
APPLICATION NO.	23/01752/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	13.07.2023
APPLICANT	Mr Glyn Powell
SITE	Wellow Wood Paddock, Wellow Wood Road, West Wellow, SO51 6EP, WELLOW
PROPOSAL	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
AMENDMENTS	14/09/2023- Additional NN calculations and PTP details 16/10/2023- Caravan Delivery Plan
CASE OFFICER	Mr Mark Staincliffe

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

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 Sherfield 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.
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