

---

<b>APPLICATION NO.</b>	23/01053/FULLS
<b>APPLICATION TYPE</b>	FULL APPLICATION - SOUTH
<b>REGISTERED</b>	31.05.2023
<b>APPLICANT</b>	Mrs Jenny Govan
<b>SITE</b>	Hilltop Farm, Newtown Road, Newtown, <b>SHERFIELD ENGLISH / AWBRIDGE</b>
<b>PROPOSAL</b>	Continued seasonal change of use from agricultural and (formerly golf course) to tourism accommodation comprising x 2 overnight holiday let shepherds huts, x 3 ancillary huts (kitchen, break-out and replacement larger bathroom), two open front shelters, timber decking, formation of car park area, sewage treatment plant and landscaping
<b>AMENDMENTS</b>	Received on 22.06.2023, 29.08.2023 and 14.11.2023: <ul style="list-style-type: none"><li>• Additional and amended information relating to nutrient neutrality.</li></ul> Received on 22.06.2023, 29.08.2023: <ul style="list-style-type: none"><li>• Additional information relating to economic impact of development.</li></ul>
<b>CASE OFFICER</b>	Graham Melton

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

---

## 1.0 INTRODUCTION

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

## 2.0 SITE LOCATION AND DESCRIPTION

2.1 The application site is an area of open fields measuring approximately 0.7ha located to the rear (west) of the residential property known as Hilltop Farm on the west side of Newtown Road. The application site was previously in use as a golf course.

## 3.0 PROPOSAL

3.1 The proposal is a retrospective application for the use of the land for the siting of 2 shepherds huts as 1 bedroom holiday let units. One shepherd hut measures approximately 3.2m by 2m by 3.1m and the other hut measures approximately 3.9m by 2m by 3.1m, with both huts located in the southern section of the application site. Both shepherds huts are served by fixed timber decking.

3.2 In connection with the occupation of the shepherds huts, the application also seeks retrospective permission for the following structures and features:

- Stationing of a shepherd's hut as a kitchen, measuring approximately 4m by 2m by 2.8m located on the eastern boundary of the application site.
- Stationing of a shepherd's hut as a lounge, measuring approximately 4m by 2m by 2.8m, located on the eastern boundary of the application site.
- Stationing of a shepherd's hut as a bathroom, measuring approximately 2.5m by 2m by 2.8m located in the north-west corner of the application site.
- Timber structure measuring approximately 5.4m by 3.3m by 3.6m used as a store, located on the eastern boundary of the application site.
- Timber structure measuring approximately 5.4m by 3.3m by 3.6m used as a store, located in the southern section of the application site.
- Formation of loose gravelled car parking area on the western boundary of the application site.
- Installation of package treatment plant.

3.3 The proposed tourism use would be limited to six months per calendar year (start of April until end of September).

The overall site area demarked by the red-edged application site extends to 0.7Ha but only two shepherds huts are proposed to be used at any point in time for overnight tourist accommodation.

#### 4.0 **RECENT HISTORY**

4.1 **21/02458/FULLS** – Conversion of outbuilding to holiday let (Retrospective).  
*Permission subject to conditions and notes, decision issued on 04.03.2022.*

#### 5.0 **CONSULTATIONS**

5.1 **Ecology** – No objection subject to conditions.

5.2 **Environmental Protection** – No objection.

5.3 **Highways** – No objection.

5.4 **Natural England** – No objection subject to securing appropriate mitigation.

6.0 **REPRESENTATIONS** Expired 27.11.2023

6.1 **Awbridge Parish Council** – No objection.

- The Parish Council (PC) considers it unfortunate that the application is retrospective.
- This may have influenced responses to the development.
- The PC notes that the applicant has voluntarily entered a S106 obligation restricting further expansion of the site.
- The PC would welcome a proportion of the S106 developer contribution to be used for the benefit of Awbridge parishioners.

*Case officer note: It is not considered any developer contributions to the Parish Council as secured by a section 106 agreement is applicable in this instance, as there is no planning basis for securing contributions.*

## 6.2 **Sherfield English Parish Council** – No comment.

- Sherfield English parish council have considered the above submitted application and make no comment on the proposal.
- However, would like it noted there are a lot of objections from parishioners concerning security, noise, smell and privacy issues.
- The parish council cannot validate that this business has been in operation for 10 years and would suggest historical research is required.
- There is also some suggestion that the scale and drawings submitted are not correct suggesting the huts are further from the boundary than would be the case.

## 6.3 **Romsey & District Chamber of Commerce** – Support (summarised).

- The Chamber of Commerce is always in support of ensuring and developing a sustainable rural business community.
- Rural communities have seen a loss of their village shops, garages, pubs and many other small businesses like blacksmiths and sawmills.
- This has forced people to have to travel for employment sometimes to major cities and towns and can almost leave some of these rural villages ghost villages during the day.
- TVBC has always promoted tourism due to the outstanding countryside through the Test Valley and additional visitor accommodation in this area is desperately needed.
- Aware that the application site formally made-up part of the Dunwood Manor Golf and Country Club.
- One of our elected members has visited the location and his findings are that the shepherd huts were beautifully presented and blended into a natural environment, there was nothing industrial or unsightly, nor did it overlook neighbouring properties.
- The footfall would be considerably less than that of a full member golf club and many golf clubs have generous hours enabling people to start playing golf from very early in the morning.
- Feel this application would create part-time opportunities for local people in the form of housekeeping and grounds maintenance upkeep.
- It would also allow the applicant to have a sustainable form of income enabling them to stay within the rural community they were brought up in.
- Additional footfall as a result of this application would be minimal compared to the previous land use.
- Additionally, tourists coming to enjoy the Test Valley countryside are likely to spend additional money within the local area.
- We would therefore urge you to support this planning application in the interests of the commercial prosperity of Romsey and surrounding district.

## 6.4 **29 letters from residents** – Support (summarised).

- National Planning Policy Framework.

- Development accords with paragraphs 84 and 85 (supporting a prosperous rural economy) of the NPPF. *Case officer note: these paragraphs are numbered 88 and 89 of the current version of the NPPF.*

#### Principle of development

- Need to support small local entrepreneurs and small scale tourism, supports local rural economy.
- Shepherds huts offer a different type of tourism accommodation for visitors to the area.
- Benefit of providing a peaceful surrounding for tourism visitors in an environmentally sensitive manner.
- There is no intention to expand the business any further.
- Efficient use of land.
- Application site was previously in use as a golf course.

#### Impact on the character and appearance of the area

- The huts are very unobtrusive and are well screened when in use resulting in a low key and unassuming presence.
- Design, character of the area.

#### Impact on the amenity of residential property

- Occupation of shepherds huts does not disturb occupants of neighbouring property with a wooded copse providing a buffer to residential property.
- No significant noise increase.
- Previous use of application site as a golf course generated greater disturbance.
- Trees.

#### Ecology

- Management of application site has resulted in an enhancement of onsite biodiversity.

#### Water Management

- No significant drainage issue.

#### Highways

- No increase in traffic or issues with parking on Newtown Road.

#### Crime and Community Safety

- No significant crime increase to the area.

### 6.5 **11 letters from residents** – Objection (summarised).

- National Planning Policy Framework.
- Government advice circulars.
- Test Valley Revised Local Plan 2016.
- Previous planning decisions.

### Principle of development

- Cannot see a need for the development, no sequential or impact assessment has been undertaken.
- There is already a large holiday facility in the local area that offers a facility to accommodate visitors to the local area.
- Cannot see how proposal complies with Policy LE18 (Tourism) of the Local Plan.
- Proposal is essentially asking for use of the site as a caravan park as huts qualify as a caravan under the definition within the Caravan Sites and Control of Developments Act (1960).
- Concerned about potential future expansion of business without consultation with neighbours or Local Planning Authority.
- Restrictions should be imposed via section 106 agreement and conditions with respect to tourism use only, number of units onsite and type of units to be stationed onsite.

### Impact on the character and appearance of the area

- Design, character of the area.
- Over development, appearance of huts clearly has an impact on the landscape.
- Trees.

### Impact on the amenity of residential property and the general amenity of the area

- Impact arising from noise pollution.
- Noise from visitors is exacerbated by the valley shape of the surrounding landscape with disturbance already experienced late at night.
- Impact on privacy, overlooking.
- The huts look extremely close to adjoining properties which results in overlooking and removes privacy.
- In particular, huts labelled as numbers 1, 2, 3 and 4 overlook high amenity areas of Hilltop Lodge.
- No topographical survey provided to enable an assessment of the overlooking of neighbouring property.
- Suggest moving huts away from boundary with neighbouring properties to the opposite boundary of the application site.
- No evidence to demonstrate the proposed package treatment plant is feasible accounting for site conditions such as the height of the water table, a 12-month monitoring survey is required.

### Ecology

- Impact on ecology and adjoining SINC area.
- Simple phase 1 ecology walkover survey is not sufficient.
- Any increase in noise pollution and lighting would affect wildlife so a dawn/dusk survey is required.
- Observed the presence of deer, wild ducks, foxes, and bats onsite.
- Risk of damage to the adjoining woodland from BBQ's or fires suggest a condition preventing open fires or requiring additional fencing.

- Concern about the potential additional nitrate loading from the tourism use, don't think the replacement of a septic tank that doesn't have planning approval for a package treatment plant should serve the basis for mitigation.

#### Highways

- Traffic generation, parking and safety.
- Road is already used as a short cut between the A27 and Awbridge so to increase more traffic to the road is unacceptable.

#### Crime and Community Safety

- Risk of uncontrolled anti-social behaviour from visitors potentially not local to the area.

#### Other matters

##### *Precedence*

- Granting permission would set a precedent for further change of use applications.

##### *Enforcement*

- Object on the basis that the business has already been running for 6 years without permission.
- Concerned about previous use of shepherds huts in breach of conditions imposed on application reference 21/02458/FULLS, not clear why planning for the shepherds huts and stable block was not sought at the same time.
- How will proposed restrictions be policed?

##### *Accuracy of submitted information*

- Biodiversity checklist and application form has been filled out incorrectly with respect to the location of key environmental features.
- Placing of huts is in dispute as demonstrated by third party survey.

##### *Non-material considerations*

- No evidence submitted to demonstrate proposal complies with the requirements and criteria of the caravan site licensing process.
- Impact on property prices.

## 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)

Policy SD1: Presumption in Favour of Sustainable Development

Policy COM2: Settlement Hierarchy

Policy LE18: Tourism

Policy E1: High Quality Development in the Borough

Policy E2: Protect, Conserve and Enhance the Landscape Character of the Borough

Policy E5: Biodiversity  
Policy E7: Water Management  
Policy E8: Pollution  
Policy LHW4: Amenity  
Policy T1: Managing Movement  
Policy T2: Parking Standards

7.3 Supporting Planning Documents  
Draft Awbridge Neighbourhood Plan

*Case officer note: The draft Awbridge Neighbourhood Plan is currently undergoing public consultation on the Regulation 14 draft and therefore, does not carry any significant weight in the assessment of this current application.*

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Impact on the character and appearance of the area
- Impact on the amenity of residential property and the general area
- Ecology
- Water Management
- Pollution
- Highways
- Crime and Community Safety
- Other considerations
- Other matters
- Planning Balance

8.2 **Principle of development**

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

The application site is located on land outside of a settlement boundary and therefore is designated as countryside by Policy COM2 of the TVBRLP. Policy COM2 of the TVBRLP states that development outside the boundaries of settlements will only be permitted if:

- a) *It is appropriate in the countryside as set out in the RLP Policy COM8 – COM14, LE10, LE16 – LE18; or*
- b) *It is essential for the proposal to be located in the countryside*

8.3 *Policy LE18*

One of the policy exceptions listed under criterion (a) of Policy COM2 is Policy LE18 (Tourism) which states as follows:

*Proposals for tourist development will be permitted provided that:*

- a) *the proposal is located within a settlement; or*
- b) *where the proposal is located within the countryside:*
  - i) *it utilises an existing building and meets the requirements of policy LE16; and*
  - ii) *any extension or new buildings form part of an existing tourist facility; and*

- iii) in the case of seasonal structures these are temporary in nature and do not have an adverse impact on the landscape; and*
- iv) in the case of touring caravans and camping sites these are not prominent in the landscape.*

*Proposals which involve the loss of serviced accommodation (Class C1) and non- serviced tourist accommodation, including caravan and camping sites, will only be permitted provided that it can be demonstrated that the existing living accommodation unit is no longer economically viable or required.*

- 8.4 In this instance, the development does not form part of the adjoining tourism unit previously permitted under application reference 21/02458/FULLS (paragraph 4.1). As a result, the application site does not form part of an existing tourism site and use of any of the shepherds' huts and ancillary structures in a fixed position onsite does not qualify as the conversion of an existing building or use of seasonal structure. Consequently, it is not considered the development complies with Policy LE18 of the TVBRLP.
- 8.5 None of the policy exceptions listed under criterion (a) of Policy COM2 are applicable. Therefore, the proposed scheme falls to be assessed against criterion (b) and whether a countryside location for the proposal has been demonstrated as essential.
- 8.6 Whilst it is noted the supporting information refers to the rural countryside setting as a key feature of the tourism accommodation provided, it is not considered a countryside location is inherently essential for the provision of tourism accommodation. As a result, it is considered the development does not comply with criterion (b) of Policy COM2 and is contrary to the development framework of the TVBRLP.
- 8.7 Other material considerations  
In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, an assessment is required as to whether there are other material considerations that would outweigh the development plan conflict identified above.
- 8.8 *Historic use and lack of visual prominence*  
In this instance it is considered there are unique characteristics of the application site that generate some weight in favour of the development. It is noted the application site previously functioned as part of the Dunwood Golf Club. Therefore, the application site has historically been in use as a leisure facility generating a low level of activity onsite. Given the modest number of units proposed and the dispersed layout of the huts and structures, it is considered the level of activity onsite generated by a tourism use would not be dissimilar to this historic use as a golf course, notwithstanding its nature as overnight accommodation.
- 8.9 In addition, it is not possible to obtain clear views of the application site from the public realm, with huts and structures located to the rear of the residential properties aligning Newtown Road and mature woodland to the west and south preventing clear views from the surrounding public rights of way network.



- 8.10 As a result of these individual characteristics, it is considered the proposed tourism use will not introduce any significant increase in disturbance to or visual intrusion upon the character and tranquillity of the rural countryside in this instance.
- 8.11 *Economic Impact*  
In support of the proposal, evidence of the economic impact arising from the tourism use of the shepherds' huts has been provided based on data held by an established third-party booking website and anecdotal evidence from previous visitors. This figure is projected economic benefits off-site. It does not include the income generated by renting the units by the applicant. The submitted information indicates an average spend figure of £124 per night, per unit. Taking into account the proposed provision of 2 separate units this would equate to £496 per weekend for the whole of the development. Factoring occupancy based on previous booking data, the applicant has calculated this spend would equate to £7,000 per annum.
- 8.12 Regardless of the final total figure, it is evident that some off-site economic benefit will be generated by the proposal with the Romsey and District Society Chamber of Commerce writing in support of the application. It is recommended that moderate weight be afforded to the income in the planning balance.
- 8.13 *Conclusion*  
Although a conflict with Policy COM2 and the development framework of the TVBRLP has been identified, there are other material considerations that could weigh in favour of the principle of tourism accommodation at the application site, despite the conflict with the Borough Council's Local Plan. In particular, the previous use of the application site as a leisure facility and its screening from the public realm will ensure there is no significant intrusion on the character of the rural countryside setting, particularly given the modest number of units proposed and the dispersal of development over a large area of land.
- 8.14 It is noted third party representations have raised concern regarding the potential intensification of the tourism use beyond the 2 units currently proposed. In addition, the conclusion on the acceptability in principle for tourism accommodation as set out above is formed in part due to the modest scale of units proposed for the significant area of land that forms the application site. Consequently, it is considered necessary in this instance to limit the number of units of overnight accommodation to the 2 units as proposed through the imposition of a condition, including a removal of the Permitted Development rights referred to in paragraphs 8.41 and 8.42 below. These restrictions will ensure the level and scope of tourism use is not increased without the submission of a subsequent formal application for assessment by the Local Planning Authority.
- 8.15 Following the assessment undertaken above, it is considered the principle of development is acceptable. An assessment of the other material considerations and a full planning balance exercise is undertaken below.

#### 8.16 **Impact on the character and appearance of the area**

##### *Design*

As identified above, the application site is located to the rear of the residential properties aligning Newtown Road with mature woodland preventing in close proximity to the south and west boundaries of the application site. The shepherds huts and ancillary structures are modest in scale, finished predominantly in either timber cladding or metal sheeting painted dark green. As a result, it is considered the appearance of the huts and structures is characteristic of the rural surroundings that avoids any materially significant visual prominence within the wider landscape.

#### 8.17 *Trees*

Several of the ancillary structures and huts are located on the eastern boundary of the application site in close proximity to the adjoining mature woodland. In the absence of any substantive ground excavation or foundations required to station the ancillary shepherds huts or the open sided field shelters, it is not considered there has been any materially significant harm to the health and retention of the mature trees. As a result, whilst the concern raised within third party representation letters is noted, it is not considered this concern can reasonably form the basis for refusing the application.

#### 8.18 *Conclusion*

Following the assessment undertaken above, it is considered the development integrates with the rural character of the area and avoids the loss of any key landscape features. As a result, the application is in accordance with Policies E1 and E2 of the TVBRLP.

#### 8.19 **Impact on the amenity of residential property and the general area**

##### *Privacy*

The eastern boundary of the application is located in proximity to the neighbouring properties aligning Newtown Road. In particular, the ancillary structures in the south-east corner of the site are located in proximity to the boundary with the residential properties known as Hilltop Barn and Hilltop Lodge. However any clear views are prevented by the intervening mature woodland and the minimum separation distance between the structures and the neighbouring dwellinghouses is 40m. From the site visits by the case officer to both the application site and one of the residential properties, it is evident that glimpse views of the neighbouring property are only possible by entering the woodland area which does not form part of the application site. As a result, it is not considered the proposal results in any materially significant overlooking or loss of privacy to justify a reason for refusal.

#### 8.20 *Noise*

As the number of overnight accommodation units is limited to 2 and the positioning of the bedroom huts is within the centre of the application site rather than on the boundary with neighbouring property, it is not considered any associated noise disturbance generated by the proposal is materially significant to justify a reason for refusal.

### 8.21 *Foul Drainage*

In the absence of any available connection to mains drainage, it is proposed to install a package treatment plant onsite, with the installation and ongoing maintenance of the package treatment to be secured as part of a legal completed prior to planning permission for the rationale set out below in the section titled 'Nutrient Neutrality'. It is noted that on this matter, third party representations have raised concern with regard to the compatibility with the physical characteristics of the application site such as the height of the water table. However, it is considered that these technical matters will be covered under the separate building control and Environment Agency licencing processes. As a result, it is considered the proposed foul drainage arrangement is acceptable.

### 8.22 *Conclusion*

Following the assessment undertaken above, it is considered the development sufficiently provides for the amenity of residential property and the general area. As a result, the application is in accordance with Policies LHW4 and E8 of the TVBRLP.

### 8.23 **Ecology**

#### Onsite biodiversity

In support of the application, a preliminary ecological appraisal (Daniel Ahern Ecology, April 2023) has been undertaken assessing the current ecological conditions of the application site and the impact of the proposed tourism use. The submitted assessment identifies the application site as currently comprising improved grassland with the surrounding mature woodland providing a significant ecological feature. Third party representations have referred to the requirement of additional walkover surveys, however the Ecologist has not raised any concerns with the level of detail provided. From site visits undertaken by the case officer, it is considered the submitted survey information is sufficient particularly as the proposal does not trigger the loss of any mature trees.

8.24 The positioning of the huts and ancillary structures is located on the improved grassland with little potential impact on protected species and habitats as a consequence. With respect to the surrounding mature woodland surrounding the application site which in part also serves as a SINC, it is noted although there are huts and ancillary structures located in close proximity to this woodland, the layout of the site does not incorporate the woodland itself. With respect to any potential additional fire risk, it is considered the scope for additional risk is limited and covered in part by other legislation such as the site licensing process. As a result, whilst the concerns raised by third party representations are noted it is not considered this concern forms a reasonable basis for refusing the application. This conclusion is formed in part on the basis that a condition securing specification details of any external lighting is imposed to prevent any adverse impact from light spill.

8.25 It is noted the consultation response from the Ecologist refers to the Biodiversity Net Gain requirement, but this requirement is not applicable in this instance and therefore has not been assessed any further. Biodiversity improvements will be provided onsite through the planting of woodland areas in connection with the nutrient neutrality mitigation as detailed below. Consequently, it is considered

the proposal will avoid any material harm to protected species or habitats onsite.

8.26 Offsite biodiversity: Nutrient Neutrality

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.

8.27 To identify the impact of the development undertaken, a nutrient budget calculation in accordance with the standard methodology set out in Natural England guidance has been undertaken.

8.28 Due to the nature of the development as tourism accommodation, a bespoke occupancy rate has been utilised. The rationale for this approach is on the basis both holiday lets comprise 1 bedroom units with a single double bed and therefore it is considered appropriate to limit potential capacity to 2 people per night rather than applying the standard household average size of 2.4 people. A further 50% reduction has been applied due to limitation on occupancy of the units for 6 months per calendar year. Following initial comments provided by Natural England including a review of photographs taken onsite, land use classification of open urban land for both the existing and proposed calculations. Using these inputs, the calculation undertaken identifies the proposed tourism use will generate an additional nitrate loading of 0.84 Kg/TN/yr.

8.29 To offset this additional nitrate loading, it is proposed to install a package treatment onsite in combination with the offsetting of land within the wider application site as woodland, for a combined area measuring approximately 1,400sqm. These proposed mitigation measures will ensure the additional nitrate loading is sufficiently offset.

8.30 On the basis of the proposed mitigation measures outlined above, an Appropriate Assessment was completed with Natural England providing a response of no objection subject to securing the mitigation measures prior to determination. This will be achieved through the completion of a legal agreement as set out in recommendation 'A' below.

8.31 Offsite biodiversity: Recreational Pressure

*New Forest SPA*

The proposed 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 dwelling 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.

- 8.32 To address this issue, Test Valley Borough Council has adopted an interim mitigation strategy has been agreed that would fund the delivery of a new strategic area of alternative recreational open space that would offer the same sort of recreational opportunities as those offered by the New Forest. Therefore, it is considered necessary and reasonable to secure the appropriate contribution of £2,600 to compensate the impact from two additional tourism units, at a rate of £1,300 per unit. This contribution has been secured as part of a legal agreement completed to the issuing of planning permission.
- 8.33 *Solent and Southampton Water SPA*  
In this instance, the application site is located outside the 5.6km buffer zone for the Solent and Southampton Water SPA and therefore, it is not considered there will be any adverse impact on this designated site with respect to recreational pressure.
- 8.34 Conclusion on Ecology  
Following the assessment undertaken above, it is considered the development avoids any adverse impact on protected species and habitats in addition to offsite designated areas. Consequently, the application is in accordance with Policy E5 of the TVBRLP.
- 8.35 **Water Management**  
The application site is not located within an area of high flood risk. Given the modest area covered by the onsite structures and buildings in context with the wider application site, it is not considered there is any significant risk with respect to surface water run-off. As a result, it is considered the application is in accordance with Policy E7 of the TVBRLP.
- 8.36 **Highways**  
Access  
Vehicular access into the application site is provided by a private access track leading onto the local rights of way network (Sherfield English no. 43 and Awbridge no. 743) and highway network. It is noted third party representations have raised concern in relation to the potential impact on highway safety arising from additional vehicle movements. However, given the modest number of vehicles associated with the occupation of two tourism units then it is not considered the development triggers any materially significant adverse impact on the safety or function of the local road network with no objection raised by the Highway Officer. Consequently, the application is in accordance with Policy E1 of the TVBRLP.
- 8.37 Parking  
The submitted site plan drawing demonstrates the provision of an allocated parking area sufficient to accommodate the parking of 2 vehicles onsite, with 1 space allocated for each 1 bed unit. A condition has been imposed to ensure this parking area is made available for parking at all times. Consequently, it is considered the development is in accordance with the minimum parking standards set out in Annexe G and Policy T2 of the TVBRLP.

### 8.38 **Crime and Community Safety**

Third party representations have raised a concern with the occupation of the tourism units serves to introduce a risk to community safety. However, given the modest level of visitors associated with the two tourism units and the presence of physical boundary features to residential property such as mature tree belts, it is not considered the development triggers any materially significant harm to community safety. As a result, the application is in accordance with Policy CS1 of the TVBRLP.

### 8.39 **Other material considerations**

#### *Permitted Development*

Following an amendment to the General Permitted Development Order enacted on 26<sup>th</sup> July 2023, Class BC of Part 4 (Temporary recreational campsites) allows for the temporary use of land as a recreational campsite without the requirement of obtaining formal planning permission beforehand. This provision is limited to a total of 50 pitches to be used for tents and vehicles adapted for human habitation (i.e. excluding towed caravan units) up to 60 days in a calendar year. This provision is also subject to a prior approval process, whereby notification is submitted to the Local Planning Authority for an assessment against set criteria regarding the provision of sufficient foul drainage infrastructure and to ensure the land is not located in a sensitive area (flood risk zone 2 or 3, scheduled ancient monument, site of special scientific interest etc).

8.40 As set out below, it is considered sufficient foul drainage infrastructure can be provided onsite and the application site is not located in a sensitive area as identified in the General Permitted Development Order. Given the conclusion set out within the principle of development section above, it is considered necessary to ensure the scope of the proposed tourism use does not increase or intensify without the opportunity for the Local Planning Authority to assess the resulting impact on the character of the countryside and the impact on the amenity of residential property. As a result, condition no. 3 within the officer recommendation includes a removal of these permitted development rights to ensure any additional overnight accommodation to the 2 units proposed triggers the requirement for a planning application.

### 8.41 *Neighbourhood Plan*

The Awbridge Neighbourhood Plan is currently undergoing a Regulation 14 consultation exercise which is due to expire on the 12<sup>th</sup> June. In this instance, although the adjoining residential properties are within the designated area the application site is located outside of the neighbourhood plan area and therefore, this document is afforded no weight in the assessment of the current planning application.

### 8.42 **Other matters**

#### *Precedence*

Every application is assessed on its own merits and therefore, the outcome of this current application does not set a precedence for future development.

8.43 *Enforcement*

Concern has been raised in relation to the ability of the Local Planning Authority to effectively monitor and enforce planning conditions. However, any information received in relation to a potential breach of planning control is investigated by the Local Planning Authority's enforcement team.

8.44 The planning conditions imposed for application reference 21/02458/FULLS (paragraph 4.1) do not include the application site for the current application and therefore do not apply to the development subject of this application.

8.45 *Accuracy of submitted information*

Third party representations have raised concern in relation to the accuracy of the submitted information on the application form and biodiversity checklist, with regard to the recording of environmental features within proximity to the application site. Whilst this is noted, the assessment undertaken above has been on the basis of the submitted ecology report and site conditions as observed by the planning officer on site visits.

8.46 In relation to the positioning of the shepherd's huts in relation to the boundary with neighbouring property, a third party survey has been submitted with different separation distances identified to those shown on the application drawings. The extent of the difference between the application drawings and the third party survey is approximately 1m. The planning agent has been made aware of the third party survey results and reaffirmed the accuracy of the submitted drawings. Irrespective of the difference in measurements, the minimum separation distance between the structures subject of the application and neighbouring dwellinghouses is in excess of 40m, which is considered to be sufficient separation distance. In the event planning permission is granted, the permission issued will be for the positioning of the shepherds huts as shown on the submitted site layout drawing.

8.47 *Non-material planning considerations*

Third party representations have referred to the impact of the development on property prices, however this matter is not a material consideration in the assessment of the planning merits of the development. Similarly, third party representations have referenced the separate requirements under the Caravan Site licencing process, but this is not a matter that forms part of the planning assessment of the development as it is covered by separate legislation.

8.48 **Planning Balance**

The proposed tourism use is in conflict with Policy COM2 and development framework of the TVBRLP. However, due to the particular characteristics of the application site in this instance, there is minimal harm to the character of the countryside resulting from the identified conflict with planning policy. No additional material harm in relation to the other material considerations.

8.49 The proposed tourism use will result in moderate economic benefits through expenditure from visitors and deliver a modest social benefit through the provision of alternative visitor accommodation to that currently available in the

local area. In addition, the proposal will ensure the delivery of environmental benefits through onsite biodiversity enhancement measures and woodland planting.

8.50 As a result, subject to limitations on the number of tourism units within the application site, it is considered the economic, social and environmental benefits outweigh the technical breach of planning policy.

## 9.0 CONCLUSION

9.1 The application is recommended for permission subject to the completion of a legal agreement securing mitigation measures to avoid adverse harm to internationally designed ecology sites.

9.2 In the event a legal agreement securing the required mitigation measures is not completed within 3 months, then a second recommendation for refusal has been added to ensure the consideration of the application is not unduly prolonged.

## 10.0 RECOMMENDATION

### RECOMMENDATION A

**Delegate to the Head of Planning and Building for the completion of satisfactory legal agreement on or before 11 September 2024 which secures the following:**

- **Installation and ongoing maintenance of onsite package treatment plant.**
- **Offsetting of onsite land as woodland.**
- **Financial contribution towards the New Forest SPA recreational pressure mitigation scheme.**

**Then PERMISSION subject to:**

1. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:**  
**Site Layout Plan (BEN 3502 Rev G)**

**Bedroom Shepherds Hut (BEN 4007 A)**

**Bedroom Shepherds Hut (BEN 4008 A)**

**Bathroom Shepherds Hut (BEN 4005 A)**

**Kitchen Shepherds Hut (BEN 4001 A)**

**Lounge Shepherds Hut (BEN 4003 A)**

**Existing shelter (BEN 4002 A)**

**Existing shelter (BEN 4006 A)**

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

2. **The tourist accommodation shall not be occupied as a persons' sole or main place or residence, and shall only be occupied for tourism purposes between the 1<sup>st</sup> April and the 30<sup>th</sup> September during any one calendar year.**

**Reason: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation having regard to Policy COM2 of the Test Valley Borough Revised Local Plan (2016).**



3. **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order), no more than 2 shepherd huts offering overnight accommodation within the application site shall be occupied at any one time. No other tourist accommodation comprising tents, caravans or other temporary chattels associated with the site being used in tourist use shall be permitted to be brought onto the land.**

**Reason: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of amenity, access, and planning policies pertaining to the area, would not permit tourism accommodation in excess of 2 units having regard to Policy COM2 of the Test Valley Borough Revised Local Plan (2016).**

4. **The owners/operators of the site shall maintain an up-to-date register of the names of all persons who stay within the approved tourism accommodation on the site, the duration of their stay, their main home addresses by way of road name and town, and shall make such information available at all reasonable times to the Local Planning Authority.**

**Reason: This site is in a position where the Local Planning Authority, having regard to the reasonable standards of residential amenity, access, and planning policies pertaining to the area, would not permit permanent residential accommodation having regard to Policy COM2 of the Test Valley Borough Revised Local Plan (2016).**

5. **The development hereby approved shall not be occupied until the car parking spaces shown on the approved Site Layout Plan (BEN 3502 Rev G) has been provided. The area of land so provided shall be retained at all times for this purpose.**

**Reason: To ensure sufficient off-street parking has been provided in accordance with Policy T2 of the Test Valley Borough Revised Local Plan (2016) and in the interest of highway safety in accordance with Policy T1 of the Test Valley Borough Revised Local Plan (2016).**

6. **No external lighting shall be installed until details 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. The external lighting shall be installed in accordance with the approved details.**

**Reason: To ensure the favourable conservation status of bats in accordance with Policy E5 of the Test Valley Borough Revised Local Plan (2016).**

**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.**

**OR**

**RECOMMENDATION B**

**In the event that the legal agreement has been not completed on or before 11 September 2024 then the application is REFUSED for the following reasons:**

- 1. The development by means of its nature, location and scale could have likely significant effects upon the nearby Solent and Southampton Water European Designated Site which is designated for its conservation importance. In the absence of a completed legal agreement securing the proposed mitigation, the applicant has failed to satisfy the Council that the proposal would not adversely affect the special interest of the Solent and Southampton Water European Designated Site, therefore the application is contrary to Policies COM2 and E5 of the adopted Test Valley Borough Revised Local Plan (2016) and the Conservation of Habitats and Species Regulations 2017 (as amended).**
  - 2. The application site lies within close proximity to the New Forest SPA which is designated for its conservation importance. The application has not secured any mitigation in accordance with the Council's adopted 'New Forest SPA Mitigation - Interim Framework'. As such, it is not possible to conclude that the development would not have an in-combination likely significant effect on the interest features of this designated site, as a result of increased recreational pressure. The proposed development is therefore contrary to the Council's adopted 'New Forest SPA Mitigation - Interim Framework', Policies COM2 and E5 of the adopted Test Valley Borough Revised Local Plan (2016) and the Conservation of Habitats and Species Regulations 2017 (as amended).**
-