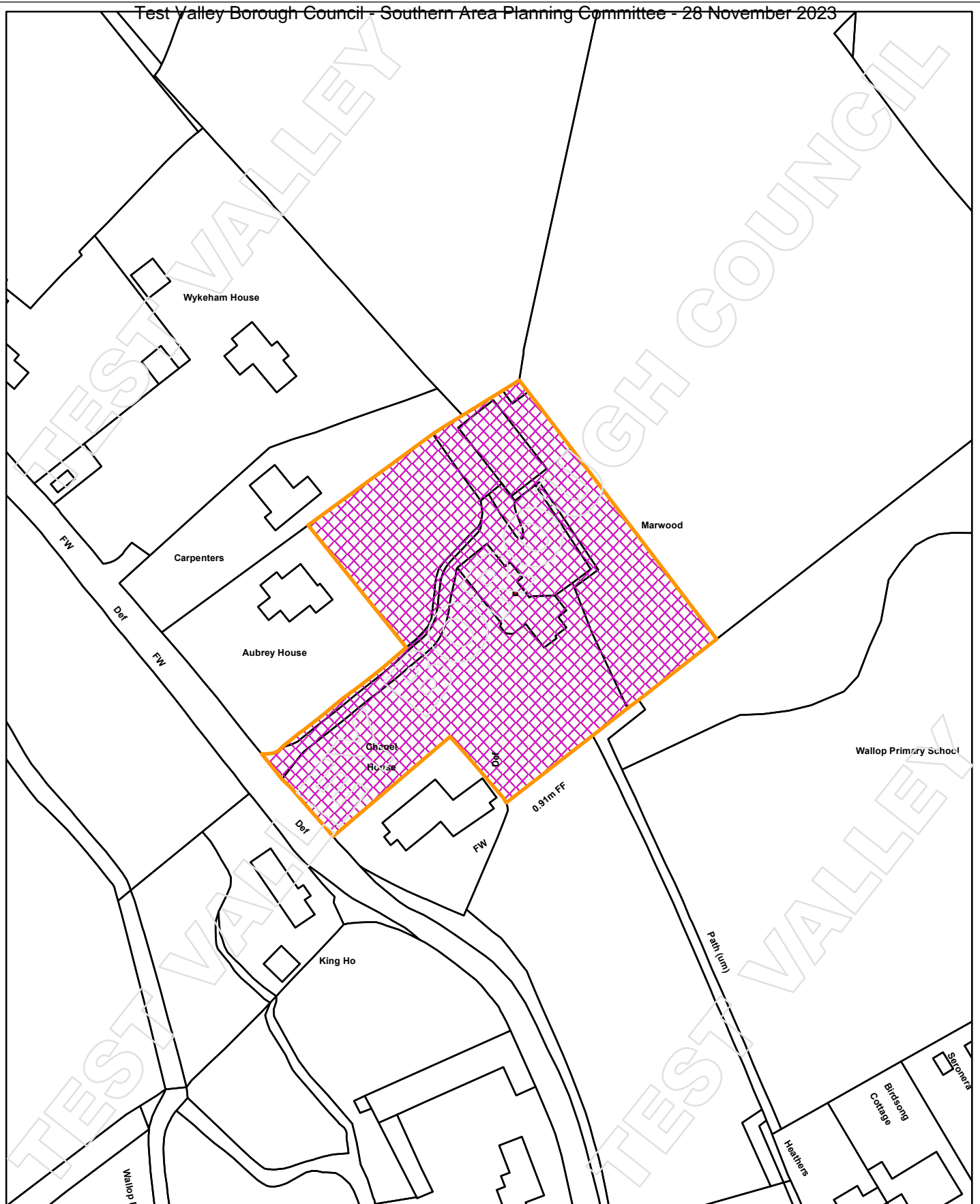
- 13. The new dwellings hereby permitted shall not be occupied unless or until the existing septic tank has been disconnected and physically removed from the site and the land backfilled and remediated with suitable material.**

**Reason: In order to ensure the permanent removal of a septic tank from the river catchment and avoid continued adverse impact on the Solent and Southampton Water SPA in accordance with the Conservation of Habitats and Species Regulations 2017 and Test Valley Borough Revised Local Plan 2016 Policy E5.**

**Notes 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.**
- 2. No vehicles (including builder's and contractor's), machinery, equipment, materials, spoil, scaffolding, or anything else associated with the works, use or occupation of the development, shall be left on or near to any Public Rights of Way, including Footpath Over Wallop 6 and Footpath Nether Wallop 2, as to cause obstruction, hindrance or hazard to the legitimate users. The public retain the right to use the PROW network at all times.**

- 3. There must be no surface alterations to a Public Right of Way, including Footpath Over Wallop 7 and Footpath Nether Wallop 2 (excluding the required removal of the beech whips), without the consent of Hampshire County Council as Highway Authority. Planning permission under the Town and Country Planning Act (1990) does not provide this and separate consent is required. To carry out such works without this permission would constitute an offence under Section 131 of the Highways Act (1980).**
-



**Siteplan**



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**23/01264/FULLN**

AI	Red line updated	07.09.23	Date	Chk
AI	Planning drawing updated	31.08.23		
AG	Planning update	04.08.23		
AF	Planning Issue	10.07.23		
AE	Draw for planning	03.07.23		
AD	3 Cars shown to each plot	01.07.23		
AC	Draw for planning	01.07.23		
AB	Planning update	31.03.23		
AA	Planning Issue	24.01.23		
	Rev Dm Revision			

PLANNING



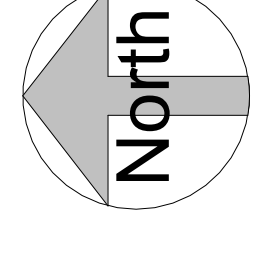
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 www.studiofourarchitects.com

Client  
 Mr & Mrs Suckling

Project  
 Marwood, Nether Wallop  
 2 Dwellings

Title  
 Proposed Site Plan

Date	Scale	Paper	Drawn
JAN 23	1:200	A1	LJH
Job N°	Dwg. N°	Revision	
42078	020		AI

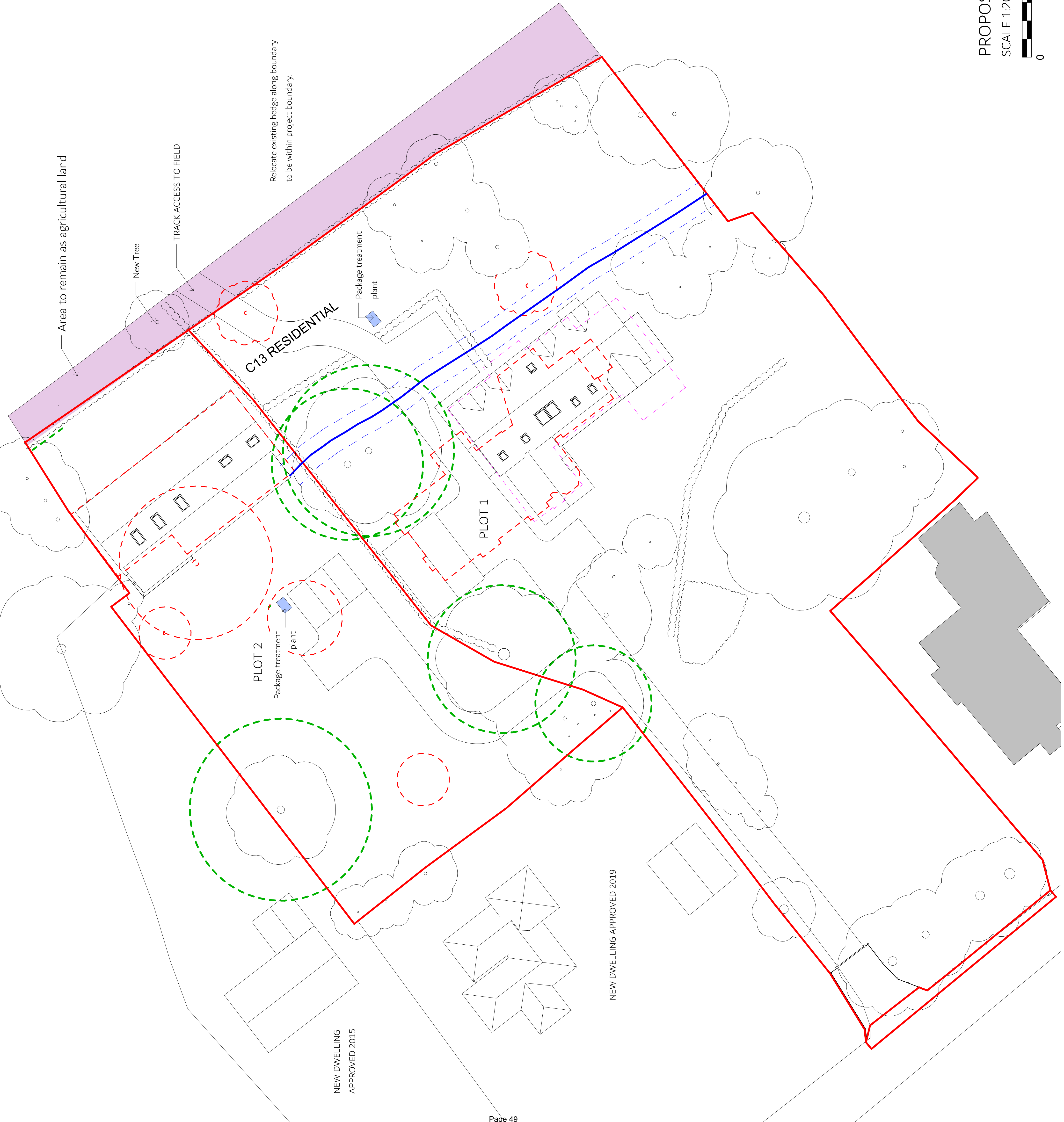


PROPOSED SITE PLAN

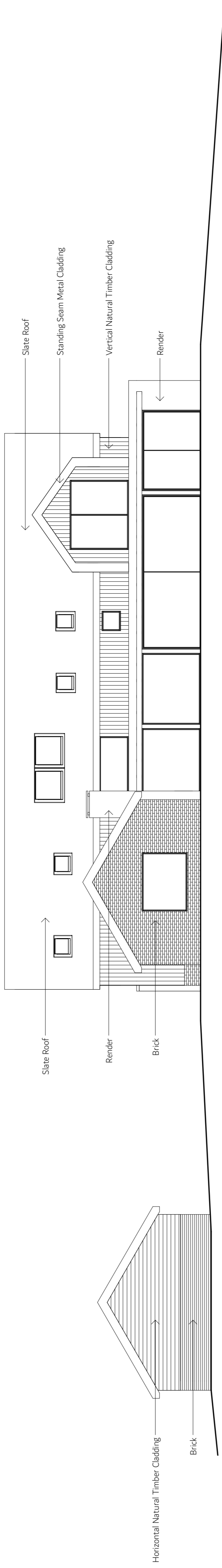
SCALE 1:200



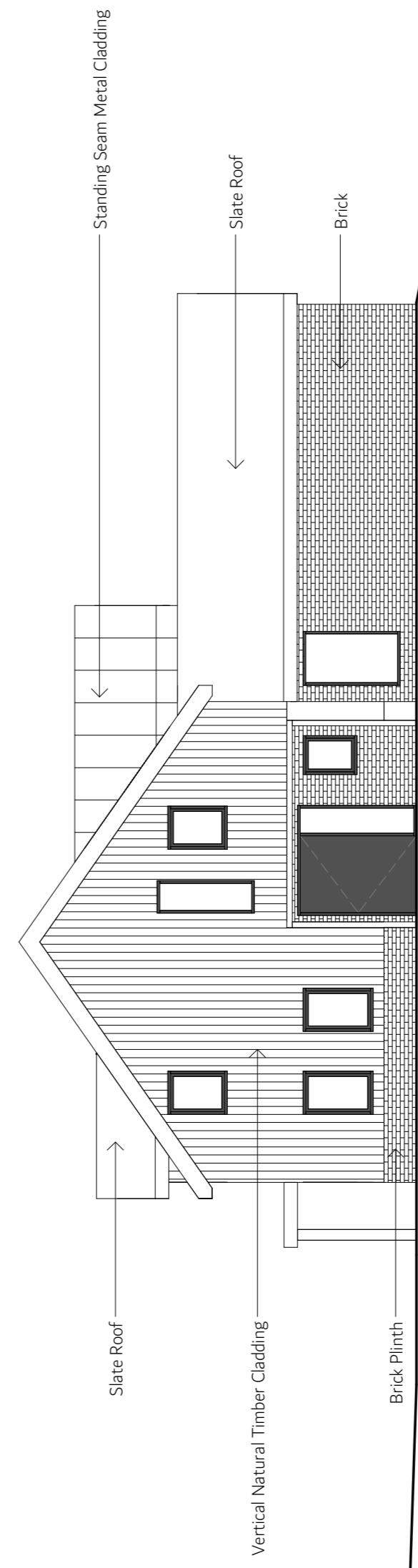
- RED DASHED LINES REPRESENTS OUTLINE OF EXISTING BUILDINGS TO BE DEMOLISHED & TREES TO BE REMOVED
- GREEN DASHED LINE REPRESENTS ROOT PROTECTION AREAS
- BLUE LINE DICTATES MAJOR ELECTRICAL SUPPLY CROSSING SITE BELOW GROUND. 1.5M BUILD EXCLUSION ZONE EITHER SIDE TO BE ADHERED TO
- PURPLE LINE DICTATES PREVIOUS DESIGN PROPOSAL FOOTPRINT





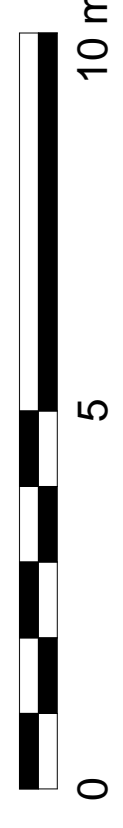


PROPOSED SOUTH WEST ELEVATION



PROPOSED NORTH WEST ELEVATION

SCALE 1:100



Rev	Drn	Revision	Date	CHK
AB		Planning Issue	10.07.23	
AA		Planning Issue	24.01.23	

PLANNING



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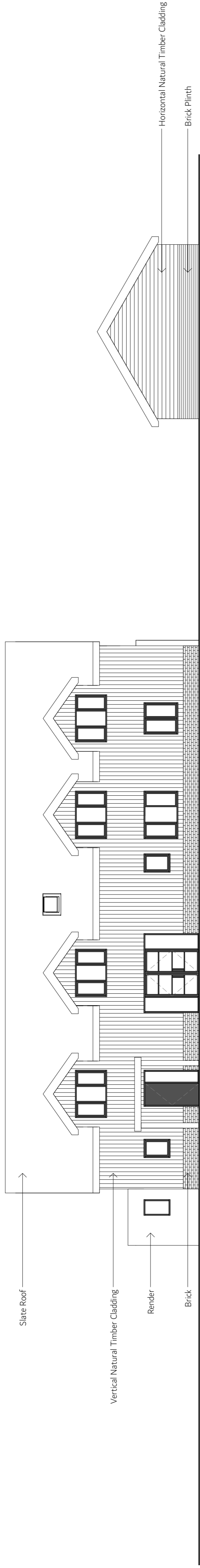
Client  
**Mr & Mrs Suckling**

Project  
**Marwood, Nether Wallop  
2 Dwellings**

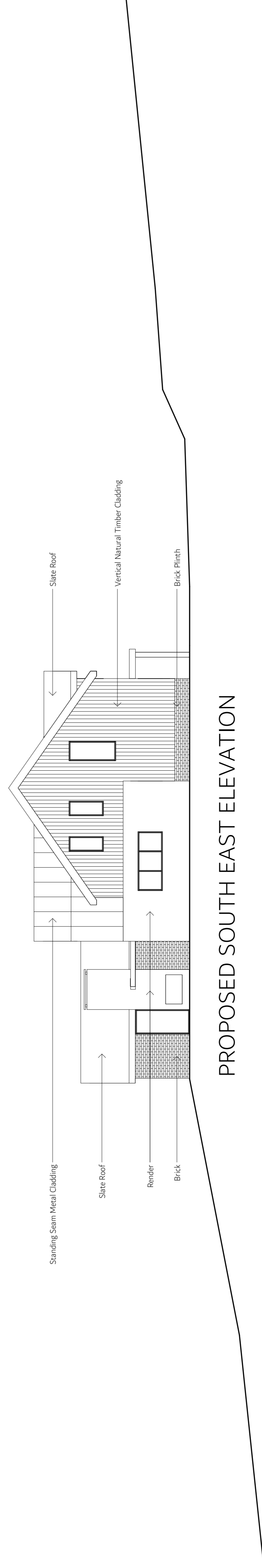
Title  
**Plot 1 - Proposed Elevations**

Date	Scale	Paper	Drawn
JAN 23	1:100	A1	LJH
Job N°	Dwg. N°	Revision	
42078	031	AB	

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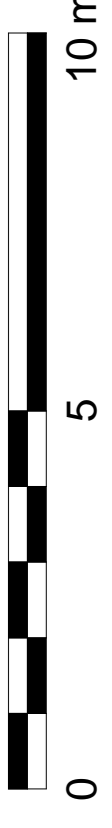
PROPOSED NORTH EAST ELEVATION



PROPOSED SOUTH EAST ELEVATION

RED DASHED LINE REPRESENTS OUTLINE  
OF EXISTING BUILDING TO BE DEMOLISHED

SCALE 1:100



AC	Planning Issue	10.07.23		CHK
AB	Planning updated for planning	03.05.23		
AA	Planning Issue	24.01.23		
	Rev Dtm	Revision	Date	CHK

PLANNING



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Client  
**Mr & Mrs Suckling**

Project  
**Marwood, Nether Wallop  
2 Dwellings**

Title  
**Plot 1 - Proposed Elevations**

Date	Scale	Paper	Drawn
JAN 23	1:100	A1	LJH
Job N°	Dwg. N°	Revision	
42078	030	AC	

AC	Planning Issue	10.07.23	CHK
AB	Planning Update	31.03.23	
AA	Planning Issue	24.01.23	
	Rev Dm Revision	Date	

**PLANNING**



Mr & Mrs Suckling  
 Client

Project  
 Marwood, Nether Wallop  
 2 Dwellings

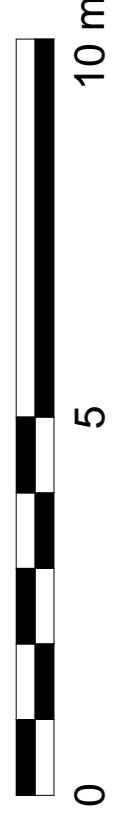
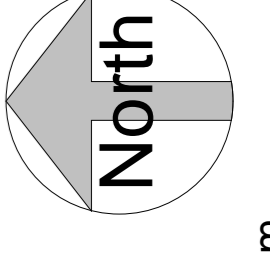
Title  
 Plot 1 - Proposed Floor Plans

Date	Scale	Drawn	Checked
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Job N°	Dwg. N°	Revision	AC
42078	025		

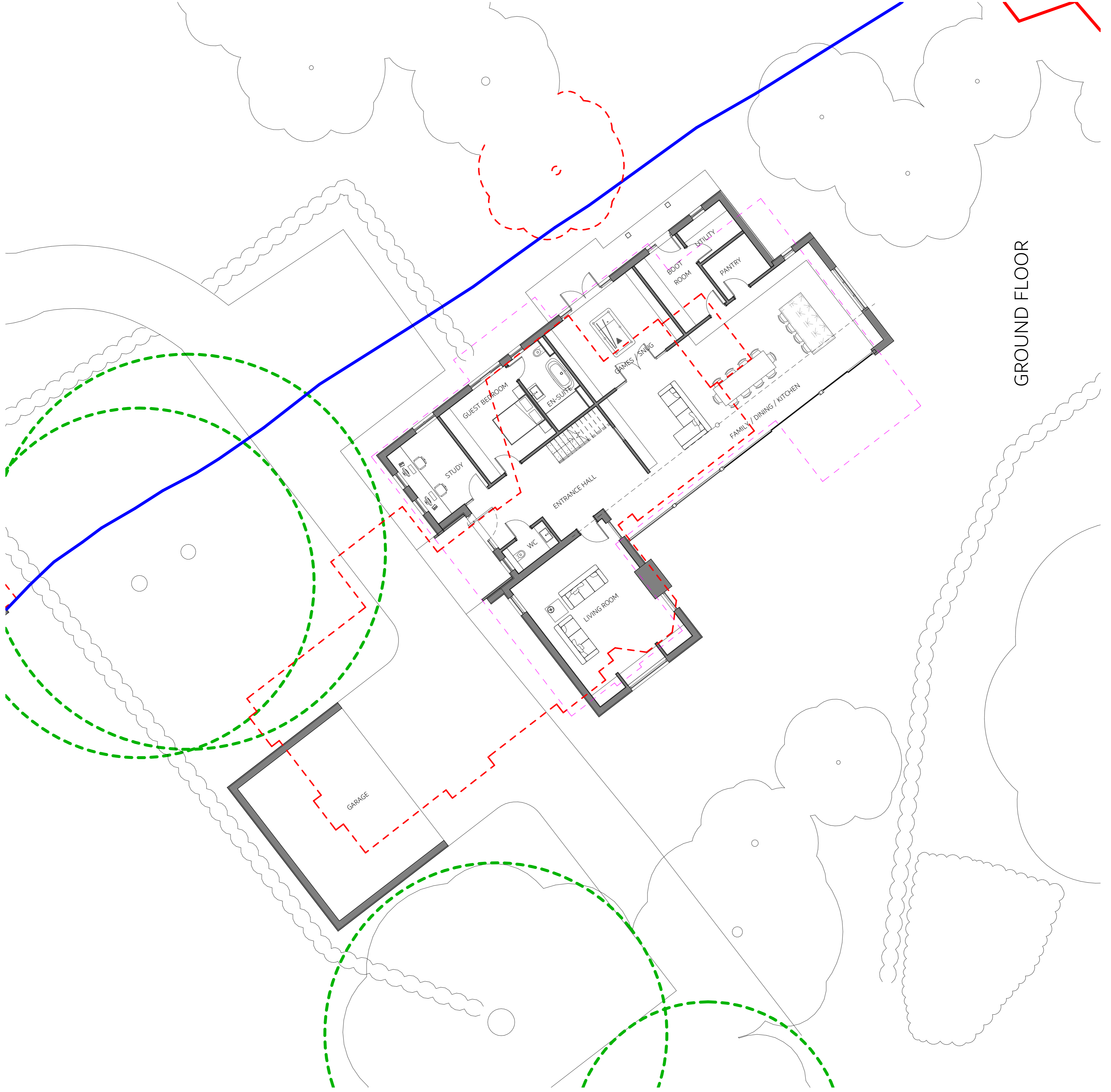


FIRST FLOOR

- RED DASH LINE REPRESENTS OUTLINE OF EXISTING BUILDING TO BE DEMOLISHED
- PURPLE DASH LINE REPRESENTS PREVIOUSLY SUBMITTED APPLICATION
- BLUE LINE DICTATES MAJOR ELECTRICAL SUPPLY CROSSING SITE BELOW GROUND.
- 1.5M BUILD EXCLUSION ZONE EITHER SIDE TO BE ADHERED TO



SCALE 1:100



GROUND FLOOR





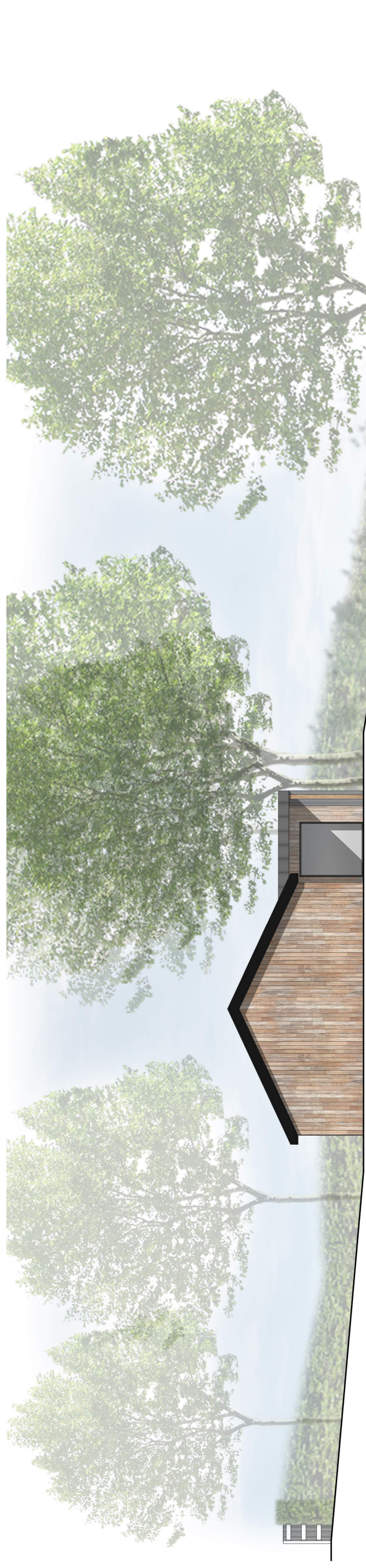
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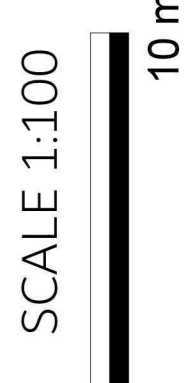
PROPOSED SOUTH EAST ELEVATION



PROPOSED SOUTH WEST ELEVATION



PROPOSED NORTH WEST ELEVATION





AA	Planning Issue	10.07.23	CHK
	Rev Dm	Revision	Date

**PLANNING**



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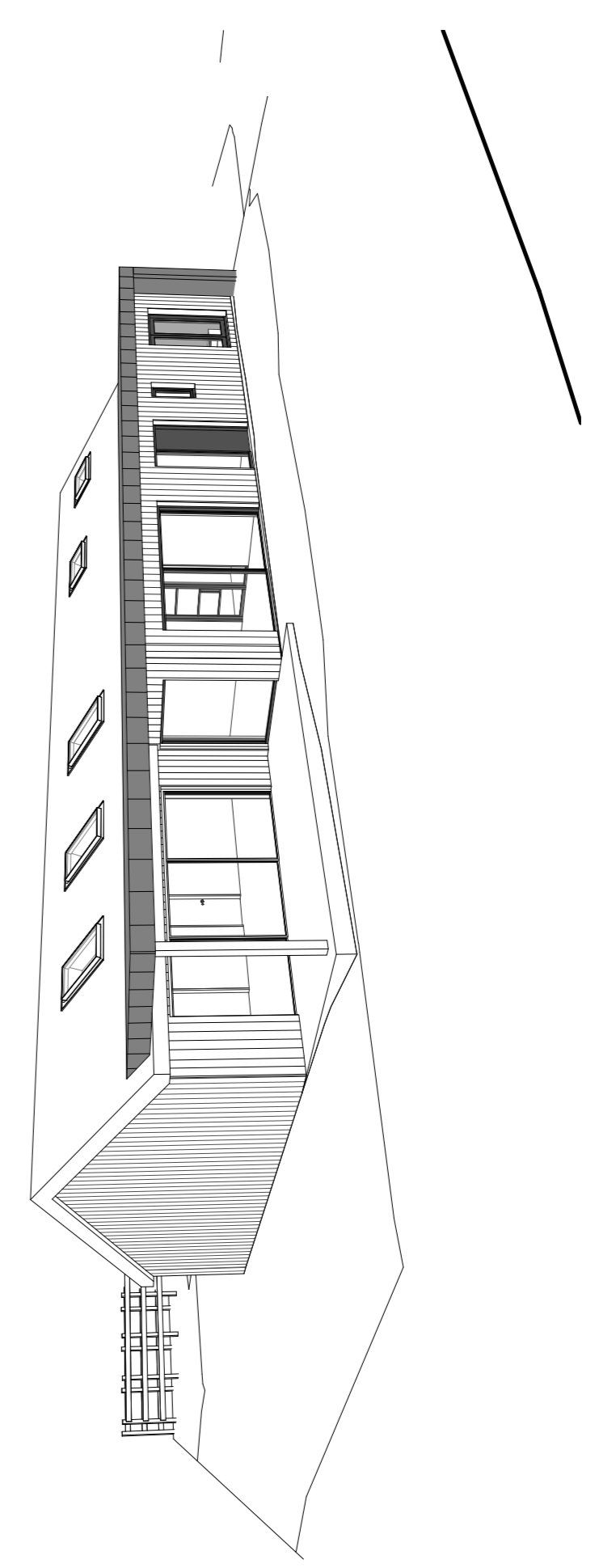
Client  
**Mr & Mrs Suckling**

Project  
**Marwood, Nether Wallop**

**2 Dwellings**

Title  
**Plot 2 Plan & 3D**

Date	Scale	Paper	Drawn
11.07.23	1:100	A1	LJH
Job N°	Dwg. N°	Revision	AA
42078	045		





## ITEM 9

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<b>APPLICATION NO.</b>	23/01752/FULLS
<b>APPLICATION TYPE</b>	FULL APPLICATION - SOUTH
<b>REGISTERED</b>	13.07.2023
<b>APPLICANT</b>	Mr Glyn Powell
<b>SITE</b>	Wellow Wood Paddock, Wellow Wood Road, West Wellow, SO51 6EP, <b>WELLOW</b>
<b>PROPOSAL</b>	Extension of gypsy/traveller site, requiring change of use of land to facilitate the creation of 2 gypsy/traveller pitches comprising 1 mobile home and 1 touring caravan, and one dayroom per pitch, alongside formation of permeable hardstanding
<b>AMENDMENTS</b>	14/09/2023- Additional NN calculations and PTP details 16/10/2023- Caravan Delivery Plan
<b>CASE OFFICER</b>	Mr Mark Staincliffe

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

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### 1.0 INTRODUCTION

1.1 The application has been called to Southern Area Planning Committee at the request of a member.

### 2.0 SITE LOCATION AND DESCRIPTION

2.1 The site is located within a rural setting, to the northern boundary is a series of paddocks, to the east are a small group of agricultural barns and yard and to the west is an existing lawful gypsy/traveller site consisting of two pitches. Access to the site will be taken from the existing access on Wellow Wood Road to the South. The site itself is bounded by hedgerow to the south and fencing to the west. Though a small section of hedgerow fronting onto Wellow Wood Road was recently removed, this was to facilitate the delivery of a replacement static caravan for the existing lawful site.

2.2 There is currently an area of hardstanding and two static caravans within the application site, neither of these benefits from formal planning permission.

### 3.0 PROPOSAL

3.1 Material change of use of the land for the siting of 2 residential caravans, the laying of hardstanding associated with the residential use of the application site, soft landscaping and the construction of a day room for each pitch. The application also includes the installation of a package treatment plant.

4.0 **HISTORY**

4.1 **19/01459/FULLS**- Erection of utility and storage buildings, fencing, and construction of permeable paving area (part retrospective) – *Permission 10.10.2019*

4.2 **18/03139/FULLS** – Retention of utility and shower room buildings and erection of day room – *Permission 19.02.2019.*

4.3 **17/01055/FULLS** – Retention of porch extension to lawful mobile home – *Permission 23.06.2017.*

4.4 **15/01814/VARS** – Variation of Condition 02 of planning permission 14/01282/FULLS (Continuation of use of land as a single gypsy plot and retention of shed) to allow for 2 no. additional caravans to be placed on site – *Allowed at Appeal 13.01.2017.*

4.5 **14/01282/FULLS** – Continuation of use of land as a single gypsy plot and retention of shed – *Permission 08.08.2014.*

4.6 **12/01993/FULLS** – Erection of stable block – *Allowed at Appeal 13.06.2013.*

4.7 **09/02695/FULLS** – Use of land as 2no private gypsy plots – *Allowed at Appeal 09.06.2011 (Temporary permission to 09.06.2014).*

5.0 **CONSULTATIONS**

5.1 Archaeology- No objection

5.2 Environmental Health- No objection

5.3 Highways- No objection

5.4 Landscape- No objection subject to conditions and landscaping details.

5.5 Rights of Way- No objection

5.6 Gypsy Liaison Officer-

- The applicant, Mr Powell, is of Gypsy and Traveller ethnicity as are his two sons.
- Both brothers are in the business of groundworks and travel constantly together for work on a national basis.
- They return home on a two-weekly basis to see their respective families and children and due to ongoing treatment and medication.
- Brothers indicated their need be at home to support their father who also has medical needs.
- Confirmed the families local connections with the area.
- There is no suitable alternative Local Authority accommodation provision.

- Hampshire County Council now has responsibility for one council site in the north of the county and currently there are no pitches available with seven applicants on the waiting list  
The applicants have a cultural lifestyle of living in traditional caravans and a history of travelling for economic purpose but would like to settle down to establish a more stable lifestyle.

6.0 **REPRESENTATIONS** Expired 20.11.2023

6.1 Wellow Parish Council (08 August 2023)- No objection subject to conditions requiring the site is to be used for residential purposes only.

6.2 Wellow Parish Council (05 September 2023)- Objection, contravenes National PPS Policy; over bearing, concerns that cesspit unsuitable for foul waste/overflow of existing drainage

6.3 Melchet Park and Plaitford Parish Council- Objection, Considering the number of pitches already in the small locality consisting of Sheffield English Lane, Flowers Lane, Scallows Lane and Wellow Wood Road any further increase would contravene even further the PPTS policy C.

6.4 The application generated 2 letters of objection. A summary of the points raised are set out below:

- Dominance of the settled community
- The cumulative effect that the application site and other sites in Wellow Wood Road would result in conflict paragraph 13 of the PPfTS.
- The application is silent on the ownership of the adjacent land.
- The biodiversity checklist has been incorrectly completed. The site is in close proximity to a SINC.
- No details relating to sewage.
- Footpath 38 crosses the field to the rear- Diggers and trade vehicles are regularly seen parked behind the site.
- 8-10m of hedgerow has been removed towards the front of the site despite the application say no hedge would be removed.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Planning Policy for Traveller Sites (PPfTS)

7.2 Test Valley Borough Revised Local Plan (2016)(RLP)

COM2 (Settlement Hierarchy)

COM13 (Gypsies, Travellers and Travelling Showpeople)

T1 (Managing Movement)

T2 (Parking Standards)

E1 (High quality development in the Borough)

E2 (Protect, conserve and enhance the landscape character of the Borough),

E5 (Biodiversity)

E7 (Water Management)

E8 (Pollution)

LHW4 (Amenity)  
T1 (Managing Movement)  
T2 (Parking Standards)

- 7.3 Supplementary Planning Documents (SPD)  
Wellow Village Design Statement  
New Forest SPA Mitigation- Interim Framework  
Gypsy and Traveller Accommodation Assessment 2021 (GTAA)  
Gypsy & Traveller pitch and Travelling Showpeople plot supply statement  
(September 2023)

## 8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Amenity
- Landscape impact
- Highways
- Design and layout
- Ecology
- Trees
- Nitrate Neutrality
- Accessibility
- Identified need for pitches
- Gypsy/traveller status of applicant

### 8.2 **Principle of Development**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be made in accordance with the development plan unless material considerations indicate otherwise.

8.3 COM2 presents the way the settlements, classified in the settlement hierarchy, will develop in the future. COM2 seeks to promote a sustainable pattern of development and to restrict development to areas within settlement boundaries, unless the proposal is considered to be appropriate within the countryside as set out in COM8-COM14, LE10 and LE16-LE18, or whether the proposal is considered to be essential to be located in the countryside.

8.4 The planning application has been submitted on the basis that the site will be an extension to an existing lawful site to provide two additional gypsy pitches and thus Policy COM13 of the RLP is relevant. Policy COM13 states that development to accommodate gypsies, travellers and travelling showpeople will be permitted provided that criteria a)-e) of the policy are met. These matters are considered in turn below.

### 8.5 **COM13**

#### Criteria a)- Accessibility to services and facilities

Paragraph 25 of the PPfTS has introduced the word 'very' in that "LPA's should very strictly limit new traveller site development in open countryside that is away from existing settlements." However, the PPfTS offer no guidance on how the word 'very' is interpreted. It is clear that the Government is adding an emphasis

that Traveller sites in the countryside should be strictly limited. The application site falls within the designated countryside area and represents an extension to an existing lawful Gypsy and Traveller site and this matter is considered below.

8.6 Paragraph 5.131 of the RLP accepts that sites can be located outside of the defined settlement boundaries, provided that they are in locations where facilities and services, such as schools and local shops are accessible.

8.7 In 2015 an application for an additional pitch on the adjacent site (Wellow Wood Paddock) was considered by a Planning Inspector at appeal (15/01814/VARS), the issue of the site's sustainability was discussed at Para 12 of the decision, with the Inspector stating:

*'this is not an application for a new site, but the more intensive use of an existing one, which it is agreed is in a sustainable location'*

Nothing material has changed to indicate that the site is no longer in a sustainable location and therefore meets the requirements of COM13 Criteria a) and is not in conflict with the Local Plan or PPfTS in this regard.

8.8 Criteria b)- Gypsy Status

The definition of Gypsies and Travellers and Travelling Showpeople for the purpose of planning policy has been amended to remove the words "or permanently" from the definition of Travellers and Travelling Showpeople in Annex 1 of the PPfTS. The Government believe it is fair that if someone has given up travelling permanently then applications for planning permission should be considered as they are for the settled community within national policy rather than the PPfTS. The PPfTS states " In determining whether persons are "Gypsies and Travellers" for the purpose of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) Whether they have previously led a nomadic habit of life
- b) The reasons for ceasing their nomadic habit of life
- c) Whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

8.9 The supporting statement identifies that the applicant and occupiers of the adjacent lawful site are of Gypsy & Traveller ethnicity. This has been recognised by the Council and Planning Inspectorate when considering previous planning applications and appeals. The proposed occupiers of the two new pitches are the sons of the applicant and it is therefore logical to assume that they too are of Romany Gypsy ethnicity. This conclusion has been supported by the Senior Gypsy Liaison Officer (SGLO) for Hampshire County Council.

8.10 Taking into consideration the available evidence and facts relating to the applicant and his sons it is considered that they are of Gypsy & Traveller ethnicity. In this respect the proposal complies with criteria b).

8.11 Criteria c)- Identified Need

At paragraph 27, the PPfTS recognise that “if a LPA 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, the change to the PPfTS is the additional following sentence “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.” The site does not fall within any of the identified exception areas.

8.12 The Gypsy and Traveller Accommodation Assessment (GTAA) was completed on behalf of the Council in 2021, with a base date of September 2020. It covers the period 2020-2036. This replaces the GTAA referred to in paragraphs 5.132, 5.133 and 5.135 of the RLP and the GTAA 2017. Based on the findings of the GTAA (2021), there is an identified need for pitches for gypsies and travellers.

8.13 In September 2023 the Council published a ‘Gypsy & Traveller Pitch and Travelling Showpeople Plot Supply Statement’. This statement provides a summary of the current level of need for new pitches and the five-year supply position of deliverable Gypsy and Traveller sites and Travelling Showpeople within the Borough. This document is for the period from 1 April 2023 to 31 March 2028.

8.14 This document is the most up to date policy position and confirms that the total need has increased since the GTAA (2017) and is currently 44 pitches for Gypsy & Travellers over the period 2020-2036 with 34 pitches needed within the first five-year period of the GTAA (2021). The document also confirms that the Council’s current supply position is 1.1 years measured against the PPfTS requirement of 5 years.

8.15 The Local Planning Authority, as confirmed by the County Council Gypsy Liaison Officer, is not currently in a position to identify or offer an alternative site for these families to move to. Furthermore, it is unlikely that any suitable sites will be identified or allocated in the short term as identified within the recently published ‘Gypsy & Traveller Pitch and Travelling Showpeople Plot Supply Statement’. As a result of this there is no alternate site available, the Council cannot demonstrate a 5 year supply of deliverable pitches. The Council’s own evidence confirms that there is an unmet need, as such the proposal complies with criteria c).

8.16 Criteria d)- Reason for the proposal to be located in the Borough

Para 5.137 of the RLP lists examples of specific reasons to locate within the Borough and these include the lack of availability of alternative accommodation or a local connection.

8.17 The County Council Gypsy Liaison Officer was consulted on the application and has provided a detailed response to the Council. This consultation response confirms that the applicant’s children are to occupy the two pitches.



8.18 Furthermore, the applicant's sons do not currently have a permanent pitch and there is no known availability in the Borough or in close proximity to it. The County Council Gypsy Liaison Officer has confirmed that Hampshire County Council has responsibility for one permanent residential site and currently there are no pitches available with a large waiting list. On the basis of the evidence submitted and consultation responses received it is accepted that there is a justifiable reason for the proposal to be located within the Borough. In this respect the proposal complies with criteria d)

8.19 Criteria e)- Site Size

The application was accompanied by evidence to demonstrate that there was sufficient space on site to accommodate the Caravan, Touring Caravan, as well as manoeuvrability for vehicles into and within the site. During a recent visit by Officers it was observed that the proposed access to the plots is currently hindered by an existing caravan, water feature and shed. The applicant's agent has confirmed that the submitted plans are correct and that the existing caravan that currently hinders access to the proposed site will be moved and the other items removed to allow for the access to be provided.

8.20 The plans and additional information demonstrate that there is sufficient space for the accommodation; parking and turning. In this respect the proposal complies with criteria e).

8.21 Taking into consideration paragraphs 8.5-8.20 it is considered that the proposal accords with Policy COM13.

8.22 **Gypsy & Traveller Pitch Supply**

Gypsy & Traveller pitch and Travelling Showpeople plot supply statement (September 2023) was recently published. This document confirms the Council's current identified need for Pitches, its currently supply position and reaffirms its commitments to meet its requirement. The document goes on to endorse the recommendations of the latest GTAA which recommends that this is undertaken through a combination of ways, including the intensification of pitches or expanding existing sites.

8.23 As set out in Paragraph 8.14 above-

- The total need is currently 44 pitches for Gypsy & Travellers over the period 2020-2036 with 34 pitches needed within the first five-year period of the GTAA (2021).
- The Council's current supply position is 1.1 years measured against the PPfTS requirement of 5 years

The document then goes on to confirm that the ability to meet the Boroughs need is being investigated and will be released with the consultation on the Local Plan. But, the following approaches are being explored to meet this need:

- Capacity and site deliverability assessment of permanent sites. This method intends to identify whether there are any planning constraints on existing sites that would prevent intensification linked with the need arising from each site. This study engages with site owners, and site residents to understand the appetite and deliverability for intensification where there is sufficient space for the further pitches.
- Linked to the capacity and site deliverability assessment is the investigation of whether existing sites could have small scale extensions to the existing permission whilst balancing any pertinent planning constraints.
- To consider those sites that have been promoted through the Strategic Housing Land Availability Assessment for gypsy, traveller and travelling showpeople.
- To consider those sites with existing planning permission and review whether that permission has been implemented and whether that site is being used to its full extent for which that permission permits.
- Draft a criterion based policy for inclusion within the forthcoming Local Plan in order to assess relevant planning applications.

#### 8.24 **Highways**

The application site utilises an existing vehicular access which was installed to facilitate the current use of the adjacent site for two pitches. The application proposes to utilise the existing vehicular access with no proposed changes. For the avoidance of doubt additional information was requested to confirm that no new or additional access on to Wellow Wood Road would be provided, the applicant's agent has confirmed that no new access is proposed. The submitted plans and information has been considered and no highway objection to the proposal is raised. The proposed development therefore accords with policy T1 and T2 of the RLP.

#### 8.25 **Amenity**

Other than the existing pitches adjacent to the site, the nearest residential properties to the application site are Steplake Cottage, Pilgrims Farm House and Greylands, all of which are over 100m from the location of the nearest proposed caravan. Taking into consideration the existing development on the adjacent site, the separation distance between the properties, intervening boundary treatment, single storey nature of the caravan and the proposed use of the site; it is considered that the proposal will not have an adverse impact on the residential amenities of adjoining properties in terms of loss of sunlight, daylight, privacy, overbearing impact or noise disturbance. For the reasons set out above the proposal accords with Policy LHW4 of the RLP.

#### 8.26 **Dominance of the Settled Community**

Paragraph 14 of the PPfTS states:

*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.*

- 8.27 In considering the 2011 appeal the Inspector was of the view that the proposal would not result in the dominance of the settled community. However, this position changed when the Inspector considered the 2017 appeal. At Paragraph 10 of that decision the inspector states:

*While the scale of this site is not dominant on its own, there is potential for a cumulative effect, which could undermine the first criterion of Paragraph 13 of PPfTS to “promote peaceful and integrated co-existence between the site and the local community”*

- 8.28 When considering the ‘cumulative effect’ the Inspector made specific reference to two sites located within a mile, those being ‘Jay’s Orchard’ & ‘Scallows Lane.’ In undertaking the planning balance, the Inspector was concerned at the potential for the dominance of the settled community with so many pitches being in close geographical proximity. Though the Inspector identified harm it was not substantial and on balance the planning appeal was allowed.
- 8.29 Having considered the conclusions reached by the Inspector in the 2017 it is considered that there is no planning reason to disagree with his conclusion. As such it is accepted that were planning permission to be granted for the current proposed development it would result in the dominance of the settled community and thus conflict with the PPfTS in this regard and weight is afforded to this matter within the planning balance.
- 8.30 **Flooding**  
The application site is located within an area as determined by the Environment Agency to be at low risk from extreme flooding (i.e. Flood Zone 1). As such, there is no requirement for the application to be accompanied by any flood risk assessment and it would be unreasonable to withhold permission on flooding grounds. For the reasons set out above the proposal accords with Policy E7 of the RLP.
- 8.31 **Landscape Impact and Design**  
The site itself has no statutory or non-statutory landscape designations. The immediate landscape is largely rural in appearance with residential development and agricultural operations and associated paraphernalia.
- 8.32 When viewed from the section of footpath ‘Wellow 28’, located to the north of the site. the site will be clearly visible for a large portion of it, such views are not unsurprising as the site historically formed part of the wider field network and only benefits from planting on its Southern boundary. The submitted plans propose hedging and planting to the north of the site. If a suitable mixed native hedge with a good proportion of evergreen mix is provided it is highly likely that this will establish and have a similar suitable countryside screening as seen at the adjacent site. Planting details and a management plan will be required, but such details can be controlled by a suitably worded planning condition.

- 8.33 When viewed from Wellow Wood Road the site itself is largely screened by an existing mature hedgerow. Partial views of the static caravans are likely to be possible, but these will be glimpsed and in all likelihood just the upper parts of the caravans will be visible. Though the site is located beyond any settlement boundary, public views of the proposed development will be seen in the context of existing built development and any harm to the character and appearance of the area will be limited and localised harm. By virtue of the existing landscaping and built development, the proposal will not be an obvious or detrimental feature within the immediate street scene or from longer distance views along Wellow Wood Road.
- 8.34 However, changes such as additional boundary treatment, means of enclosure, external lighting and commercial uses on site could result in harm to the character and appearance of the area. It is therefore deemed necessary to impose conditions to prevent such uses or development without due consideration of the Council.
- 8.35 As such, it is not considered that the two additional pitches, including the standard residential caravan and touring caravan, represent significant over development of the site in visual impact terms. Subject to conditions, the proposal is likely to result in minor localised harm to the character and appearance of the area and this harm will diminish over time as the landscaping establishes and matures. It is considered that there is minor conflict with Policies E1 & E2 of the RLP in that the proposal would adversely affect the character and appearance of the local area. As set out above the level of harm is minor, but this is a matter that weighs against the proposal.
- 8.36 **Ecology**  
International sites  
The development will result in a net increase in residential dwellings within 13.6km of the New Forest SPA and within 5.6km of the Solent and Southampton Water SPA. These distances define the zones identified by recent research where new residents would be considered likely to visit these sites. These SPAs support a range of bird species that are vulnerable to impacts arising from increases in recreational use of the sites that result from new housing development. While clearly one new house on its own would not result in any significant effects, it has been demonstrated through research, and agreed by Natural England that any net increase (even single dwellings) would have a likely significant effect on the SPAs when considered in combination with other plans and projects.
- 8.37 Subject to the completion of an agreement to secure the require contributions the proposed development would comply with the Council's adopted 'New Forest SPA Mitigation - Interim Framework', Solent Recreation Mitigation Strategy (2017), Policy E5 of the adopted Test Valley Borough Revised Local Plan 2016, and the Conservation of Habitats and Species Regulations 2010 (as amended).

8.38 **Nitrates**

Natural England advises that there are high levels of nitrogen and phosphorus input to the water environment of the Solent region caused by wastewater from existing housing and from agricultural sources and that these nutrients are causing eutrophication at the designated nature conservation sites which includes the Solent Water SPA. This results in dense mats of green algae that are impacting on the Solent's protected habitats and bird species.

- 8.39 Natural England further advises that there is uncertainty as to whether new housing growth will further deteriorate designated sites. To address this uncertainty is to achieve nutrient neutrality whereby an individual scheme would not add to nutrient burdens.
- 8.40 A finalised nitrate budget calculation and proposed mitigation has been submitted by the applicant and in order to mitigate the additional nitrate output generated by the proposed development, the applicant is proposing to enter into an agreement with Eastleigh Borough Council to offset the nitrates. Subject to a positive response from Natural England in regards the Council's Appropriate Assessment the offsetting mitigation would be secured in perpetuity by way of a s106 agreement. As such, the proposed development does not conflict with the Habitats Regulations and accords with Policy E5 of the TVBRLP.
- 8.41 **Ecology**  
Representations from residents have raised concerns about the accuracy of the submitted biodiversity checklist. They believe that the ancient woodland, watercourse and SINC to the north are within 100m of the site. They are also of the view that the land surrounding the site is a flower-rich meadow.
- 8.42 Having had an opportunity to review the Council's mapping system it is confirmed that the SINC, Ancient Woodland and watercourse to the north of the site are over 100m from the application site, furthermore the available evidence would indicate that the field to the north is not classed as a 'flower-rich meadow'.
- 8.43 The application site is located adjacent to existing development to the east and west and is currently laid to hardstanding. It is acknowledged that there is a hedgerow towards the southern edge of the site, but the application proposes no works to this as part of the scheme.
- 8.44 Though the site is located in close proximity to a SINC and is within the Mottisfont Bat Special Area of Conservation Buffer Zone it is concluded that the scheme would have no likely significant effect on any statutory or locally designated sites of wildlife importance or any legally protected or notable habitats or species.
- 8.45 The landscaping plans will act as an enhancement for biodiversity, however, it is necessary that any scheme utilises native species of local provenance. It is considered that the proposal would offer bio-diversity net gain and would therefore accord with the goals and aims of the NPPF and Policy E5 of the TVBRLP.

**8.46 Land Ownership**

A neighbour letter raised concerns that the submission did not identify the ownership of adjacent land. There is no requirement for applicants to identify the ownership of adjacent land. What applicants are required to do is identify the application site in red and any other land in their control in blue on the site location plan.

8.47 Plan number J004567-DD-01 Rev A identifies the application site and this is outlined in red. The plan also identifies another parcel of land, which is to the north of the application site (outlined in blue on the plan), and this is in the control of the applicant.

**8.48 Delivery of Caravans**

Concerns have been raised about the delivery of the two static caravans to the site and the possible removal of the existing frontage vegetation to facilitate it. Following discussions with the applicant's agent a 'Caravan Delivery Plan' has been submitted for the Council's consideration.

8.49 This plan identifies the route to be used for the delivery of the static caravans to the site and confirms that the existing landscaping fronting onto Wellow Wood Road will be retained in full. The static caravans will be delivered to the site via an existing access point on Steplake Lane, which is under the control of the applicant. The delivery of the static caravans is proposed to be controlled by way of planning condition.

**8.50 Sewage Provision**

The application as originally submitted proposed the use of a septic tank for sewage disposal for the additional pitches. Following discussions between the applicant, the Environmental Health Officer and the Case officer this has been changed to a package treatment plant. Following the submission of the specific plant to be installed and subject to its installation and maintenance being controlled by way of legal agreement, no objection is raised to the disposal of sewage.

**8.51 Planning Balance & Conclusion**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that "determination must be made in accordance with the plan unless material considerations indicate otherwise".

8.52 In undertaking the balance it is necessary to first identify the development plan position. In particular the conclusion that there would not be a conflict with Policy COM2 as the proposal is considered to be compliant with Policy COM13.

8.53 The scheme would, due to its size, scale and location, have a minor detrimental impact on the landscape character of the area, but this would diminish over time due to the proposed additional landscaping. There is therefore conflict with Policy E2 of the local plan and this is afforded moderate weight.

- 8.54 In environmental terms, it is suggested that the scheme offers opportunities for enhancement through landscaping. However, additional landscaping is required to mitigate the proposed development within the site. This should be afforded no weight in the planning balance.
- 8.55 In social terms, it would provide two additional Gypsy and traveller pitches and help meet the Council's identified need. As set out above, the Council can not demonstrate a 5 year supply and there is a current need for additional pitches. Furthermore, the Council is unable to identify alternative pitches in the locality. The provision of the two additional pitches in the backdrop of an identified need and lack of 5 year supply is a benefit, which should be afforded significant weight in the balance.
- 8.56 In economic terms, the scheme would provide construction jobs and some local investment during its build out. Albeit that these jobs and investment would be transitory and limited due to the level of development proposed. This is a matter to which limited weight is afforded in the planning balance as such a benefit would occur on any site within the borough and is a generic consequence of development.
- 8.57 In drawing the above findings together, it has been concluded that although the proposal is in the countryside, it would be a form of development that is permissible under Policy COM13 and there is therefore no conflict with COM2 of the RLP. The proposal would however result in localised harm to the character and appearance of the area and is of a scale, when considered in combination with other Gypsy and Traveller sites in the locality, that would dominate the nearest settled community and would therefore result in conflict with the PPfTS in this regard.
- 8.58 While the PPfTS says to very strictly limit new traveller sites in the open countryside, and that new sites should not dominate the nearest settled community, the Council has a significant identified need and no 5 year supply of deliverable pitches. Given the accepted need for pitches in Test Valley, and while progress is being made by the Council to address this, the emerging Local Plan is somewhat off, and it does not currently allocate any specific pitches, meeting this need in the short term, though allocations is unlikely.
- 8.59 Meeting the current need is a challenge and this has been acknowledged in the Council's recently published Gypsy & Traveller Pitch and Travelling Showpeople plot supply statement. This document states that the Council will aim to meet its requirement and then goes on to endorse the recommendations of the latest GTAA which recommends that this is undertaken through a combination of ways, including but not limited to, the intensification of existing pitches or expanding existing sites.
- 8.60 Taking into consideration the identified need, the Council's shortfall in the supply of suitable sites, and the Council's published strategy to meet its identified need, it is considered that the significant benefits of the scheme weigh in favour of permission and the public interest is best met by resolving to approve the application.

## 10.0 RECOMMENDATION

**Delegate to Head of Planning & Building for completion of satisfactory consultation with Natural England with respect to the impact of the development on European sites (together with any appropriate conditions as required), and the completion of a legal agreement to secure:**

- 1. Removal of nitrate mitigation land from agricultural production**
- 2. Future management of the nitrate mitigation land**
- 3. The provision of a financial contribution towards the New Forest Special Protection Area (SPA)**
- 4. Installation and maintenance of Package Treatment Plant**

**then PERMISSION subject to:**

- 1. The development hereby permitted shall be begun within three years from the date of this permission.  
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**
- 2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:  
J004567-DD-01 REV A  
J004567-DD-04 REV A  
J004567-DD-05 REV A  
J004567-DD-06  
Reason: For the avoidance of doubt and in the interests of proper planning.**
- 3. The site shall not be occupied by any persons other than Gypsies and Travellers, defined 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, but excluding members of an organised group of travelling showpeople, or circus people travelling together as such.  
Reason: It is necessary to keep the site available to meet that need in accordance with Test Valley Borough Revised Local Plan (2016) Policy COM13.**
- 4. No more than four caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended, shall be stationed on the site at any one time, comprising no more than two static and two touring caravans.  
Reason: To accord with the terms of the application and to ensure satisfactory planning of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policy COM13**
- 5. With the exception of the buying and selling of horses and ponies, no other commercial, industrial or business activities shall take place on any part of the site, including the storage of materials and goods.  
Reason: In the interests of neighbouring amenity and to ensure the protection of this countryside location in accordance with Test Valley Borough Revised Local Plan (2016) Policy LHW4.**



6. **No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.**

**Reason: To accord with the terms of the permission and in the interests of protection of this countryside location in accordance with Test Valley Borough Revised Local Plan (2016) Policy LHW4 and T1**

7. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure shall be erected within the or on the site.**

**Reason: In order that the Local Planning Authority can exercise control in the locality in the interest of the local amenities and to ensure the protection of important trees and boundary features in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 & E2**

8. **No development shall take place or caravans brought onto site until full details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. Details shall include:**

- 1) **Hard surfacing materials;**
- 2) **Planting plans;**
- 3) **Written specifications (including cultivation and other operations associated with plant and grass establishment);**
- 4) **Schedules of plants, noting species, plant sizes and proposed numbers/densities;**

**The landscape works shall be carried out in accordance with the approved details.**

**Reason: To enable the development to respect, complement and positively integrate into the character of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policies E1 and E2.**

9. **No external lighting shall be installed unless in accordance with details that have been submitted to and approved in writing by the local planning authority. The details shall include plans and details sufficient to show the location, type, specification, luminance and angle of illumination of all lights/luminaires.**

**Reason: To safeguard the amenities of the area, in the interests of road safety and to ensure the favourable conservation status of bats in accordance with Policies E5, E8, E2, E1 of the Test Valley Borough Revised Local Plan (2016).**

10. **No caravan shall be brought onto the site until a schedule of landscape implementation and maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for the phasing of the implementation and ongoing maintenance during that period in accordance with appropriate British Standards or other recognised codes of practise.**

**Development shall be carried out in accordance with the approved schedule. Any trees or planting that are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or**

**defective within this period, shall be replaced before the end of the current or first available planting season following the failure, removal or damage of the planting.**

**Reason: To enable the development to respect, complement and positively integrate into the character of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policies E1 and E2.**

- 11. The route of delivery of the static caravans shall be undertaken in accordance with the details shown on the Caravan Delivery Plan (Received 16 October 2023 ) and shall not be delivered to site by any other means.**

**Reason: In the interest of highway safety and to ensure that no tress or hedgerows are removed to enable the development to respect, complement and positively integrate into the character of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policies E1 and E2 and Policy T1.**

- 12. Prior to any caravan being brought onto site the access to the site, as shown on plan number J004567-DD-04 REV A shall have been provided in accordance with the details and shall thereafter be retained as such at all times without any obstructions.**

**Reason: In the interest of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1**

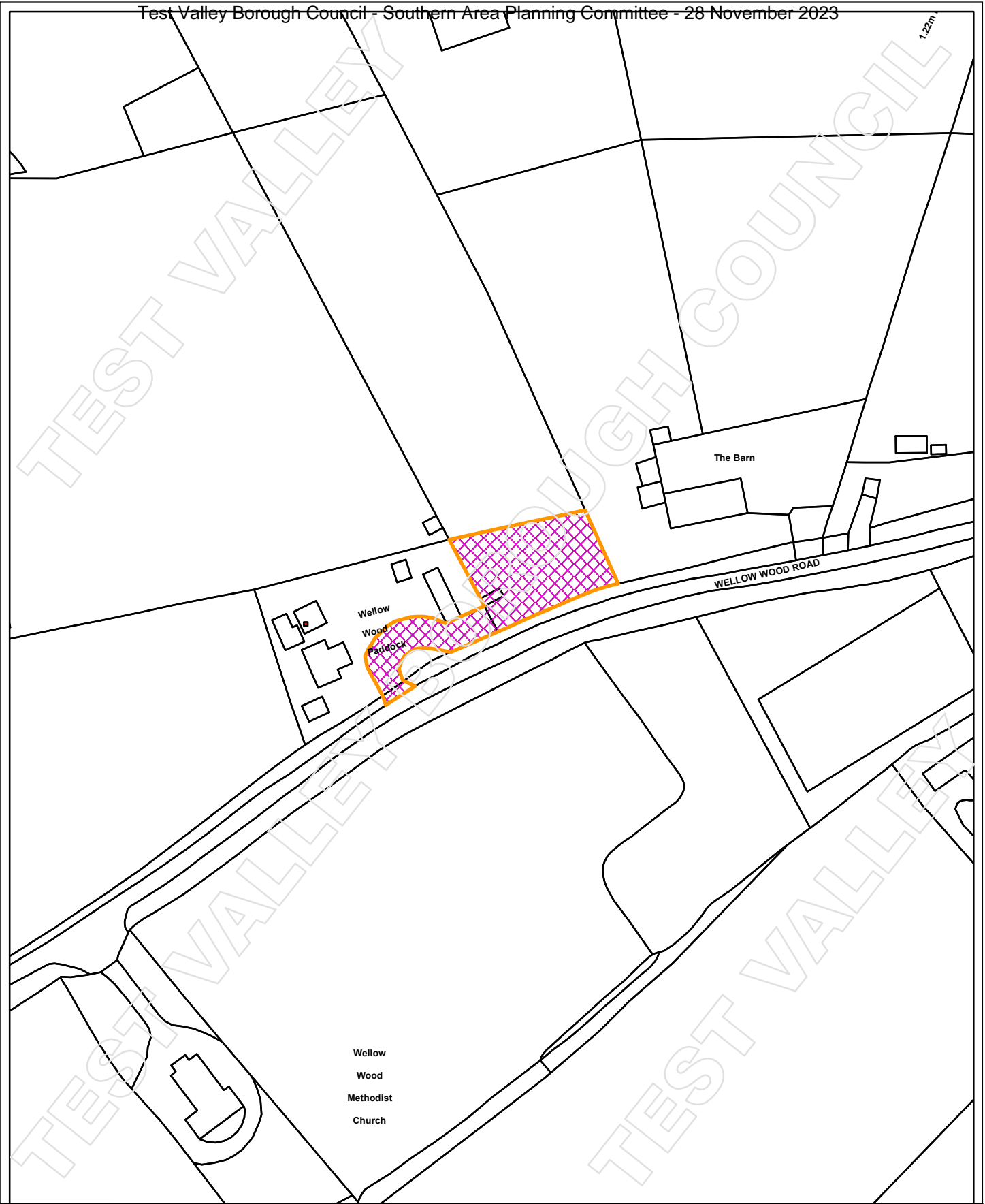
- 13. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no access, other than that shown on the approved plans, shall be formed to the site.**

**Reason: In the interest of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1 and in the interest of the visual amenity of the area in accordance with policy E1 and E2.**

**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.**
-

1:22m



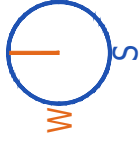
**Siteplan**



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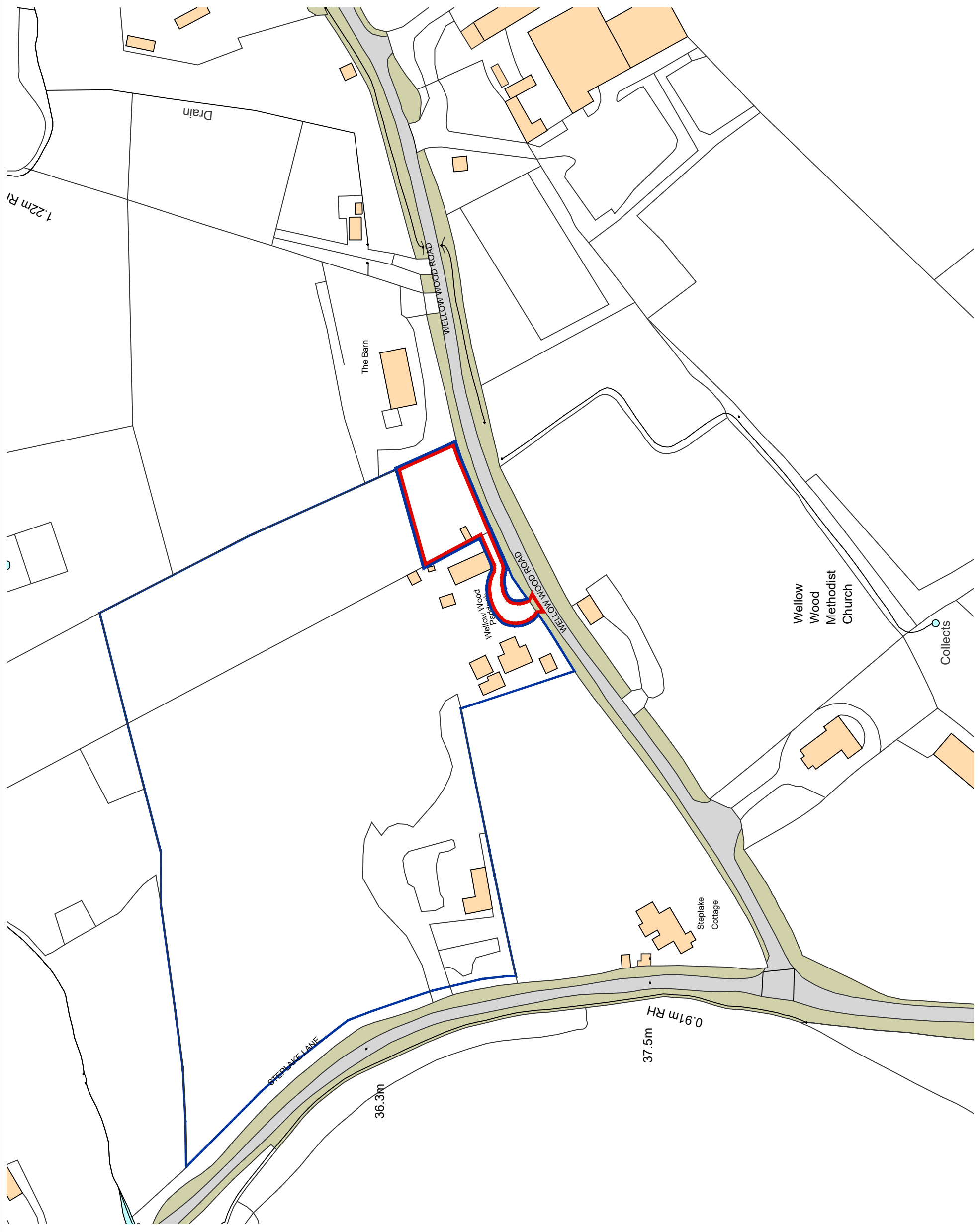


Site Area 2356.76m<sup>2</sup>

Rev	Date	Description

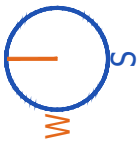
  

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Date July 2023	Drawn By NWM
Scale 1:1250@A3	Checked BW
Client Glyn Powell	
Project Wellow Wood Paddock West Wellow Romsey Hampshire SO51 6EP	
Title Site Location Plan	
Drawing No. J004567-DD-01	Rev. A





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Rev	Date	Description
A	06.07.23	Dayroom

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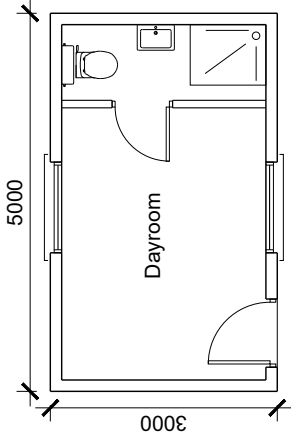
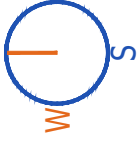
  

Date	July 2023
Drawn By	NWM
Checked	BW
Scale	1:500@A3
Client	Glyn Powell
Project	Wellow Wood Paddock West Wellow Romsey Hampshire SO51 6EP
Title	As Proposed Site Plan

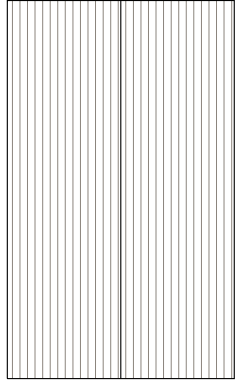


As Proposed Site Plan

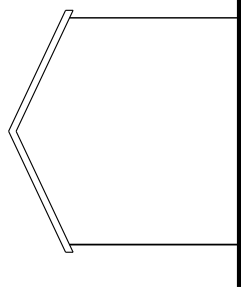
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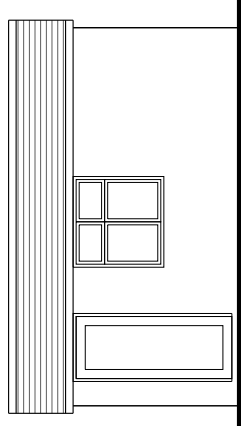
Ground Floor Plan



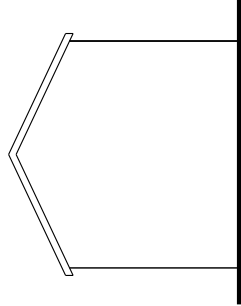
Roof Plan



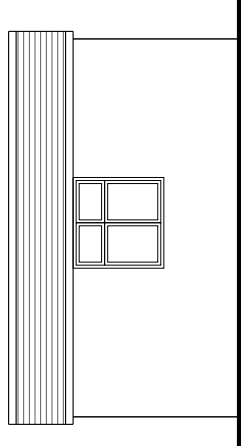
Side Elevation



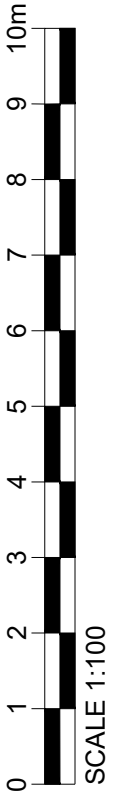
Front Elevation



Side Elevation



Rear Elevation



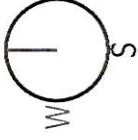
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Date	July 2023	Drawn By	NWM
Scale	1:100@A3	Checked	BW
Client	Glyn Powell		
Project	Wellow Wood Paddock West Wellow Romsey Hampshire SO51 6EP		
Title	As Proposed Floor Plans and Elevations		
Drawing No.	J004567-DD-06		
Rev.			



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Date	July 2023
Scale	1:1250@A3
Drawn By	NWM
Checked	BW
Client	Glyn Powell
Project	Wellow Wood Paddock West Wellow Romsey Hampshire SO51 6EP
Title	Site Location Plan

Drawing No.	J004567-BID-01
Rev.	

