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<b>APPLICATION NO.</b>	21/00348/FULLS
<b>APPLICATION TYPE</b>	FULL APPLICATION - SOUTH
<b>REGISTERED</b>	04.02.2021
<b>APPLICANT</b>	Mr W Webb
<b>SITE</b>	Sandhill Farm, Newtown Road, Sherfield English, <b>SHERFIELD ENGLISH</b>
<b>PROPOSAL</b>	Use of part of site for replacement of a residential mobile home
<b>AMENDMENTS</b>	None
<b>CASE OFFICER</b>	Katie Andrew

Background paper (Local Government Act 1972 Section 100D)

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## 1.0 INTRODUCTION

1.1 This application is presented to Southern Area Planning Committee as the application is a departure from the saved policies of the Local Plan and an objection has been received during the neighbour consultation period.

## 2.0 SITE LOCATION AND DESCRIPTION

2.1 Sandhill Farm is situated to the western side of Newtown Road and within the countryside area of Sherfield English Parish.

2.2 The wider site is characterised by large agricultural buildings, some of which have benefited from planning permission for change of use to Class B2 (General Industrial) and B8 (Storage) uses. The large agricultural building to the east of the site remains in agricultural use, most recently in the raising of poultry.

## 3.0 PROPOSAL

3.1 Change of use of land for the stationing of a residential mobile home.

## 4.0 HISTORY

4.1 16/03045/FULLS - Use of part of site for alternative siting residential mobile home to that granted a Certificate of Lawfulness under reference 13/00258/CLES. Permission subject to conditions and notes and a s106 agreement to restrict the total number units on site to one 14.03.2017

4.2 13/00888/FULLS - Continued use of former agricultural buildings for car repairs, storage of vehicles, and builders store (Classes B2 and B8). Permission 12.02.2014.

4.3 13/00258/CLES - Certificate for lawful existing use for the siting of residential caravan for a period in excess of ten years. Issued 25.04.2013.

## 5.0 **CONSULTATIONS**

### 5.1 Ecology Officer: no objection

- The proposed development is a re-submission of a previous application (16/03045/FULLS). No concern was raised by HCC Ecologists within this initial application, and therefore no concern is raised in relation to the current application.

### 5.2 HCC Highways Officer: no objection

- No objection subject to TVBC being satisfied that the level of parking provision falls in line with adopted standards

### 5.3 Trees Officer: no objection

- From site observations, there are no significant / important trees close to the proposal.
- There are some small trees and shrubs along the road frontage and the top bank that leads to the Sandhill Farm buildings, but they are outside of the proposal boundaries and are unlikely to be adversely affected by construction activities.
- The existing trees on the site are not considered to be a constraint to development and it is not reasonable to impose tree protection conditions in this instance.

### 5.4 Natural England: At the time of writing this report no response has been received however an update will be provided before SAPC.

## 6.0 **REPRESENTATIONS** Expired 02.07.2021

### 6.1 Sheffield English Parish Council: objection

- The new mobile home is to be situated on the roadside and not on the original site which is currently well screened from view

### 6.2 X8 letters of objection, summarised below:

- Siting of the caravan – in the field separate from the business site, within countryside land
- No overriding need
- The caravan should only be permitted in the developed part of the site
- Permitting the caravan would set a precedent
- Size and scale of the proposed caravan would mean that it is out of character with the area
- Concern that the field will be turned into residential curtilage
- No detail on how waste water is to be disposed of
- In the event that permission is recommended, conditions should be applied to prevent unrestricted sale, rental or use of the building as residential accommodation, and to restrict occupancy to the site owner or persons employed by the site owner for security reasons only
- The proposal would result in more accumulation of vehicles and associated storage
- The previous permission has lapsed

- There have been breaches of the planning application 13/00888, including excessive noise, machinery being used and operating outside of restricted hours
- Previous planning decisions
- It should be noted that apparent environmental concerns about livestock in the building are no longer valid as they are not used for livestock
- Concern that the existing conifer trees are dangerous
- An ecological impact assessment is needed – badgers, bats, wildlife disturbance, Solent neutrality
- Control of external design of unit should be put in place
- Legal agreement / condition needed for immediate removal of existing static unit prior to completion

## 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)(TVBRLP)

COM2: Settlement hierarchy

E1: High quality development in the Borough

E5: Biodiversity

E8: Pollution

LHW4: Amenity

T1: Managing movement

T2: Parking provision

## 8.0 **PLANNING CONSIDERATIONS**

### 8.1 The main planning considerations are:

- Principle of development
- Character and appearance of the area
- Biodiversity
- Pollution
- Neighbouring amenity
- Highways
- Parking provision

### 8.2 **Principle of development**

The site is situated within the countryside and beyond the nearest defined settlement boundary. In accordance with TVBLP policy COM2, there is a presumption against new development, particularly residential development, in these locations unless it is justified for the purposes of agriculture or forestry, or is of a type appropriate for the location. Such 'appropriate' types are seen to be an exception to the general restraint.

- 8.3 With regards to the change of use of land, in this instance it is considered that no policies listed in COM2 (a) are relevant to the consideration of the application. It is thus necessary for the development to be considered as essential to be located in the countryside to comply with the development plan. The proposed area for siting the mobile home is an alternative to the location identified in the certificate approved by the Council under 13/00258/CLES. The most recent and now expired application (16/03045/FULLS) provided evidence and justification for the alternative siting. The current application relies on similar justification, being- the applicant is concerned that there is no suitable location for the existing mobile home to be relocated within the area established by the CLE application in relation to the proximity of trees and the amenity impacts of the ongoing business and agricultural uses.
- 8.4 The meaning of 'essential' is not defined within Policy COM2. Therefore, it is necessary to consider it within its usual meaning. As set out above, the existing lawful mobile home is set in close proximity to trees and there are amenity issues caused by the impacts of the ongoing businesses on the wider site. As set out in policy LHW4 there is an expectation that dwellings have acceptable levels of amenity, which includes minimising the impact from sources of noise. It can therefore be considered necessary for any mobile home to have adequate amenity levels and to be located in a position that would facilitate this.
- 8.5 The original siting of the caravan was in close proximity to the livestock buildings, and was potentially detrimental both in terms of amenity as a result of noise and smells and the history of trees falling at the site and damaging the existing buildings. The alternative locations available within the site established by the CLE would be affected by the same concerns in relation to trees and proximity to the commercial buildings permitted under planning application 13/00888/FULLS.
- 8.6 The proposed siting of the replacement mobile home would be outside of the area established by the CLE permission. In this case, given the constraints of the site and significant potential for conflict with existing trees and adverse amenity impact on the occupiers of the mobile home, it is considered that the siting of the replacement mobile home away from the existing location would result in benefits to the amenity of the occupiers of the mobile home. Furthermore it must be noted that under the CLE permission the existing mobile home could be positioned anywhere within the previously permitted red edge.
- 8.7 An inspector considering a recently allowed appeal at Upper Eldon Farm (APP/C1760/W/20/3246112), though not identical to this application, had similarities with regards to principle. In that appeal the Inspector concluded that Policy COM2 of the RLP has two overarching functions. First, to direct development to the most sustainable locations and second to protect the countryside. The inspector also concluded that while technically the development was contrary to the policy, so long as the proposal does not result in any material harm to the countryside it would not conflict with the overarching aims of the policy. As set out above, the proposals are not

identical but there are similarities in the approach that should be adopted. The appeal decision is a material planning consideration and it is agreed that the approach adopted by the inspector is appropriate for the circumstances surrounding this application. Therefore, if this proposal does not result in any material harm to the countryside it would not conflict with aims of policy COM2 and can be supported, and the proposed development would therefore represent a justified departure from local plan policy.

- 8.8 The existing mobile home was the subject of an application for Lawful Existing Use certificate for the siting of a mobile home for residential use (13/00258/CLES). In determining that the certificate should be issued it was concluded that the mobile was on site and occupied for a period in excess of 10 years from the date of the certificate's submission. The stationing of a caravan on the land identified on the certificate for residential purposes is, therefore, the lawful use. The removal of the existing caravan and its replacement with a caravan as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Site Act 1968 as amended, would not require a separate grant of planning permission, providing it was located on the area of land identified in the certificate.
- 8.9 A site visit by the case officer has confirmed that the caravan marked on the submitted site plan for this current application was not on site at the time of the visit. The agent has clarified that the applicant had been about to commence the replacement of the mobile home under planning permission 16/03045/FULLS at the end of 2019. Under the terms of the s106 agreement it is not permissible to have more than one caravan on site at any one time and thus the original caravan was removed. However, installation of the new caravan was then held up due to COVID restrictions coming into force and it has been reported by the agent that the applicant could not proceed with implementing the permission before it expired in March 2020. The applicant's agent has confirmed that it was his client's intention to implement the permission and to live on site but current circumstances has delayed this.
- 8.10 As the proposed site would be outside of the area established by the CLE application it would be necessary to formally secure, by legal agreement, an undertaking to restrict the positioning of any mobile home within the site identified by the CLE in order to prevent a net increase in the number of dwellings at the site. Subject to such an agreement and the other material considerations discussed below the proposed development is considered to represent a justified departure from local plan policy.
- 8.11 **Character and Appearance**  
The wider site is situated to the western side of Newtown Road and is subject to a substantial increase in height from its eastern to western boundaries. The proposed mobile home is situated to the east of the site, and east of the existing conifer trees which align the access track from Newtown Road. The mobile home is situated to the south east of the industrial and agricultural buildings. The proposed mobile home is to be sited at the eastern boundary on the lowest part of the site and to the south of the access track.

8.12 Views of the development will be substantially obscured from Newtown Road by virtue of its siting on the lowest land and by the existing boundary hedgerow. There are no other public views of the site. It is noted that The Landscape Officer consulted on the previous application, 16/03045/FULLS, raised no objection to the proposed development subject to a condition to secure details of new landscape planting and the retention of the boundary hedge. It is considered reasonable and necessary to impose a similar condition. Subject to a s106 agreement to prohibit more than one mobile home on site, the proposed siting of the mobile home is considered to have no adverse impact on the character of the site or surrounding area and complies with policies E1 and E2.

**8.13 Arboriculture**

The application site is bordered by some significant tree planting. The eastern boundary along Newtown Road is comprised of generally poor quality mixed deciduous hedgerow with an abundance of Bracken. The southern boundary comprises mixed conifer trees close to Newtown Road. The western boundary is characterised by a small copse comprising beech and Oak trees up to 20m in height and subject to a Tree Preservation Order (TPO). The proposed location has been further removed from existing trees in the amended plans received and the Arboricultural Officer has raised no objection and the proposal is considered to be in compliance with policy E2.

**8.14 Amenities of neighbouring properties**

The nearest residential properties are situated to the north of the application site fronting Newtown Road. The nearest of which is Sandhill Farm House which is situated approximately 50m from the proposed mobile home at the nearest point. There are no nearby properties to the south, west or east of the site. As a result of the separation distance, change in levels and substantial boundary planting the positioning of the mobile home is not considered to have any significant detrimental impact on the amenities of neighbouring properties and complies with policy LHW4.

**8.15 Highways**

The relocation of the mobile home would not result in increased vehicle movements and would reduce potential conflict with the industrial and agricultural uses. As a result the proposed development is considered to have no significant adverse impact on highways or pedestrian safety and complies with policy T1.

**8.16 Ecology**

The proposed siting of the mobile home would have no adverse impact on any statutory or locally-designated sites of wildlife importance, or any legally protected or notable habitats or species. This development lies within the 13.6km zone around the New Forest Special Protection Area (SPA) where new residential development will need to contribute to the Test Valley SPA mitigation strategy the proposal however subject to the completion of the legal agreement, would not result in a net increase in dwellings at the site and therefore this would not apply in this instance. Additionally, subject to the completion of the legal agreement to ensure that there is no net increase in the number of dwellings on the site, the proposal does not need to demonstrate nitrate neutrality. The proposal is in accordance with policy E5.

### 8.17 **Other matters**

Matters such as the possibility of the mobile home setting a precedent and concern about future development and uses of the caravan, and that the field will be turned into residential curtilage, are noted. However, these are not matters being sought permission for and are therefore not material to the determination of this application. Were an application to be submitted for such development it would be considered on its own merits. Additionally, concerns have been raised in relation to breeches of the planning application 13/00888/FULLS, including excessive noise, machinery being used and operating outside of restricted hours. These breeches do not render this application unacceptable.

### 9.0 **CONCLUSION**

9.1 The proposed development is considered to have no significant detrimental impact on the appearance of the site or surrounding countryside area and represents a sustainable form of development in the context of the previous permission to station a mobile home at the site. The development is considered to have no significant adverse impact on the amenities of neighbouring properties, trees, ecology or highways. Subject to the completion of a legal agreement to limit the total number of mobile homes on site, the proposed development is considered to be a justified departure from local plan policy and is therefore acceptable.

### 10.0 **RECOMMENDATION**

**Delegate to Head of Planning and Building for the following:**

1. **The completion of a legal agreement to formally secure an undertaking to restrict the positioning of an additional mobile home within the site identified by the CLE in order to prevent a net increase in the number of dwellings at the site, and thus ensuring that the proposal is in full compliance with Policy COM2 of the Test Valley Borough Revised Local Plan (2016).**

**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  
Site location plan, block plan, proposed site plan  
Reason: For the avoidance of doubt and in the interests of proper planning.**

3. **No development shall take place 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: proposed finished levels or contours; means of enclosure; car parking layouts and hard surfacing materials, implementation plan & management plan. 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.**

4. **The existing hedgerow on the east boundary of the site shall be retained and maintained at a minimum height of 2 metres and any plants which die within a five year period shall be replaced unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: To ensure maintenance of screening to the site and to protect the appearance and character of the area and in accordance with Policy E2 of the Test Valley Borough Revised Local Plan (2016).**

**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.**
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