

## NOTICE OF MEETING

**Meeting:** PLANNING COMMITTEE

**Date and Time:** WEDNESDAY, 8 OCTOBER 2025, AT 9.00 AM

**Place:** COUNCIL CHAMBER - APPLETREE COURT, BEAULIEU ROAD, LYNDHURST, SO43 7PA

**Enquiries to:** Email: [joe.tyler@nfdc.gov.uk](mailto:joe.tyler@nfdc.gov.uk)  
Joe Tyler Tel: 023 8028 5982

### **PUBLIC INFORMATION:**

This agenda can be viewed online (<https://democracy.newforest.gov.uk>). It can also be made available on audio tape, in Braille and large print.

Members of the public are welcome to attend this meeting. The seating capacity of our Council Chamber public gallery is limited under fire regulations to 22.

Members of the public can watch this meeting live, or the subsequent recording, on the [Council's website](#). Live-streaming and recording of meetings is not a statutory requirement and whilst every endeavour will be made to broadcast our meetings, this cannot be guaranteed. Recordings remain available to view for a minimum of 12 months.

### **PUBLIC PARTICIPATION:**

Members of the public are entitled to speak on individual items on the public agenda in accordance with the Council's [public participation scheme](#). To register to speak please contact Planning Administration on Tel: 023 8028 5345 or E-mail: [PlanningCommitteeSpeakers@nfdc.gov.uk](mailto:PlanningCommitteeSpeakers@nfdc.gov.uk)

**Kate Ryan**  
Chief Executive

Appletree Court, Lyndhurst, Hampshire. SO43 7PA  
[www.newforest.gov.uk](http://www.newforest.gov.uk)

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# AGENDA

**NOTE: The Planning Committee will break for lunch around 1.00 p.m.**

## Apologies

### 1. MINUTES

To confirm the minutes of the meeting held on 10 September 2025 as a correct record.

### 2. DECLARATIONS OF INTEREST

To note any declarations of interest made by members in connection with an agenda item. The nature of the interest must also be specified.

Members are asked to discuss any possible interests with Democratic Services prior to the meeting.

### 3. PLANNING APPLICATIONS FOR COMMITTEE DECISION

To determine the applications set out below:

(a) **6 Lime Close, Dibden Purlieu, Hythe, SO45 4RD (Application No. 25/10589) (Pages 5 - 18)**

Change of use of outbuilding to Fitness studio / Gym (Retrospective)

**RECOMMENDED:**

Refuse

(b) **Land off Trotts Lane, Marchwood, SO40 4UE (Application No. 25/10429) (Pages 19 - 52)**

Change of use of land to a travellers caravan site; erection of x2no. day rooms and placement of x2no. mobile homes and x2no. touring caravans.

**RECOMMENDED:**

Refuse.

(c) **1 Grange Close, Everton, Hordle, SO41 0TY (Application No. 25/10544) (Pages 53 - 74)**

Two dwellings; extend access; car port; landscaping; demolition of existing.

**RECOMMENDED:**

Delegated Authority be given to the Service Manager Development Management to **GRANT PERMISSION** subject to:

- i) the completion of a planning obligation entered into by way of a

ii) the imposition of the conditions set out in the report.

(d) **Whitsbury Stables, Fordingbridge Road, Whitsbury, SP6 3QB (Application No. 24/10939) (Pages 75 - 92)**

Demolition of existing dwelling and barn, partial demolition and conversion of existing racing stables and erection of five dwellings with associated infrastructure and landscaping.

**RECOMMENDED:**

Refuse

(e) **Land of 37, 39 & 41 Tennyson Road, Totton (TPO/0011/25) (Pages 93 - 98)**

Tree Preservation Order.

**RECOMMENDED:**

Modify the tree preservation order from an area order to be specific to the six oak trees only and then confirm the tree preservation order as a group.

**Please note, that the planning applications listed above may be considered in a different order at the meeting.**

**Please note that all planning applications give due consideration to the following matters:**

Human Rights

In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights.

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, marriage and civic partnership, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**To: Councillors:**

Christine Ward (Chairman)

**Councillors:**

Dave Penny

Barry Rickman (Vice-Chairman)  
Jack Davies  
Philip Dowd  
Richard Frampton  
Matthew Hartmann  
David Hawkins

Joe Reilly  
Janet Richards  
John Sleep  
Malcolm Wade  
Phil Woods

Planning Committee 08 October 2025

**Application Number:** 25/10589 Full Planning Permission  
**Site:** 6 LIME CLOSE, DIBDEN PURLIEU, HYTHE SO45 4RD  
**Development:** Change of use of outbuilding to Fitness studio / Gym  
(Retrospective)  
**Applicant:** Mr Jepson  
**Agent:**  
**Target Date:** 28/08/2025  
**Case Officer:** Hannah Chalmers  
**Officer Recommendation:** Refuse  
**Reason for Referral to Committee:** Councillor request

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

1. Principle of Development
2. Design and Landscape
3. Highways, Access and Parking
4. Impact on Residential Amenity
5. Ecology
6. Trees

## 2 SITE DESCRIPTION

The application site comprises a single storey detached dwelling, within the residential curtilage is a large detached outbuilding. The site is set in the corner of the residential cul-de-sac known as Lime Close in Dibden Purlieu. Lime Close serves nine residential properties of similar size and scale.

The residential dwelling in the application site is set back from the road and has a long narrow front garden and larger rear garden. A single access serving the on-site car parking and existing outbuilding/gym is provided onto Lime Close with hedgerows defining the side boundaries. The site is irregular in shape with a narrow frontage which widens considerably as it extends to the rear. Along the rear boundary of the site there are large trees, some of which are protected by a Tree Preservation Order.

The existing outbuilding, the subject of the application, has dual pitch roof with a later addition flat roof to the rear. It is situated adjacent to the northwest boundary of the site set back 2 metres from this boundary and 37 metres from the front of the site.

The outbuilding has a total floor area of 145.2 square metres, extends to a total length of 20.7 metres and is 8.4 metres wide at the widest point. Situated 2 metres from the northwest boundary, 14.8 metres from the southwest boundary, 16.3 metres from the southeast boundary and 37 from the northern boundary fronting Lime Close.

The building is 17.1 metres from the closest dwelling, 7 Lime Close and 33 metres from the dwelling of 5 Lime Close. With a 38 metre separation from the dwellings in North Road and 44 metres from the dwellings in Noads Way.

The building is clad in off-white render and timber with a dual pitch tiled roof on the larger outbuilding, the single storey rear addition has a flat mineral felt roof. There are no windows on the building. There are large obscure glazed bifold doors fronting onto the site access from Lime Close and a separate door and a glazed patio door to the office area on the southern elevation that offers views over the garden area.

Sited within a domestic garden laid to grass. A 280 sq metres area of permeable hardstanding has been created, under permitted development, at the front for non-delineated parking.

The area is within an established residential area with no other commercial uses of this nature within the vicinity of the site. The fitness studio is accessed from the front driveway along the side of the residential bungalow

### 3 PROPOSED DEVELOPMENT

This application seeks retrospective permission for the change of use of the existing outbuilding. The application would regularise the use of this building from an ancillary domestic outbuilding (Class C3 use) to a commercial gym and fitness training facility (Class E(d)) and also includes the retrospective approval for the single storey rear extension to the outbuilding.

### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
19/10851 Detached garage (Lawful Development Certificate that permission is not required for proposal)	23/07/2019	Was Lawful	Decided
19/10414 Front, side & rear extensions; roof alterations in association with new first floor, detached garage.	24/05/2019	Planning permission granted	Under construction
17/11218 House; access; parking & landscaping	24/10/2017	Refused	Planning Appeal Dismissed 21/08/2021

### 5 PLANNING POLICY AND GUIDANCE

#### Local Plan 2016-2036 Part 1: Planning Strategy

- Policy ENV3: Design quality and local distinctiveness
- Policy ENV4: Landscape character and quality
- Policy CCC1: Safe and healthy communities
- Policy CCC2: Safe and sustainable travel
- Policy STR1: Achieving Sustainable development
- Policy STR6: Sustainable economic growth
- Policy STR8: Community services, infrastructure and facilities

## **Supplementary Planning Guidance And Documents**

SPD - Parking Standards

### **Neighbourhood Plan**

Hythe and Dibden Neighbourhood Plan

- Policy D2 - Design and Access Statement required
- Policy D3 - Local Distinctiveness
- Policy WEL1 - Development proposals should seek to support public health, active lifestyles and community wellbeing

## **National Planning Policy Framework (December 2024)**

### **National Planning Policy Guidance**

## **6 PARISH / TOWN COUNCIL COMMENTS**

### **Hythe & Dibden Parish Council**

PAR 4: Recommend REFUSAL. If the comment by Council is against the Planning Officer recommendation, the application is likely to be considered at full Planning Committee.

This committee believes that the business is unsuitable in the current location due to the close proximity of neighbouring properties. The parking demands from class sizes of 12 adding to the parking pressures in a residential cul-de-sac.

If this view is in contradiction to that of the officer then the Parish Council request that the NFDC Planning Committee imposes planning conditions that limit opening hours of the establishment and impose restrictions regarding the volume (and appropriate times) on the use of amplified music

## **7 COUNCILLOR COMMENTS**

Cllr Malcolm Wade made no comment on the application although requested this case is taken planning committee.

## **8 CONSULTEE COMMENTS**

### **Hampshire County Council (Highways) - Updated Comments (10 September 2025): Comments – further information required:**

The Highway Authority previously provided a response dated 4th September advising that further information including a transport statement is required, which provided further information regarding the access, trips and parking associated with the change of use. The applicant has subsequently provided a note highlighting that the property benefits from a large private driveway with capacity of 15 vehicles. However, this does not fully satisfy the Highway Authority previous concerns, and as previously mentioned a transport statement should be submitted for review providing further information regarding the change of use. At a minimum this should provide information regarding the changes of trips associated with the change of use, access (including tracking) parking layout, and information regarding anticipated classes. This information is required before a formal recommendation can be provided.

## **Environmental Health (Pollution) – Updated Comments – 16 September 2025: Objection**

The applicant has provided some limited information based on their own observations and measurements. While we acknowledge the effort made to address the concerns raised, we must advise that the information submitted does not meet the requirements for a professional noise impact assessment, as previously requested.

We note that Planning Officers may have made informal observations during site visits; however, these do not substitute for a formal, evidence-based acoustic assessment. Environmental Health is required to assess the potential for statutory nuisance and long-term impacts on residential amenity, which necessitates objective, professionally gathered data.

To ensure compliance with the National Planning Policy Framework (2024), the Noise Policy Statement for England (2010), and local policy ENV3, it is essential that noise impacts are assessed using recognised technical standards. This approach ensures transparency, consistency, and fairness in the planning process.

We therefore reiterate our request for a professional noise impact assessment. This will enable us to make an informed judgment on the potential for adverse noise impacts from the identified sources and determine whether further mitigation is necessary. Additionally, further information is sought regarding:

- The ventilation strategy for the premises to prevent overheating and reduce reliance on open doors/windows.
- Clarification of the proposed operating hours.

In the absence of this information, we cannot be confident that there will be no adverse impacts on residential amenity. As such, it is recommended that the application be refused

## **9 REPRESENTATIONS RECEIVED**

There have been seventy one letters of support received and ten letters in objection. The following is a summary of the representations received.

### Support:

- Valued well used community asset.
- Provides physical and mental health benefits to members
- The building has been constructed to a high standard
- Bespoke fitness with a high level of professional support.
- Location provides a convenient facility for local residents
- Staff and members have a high level of consideration for neighbours.
- Cars are always parked within the site
- Fitness classes are restricted to limited numbers reducing the number of customers on the premises at one time.
- The facility is inclusive to all ages, abilities and physical needs.
- The facility provides an important service in an area that lacks sufficient fitness facilities.

### Objections:

- Members of the gym drive without consideration for other road users.
- Cars are often parked on the street and straddle the pavement.

- The building is insufficiently sound proofed.
- Heavy base music is played at anti social hours.
- The impact of noise is detrimental to the mental well being of neighbours
- Running based training sessions are held on the street
- Footfall and traffic of arriving and leaving patrons disturbs peace.

## **10 PLANNING ASSESSMENT**

### **A. Principle of Development**

Local Plan Policy STR8 Community services, infrastructure and facilities states the council will support proposals for the provision of health and other community facilities that are located to be accessible to all sectors of the community.

Local Plan Paragraph 4.34 confirms that sports and leisure facilities (such as gyms) fall under community facilities.

The site lies within the built-up area of Hythe and Dibden as defined in the New Forest District Local Plan. Therefore, the principle of development is established in line with Local Plan Policy STR8 subject to the consideration of other relevant material considerations as set out below

### **B. Design**

Local Plan Policy ENV3 (Design, Quality and Local Distinctiveness) states all development should achieve high quality design that contributes positively to local distinctiveness, quality of life and enhances the character and identity of the locality. Criterion (ii) of the policy also seeks to avoid unacceptable effects from development by virtue of overlooking and shade.

Local Plan Policy ENV4 (Landscape character and quality) sets out that where development is proposed there is a requirement to retain and/or enhance landscape features which includes trees and hedgerows.

Policy D3 of the Hythe and Dibden Neighbourhood plan states all new development must demonstrate that local distinctiveness has been recognised and that the development proposals respond to this appropriately.

The original outbuilding was constructed under permitted development as an outbuilding used incidental to the main house. The use of the building is now considered to have changed from an incidental building to a gymnasium. It has a dual pitch roof, render and timber clad. The main access to the gym is via obscure glazed bi-fold doors at the front facing Lime Close. A recent single storey flat roof extension has been added to the rear of the outbuilding which forms an additional office space, equipment maintenance area and a one to one coaching space. An external door serves the office area.

The building itself is set back from the shared boundary with 7 Lime Close by 2 metres and set back from the front of the site behind the existing bungalow. The single storey scale of the building, its position set back from the site frontage and the screening by a mature hedges and trees results in a limited impact on the street scene and appearance of the area.

There are protected trees situated along the boundary opposite the building and it is far enough from these trees to have a negligible impact on them. The use of the building as a gym/commercial fitness studio will not have an impact on the trees.

The single storey extension to the outbuilding is situated to the rear and does not benefit from a planning permission and nor would it be considered as Lawful Development permitted under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) given the material change in use of the whole building. However, it is not considered to cast shade, nor overlook neighbours and preserves the character of the area with regard to the existing built form only.

As such, the layout and scale of the built form of the building, taking into account the additional extension to the existing outbuilding, is in accordance with Local Plan Policies ENV3 and ENV4 and the Hythe and Dibden Neighbourhood Plan Policy D3.

### **C. Highway safety, access and parking**

Local Plan Policy CCC2 criterion (iv) requires new development to provide sufficient car parking and cycle parking in accordance with the adopted Parking Standards Supplementary Planning Document.

Policy ENV3 of the Local Plan sets out at criterion iv) that new development is required to integrate sufficient parking so that the realistic needs of the proposal are met so as to not prejudice the character and quality of the street nor highway safety.

The National Planning Policy Framework (NPPF) (December 2024) paragraph 115 part (b) states that when assessing applications for development it should be ensured that safe and suitable access to the site can be achieved for all users and part (d) states that it should be ensured that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be mitigated.

The stated standard for leisure/fitness facilities is 1 car parking space per 40 sq metres of floor space and 1 cycle space per 20 sq metres of floor space. The gym has a total floor area of 145 sq metres, therefore, to meet the standard there is a requirement for 3.5 car spaces and 7 cycle spaces for this site.

The residential dwelling has 4 bedrooms. To meet the adopted parking standards, 3 on plot spaces are required.

The applicant has stated in the Design and Access Statement (DAS) submitted on 03 July 2025 that there is on-site parking available for up to 15 cars. Although there is a large area of hard standing within the site this has not been marked into parking spaces, nor has a plan been submitted showing the layout of the parking area and how the parking requirements will be achieved. To fit 15 cars on the site, vehicles will have to double park effectively blocking each other in. The resulting manoeuvring at arrival and leaving times by clients of the site is likely to increase vehicular movements and noise.

There is no formal provision for cycle parking on site.

Hampshire County Council Highways were unable to make a recommendation on the proposal without further information. The Highway Authority has requested that the applicant provides a Transport Statement. Such a Statement would provide information regarding:

- the changes of trips associated with the change of use,
- access (including tracking of vehicles manoeuvring),
- parking layout, and
- information regarding anticipated classes (times, frequency, size etc).

In response, the applicant has submitted a statement (Received by New Forest District Council on 10 September 2025) to support the application, stating:

- The private drive can accommodate up to 15 cars
- There is no parking on the street
- Approximately 50% of customers walk or cycle
- It is not proportionate or reasonable to mark out parking spaces

The applicant has highlighted that the property benefits from a large private driveway with capacity for 15 vehicles. However, this does not fully satisfy the Highway Authority's concerns, and fails to provide the necessary detail as previously set.

The required space available on the site to accommodate cars would provide parking for 6.5 vehicles which meets the requirement of the adopted Parking Standard for leisure/fitness facilities and the dwelling house. However, para 5.6 of the Parking SPD clearly advises that "The wider site layout of a development will also need to consider the circulation and manoeuvring space required to access all the types of spaces described". In this case, the nature and the use of site for group exercise classes, which is stated by the applicant is up to 12 customers, could potentially result in up to 12 cars arriving and departing the site at the same time (or at least six cars if half the customers travel by non-car modes as per the applicants suggestion). This level of class size could potentially give rise to a significant number of extra vehicles accessing the site requiring parking over and above the adopted standard of both the gym and the dwelling.

As such, whilst the proposal can numerically satisfy the NFDC Parking SPD requirements, the intensity of use – from the applicant's information at least 12 patrons at any one time – means that sufficient on-site parking cannot be accommodated so that cars can enter and exit the application site without other cars having to be moved, including onto the highway as described in paragraph 5.6 of the SPD. In the absence of adequate on site parking, manoeuvring and circulation space it is considered likely that cars would park on the street instead to the detriment of the surrounding residential environment. Accordingly, given that this is a quiet residential street it is considered that the application has not sufficiently demonstrated that on-site vehicular parking can be accommodated in a safe and sustainable manner in line with Local Plan Policy CCC2 (Safe and sustainable travel).

In addition to the inadequacy of the parking provision relative to the size of the classes, the Highway Authority has requested extra details regarding the proposed class operations in order to understand the trip generation from the proposed use. In the absence of this detail the Planning Authority cannot conclude that the development would not have an unacceptable impact on the safe operation of the highway network. The increased traffic arising from the change of use on the cul de sac highway cannot be reasonably assessed through this application and it is unclear, therefore if further mitigation is necessary.

Therefore, inadequate information has been provided such that it cannot be demonstrated that the site can achieve safe and suitable access for all uses, and thus the proposal does not accord with Local Plan Policy CCC2, policy ENV3 and paragraph 115 of the NPPF (December 2024).

#### **D. Residential Amenity**

Policy ENV3 of the NFDC Local Plan Part 1 requires the impact on the residential amenity of existing and future occupiers to be taken into consideration in making

planning decisions. It specifically states that new development should avoid unacceptable effects by reason of visual intrusion or overbearing impact, overlooking, shading, noise and light pollution or other adverse impacts on the local character or residential amenity.

Local Plan Policy CCC1 (i) Development should not result in pollution or hazards which prejudice the health and safety of communities and their environments.

Hythe and Dibden Neighbourhood Plan Policy WEL1 states that development proposals should seek to support public health, active lifestyles and community wellbeing. This includes supporting indoor and outdoor physical recreational opportunities.

The NPPF Paragraph 96 states that planning decisions should aim to achieve healthy, inclusive safe places which enable and support healthy lives, through promoting good health and preventing ill-health.

Advice in the NPPF also sets out that decisions should aim to "...avoid noise giving rise to significant adverse impacts on health and quality of life" (para 198(a)). Footnote 72 of the NPPF cross refers to the Explanatory Note - Noise Policy Statement for England. This provides further guidance on managing noise from development.

It is clear in the support of this application from the patrons of the gym that this facility has had a positive impact on their mental and physical health and the professional level of coaching is highly valued.

The Council must also consider the wellbeing of the adjacent neighbours who are subjected to potential disturbance and noise as a result of the site operations and have limited opportunity for relief from the impacts of the proposed use.

New Forest District Council Environmental Health have commented that the noise associated with the change of the use to a fitness studio/gym is a material concern given the residential setting of the development. A Noise Impact Assessment was requested to provide information on the noise impact arising from music systems. Such an Assessment would consider background and class music, instructor/trainer vocals, equipment noise, ventilation equipment and customer noise – arriving/departing as well as internally generated noise from groups of people etc.

The applicant has not provided a Noise Impact Assessment but has made the following statement (Received by New Forest District Council on 03 September 2025) in response to these comments from environmental health.

- The applicant has measured the noise outside from the driveway whilst music was playing at class levels this was measured at 50-52 decibels.
- Instructors are trained in the correct use of the sound equipment which is pre set to a maximum volume below the legal level. (What this level is has not been specified by the applicant).
- Volume is reduced before and after a class so ensure noise does not cause disturbance when clients arrive and leave.
- All gym equipment is professional-grade, rubber coated and used on sound-dampening rubber flooring.
- Free weights are seldom dropped, and where this does occur the sound transmission outside the building is negligible and barely audible.
- Parking provision is available for up to 15 cars, while the maximum class size is capped at 12 clients, ensuring no overspill or additional roadside noise.

- Client activity outside the gym is limited to low-level conversational noise, which has been tested and does not breach noise pollution limits under decibel monitoring. (Officer Note: The results of these tests have not been provided by the applicant).

Environmental Health has subsequently commented on this statement (email received on 03 September 2025). It is considered that the submitted information does not meet the requirements for a professional Noise Impact Assessment as requested and in turn it cannot be accepted that the use is acceptable with regards to the impact upon amenity of neighbours.

Noise limits are typically determined based on the measured noise survey data in accordance with the relevant British Standard (BS4142:2014+A1:2019) and the requirements of the Local Authority. In order for there to be no adverse effects, the rating sound level (the specific sound level including penalties, as appropriate) at nearby receptors should not exceed the background sound level. This is the level of information that would be expected within the requested Noise Impact Assessment.

In the absence of this information, the Planning Authority cannot be confident that there will be no adverse impacts on residential amenity. As such, NFDC Environmental Protection recommended that the application be refused in the absence of this information.

The applicant has stated within the Design and Access Statement (DAS) the business operates typically between 06:30am and 20:30pm. Group classes are available to book online, six days a week, Monday to Saturdays.

The nature of the classes/training sessions involve music being played and the use of gym equipment such as machines, free weights, medicine balls etc these will all produce a level of sound that is likely to impact the amenity of neighbours. The applicant states in the DAS that the building is fully insulated for 'acoustic performance'. However, this has not been demonstrated by the applicant and no independent noise assessment has been submitted to support this application.

The change of use of the site to a commercial gym generates levels of noise, traffic movements that will be materially higher than normal residential use as is articulated in the third-party representations. This is further compounded as the opening of the gym is outside normal working hours including proposed early morning starts (6.30 am).

The surrounding development is wholly residential in scale and character with no similar commercial use of properties or outbuildings within the vicinity. Located at the end of the residential cul-de-sac of bungalows the use of the outbuilding as a commercial gym/fitness studio is considered to be incongruous with the surrounding development.

Therefore, on balance of considerations, and in the absence of any robust noise assessment it is considered that the proposal will have an unacceptable effect upon the amenity of occupiers of neighbouring dwellings through noise and resulting disturbance contrary to Local Plan Policies ENV3 criterion (ii) and CCC1 criterion (i).

## **E. Ecology**

Local Plan Policy ENV1 (Mitigating the impacts of development on International Nature Conservation Sites) sets out that development will only be permitted where the Council is satisfied that any necessary mitigation, management or monitoring measures are secured in perpetuity as part of the proposal and will be implemented

in a timely manner, such that, in combination with other plans and development proposals, there will not be adverse effects on the integrity of International Nature Conservation Sites (INCS). For residential development adverse effects should be adequately mitigated by implementing measures relevant to the site location including as set out in the Mitigation for Recreational Impacts SPD, Solent Recreation Mitigation Strategy and nutrient management guidance.

Local Plan Policy DM2 (Nature Conservation, Biodiversity and Geodiversity) sets out how development proposals should address international, national and local designed sites. Development proposals should encourage biodiversity and not adversely affect protected flora and fauna.

The proposal is a change of use of an existing building, therefore based on the information available this application is considered to be one which will not require the approval of a Biodiversity Net Gain Plan before development commences

However, the additional extension to the rear of the gym does not benefit from permitted development rights and as this structure is over 25 sq metres and not considered a house holder application. As such the proposal would be subject to the mandatory requirement for Biodiversity Net Gain were the proposal considered acceptable in other regards.

#### **F. Trees**

Local Plan Policy ENV4 (Landscape character and quality) sets out that where development is proposed there is a requirement to retain and/or enhance the following landscape features and characteristics through sensitive design, mitigation and enhancement measures, to successfully integrate new development into the local landscape context. Criterion (i) sets out that features that contribute to a green infrastructure and distinctive character within settlements including the locally distinctive pattern and species composition of natural and historic features such as trees, hedgerows, woodlands, meadows, field boundaries, coastal margins, water courses and water-bodies.

On the south-west corner boundary are mature trees that are protected by Tree Preservation Order 51/17 and on the eastern corner boundary which is covered by Tree Preservation Order 62/88. The existing building is far enough from these trees to be outside the root protection areas of the trees.

The change of use of the building will not have to detrimental impact on the trees and as such accords with Policy ENV4.

## **11 CONCLUSION / PLANNING BALANCE**

On balance of considerations, the proposal would constitute an inappropriate use of the application site, having regard to the close proximity of neighbouring residential uses, the overbearing impact of noise that is materially higher than those of residential use especially as these are outside of normal working hours.

In the absence of a noise impact assessment to demonstrate otherwise, it is considered that the proposed use has resulted in a harmful intensification of use, which has resulted in levels of noise, activity and disturbance that is harmful to the amenity of surrounding residential occupiers (and which would continue to be so). It is not considered that the impact of the proposed use can reasonably be mitigated by conditions.

Additionally, it has not been demonstrated that patrons can park within the site without the need to move other vehicles and hence the proposal has not demonstrated that the proposed development can be accommodated in a safe and sustainable manner. Furthermore, there is no detailed information to enable the consideration of the likely trips associated with the proposal such that it is not possible to conclude if there is any harmful impact on the safe operation of the highway network.

The positive aspects of the proposal, as summarised in representations from the wider general public, are noted but it is considered on balance that these do not outweigh the harm to the residential amenity to surrounding neighbours.

As such, it is considered the proposal represents an unneighbourly form of development that would be contrary to the requirements of Local Plan Policies ENV3 and CCC1 which seeks to avoid unacceptable effects on local general amenity by reason of overbearing noise and disturbance.

Additionally, it cannot demonstrate that continued use of the commercial gym is safe and sustainable for local road users and is contrary to Local Plan Policy CCC2 and NPPF paragraph 115.

On the basis of the issues outlined above, the application is recommended for refusal

## **12 RECOMMENDATION**

### **Refuse**

#### **Reason(s) for Refusal:**

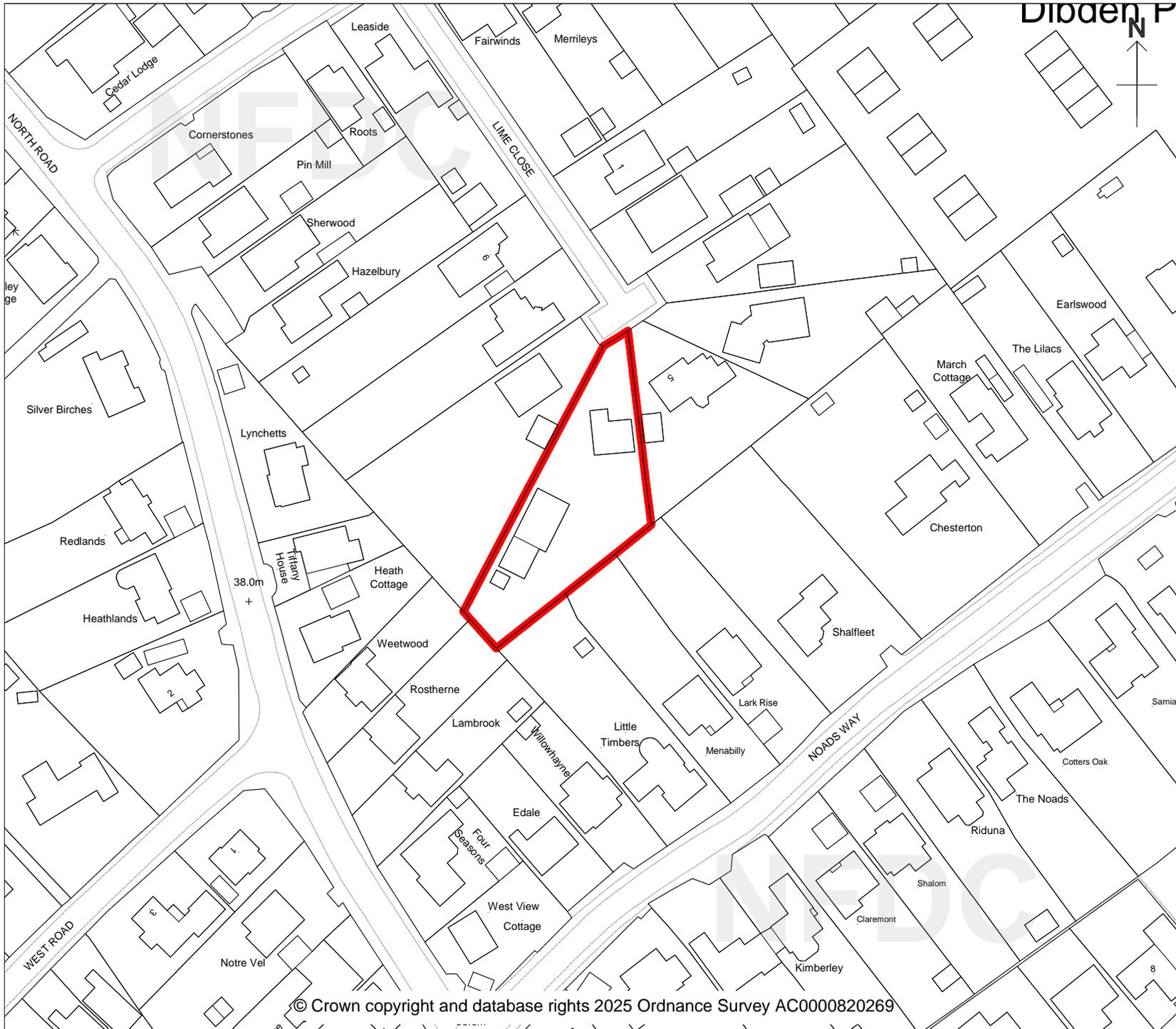
1. Inadequate information has been submitted in order for the Local Planning Authority to conclude that the development would not have an unacceptable effect by virtue of noise upon the amenity of local residents. The proposed use would result in an unacceptable intensification of noise and activity within a residential area surrounded by dwellings whose occupiers would have limited opportunity for relief from the impacts associated with the proposed use. Specifically, the proposed fitness studio use would introduce significant additional noise and activity, including disruptive early morning and evening noise, both within and outside a building. It is considered that the proposed use would relate poorly to the surrounding spatial pattern of residential development and would not represent an appropriate or sympathetic use within its environment due to its harmful impact on the amenity of surrounding uses. On this basis, the proposal would be contrary to Policy ENV3 and Policy CCC1 (i) of the Local Plan 2016-2036 Part 1: Planning Strategy.

2. Inadequate information has been submitted in order for the Local Planning Authority to conclude that the development would not have a significant adverse impact upon the safe operation of the local highway network. Furthermore, the parking availability on the site provides inadequate circulation and manoeuvring space required to access all the types of spaces which in turn could lead to an increase in on street parking to the detriment of other highway users. The development would be contrary to Local Plan Policy CCC2, Policy ENV3 and paragraph 115 of the National Planning Policy Framework (NPPF December 2024).

**Further Information:**

Hannah Chalmers

Telephone: 023 8028 5477



17

Dibden P  
N



# New Forest

DISTRICT COUNCIL

Tel: 023 8028 5000  
www.newforest.gov.uk

Mark Wyatt  
Service Manager  
Development Management  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

## PLANNING COMMITTEE

October 2025

6 Lime Close  
Dibden Purlieu  
Hythe  
25/10589

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Planning Committee 08 October 2025

**Application Number:** 25/10429 Full Planning Permission  
**Site:** Land off TROTTS LANE, MARCHWOOD SO40 4UE  
**Development:** Change of use of land to a travellers caravan site; erection of x2no. day rooms and placement of x2no. mobile homes and x2no. touring caravans  
**Applicant:** Mr McDonagh  
**Agent:** Murdoch Planning LTD  
**Target Date:** 01/09/2025  
**Case Officer:** James Gilfillan  
**Officer Recommendation:** Refuse  
**Reason for Referral to Committee:** Councillor Comment and Public Interest

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## 1 SUMMARY OF THE MAIN ISSUES

The issues are:

- A. The principle of the development including;
  - i) NFDC Local Plan policy
  - ii) National Planning Guidance
  - iii) Planning Agent Statement, Appeal Decision and Case Law
  - iv) Assessment
  - v) Summary
- B. The character and appearance of the area
- C. Trees, Ecology and Habitat Mitigation
  - i) Ecology and Protected Species
  - ii) Recreational Activity Impact on New Forest and Solent Habitats
  - iii) Nitrate Neutrality and Impact on the Solent Special Protection Area (SPA) and Special Area of Conservation (SAC).
- D. Residential Amenity
- E. Highway safety
- F. Other matters
- G. Infrastructure and S.106 obligations

## 2 SITE DESCRIPTION

The application site is on the north-east side of Trotts Lane in the open countryside around Marchwood. It is an open grassed field of approximately 0.22 hectares, to the west of a residential dwelling known as 'Wrenwood', approximately 80m outside the eastern outskirts of the settlement of Marchwood.

There are two gated vehicular accesses from Trotts Lane on to the site. One in the southern corner and one in the middle of the road frontage to Trotts Lane. The site is bounded by a timber post and rail fence to the (south-west) road side and by timber close board fencing to the north-west and south-east sides. The rear (north-east) boundary consists of a post and wire fence.

Within the application site at the at the south-east corner is a protected Oak tree (TPO/0028/13). Additionally, beyond the rear boundary of the site is Spraggs Copse an established SINC (Site of Interest for Nature Conservation) woodland. The strip of this woodland along the north-east boundary is covered by a group Tree Preservation Order (trees of all species, also under the reference TPO/0028/13).

### 3 PROPOSED DEVELOPMENT

Change of use of land to a travellers caravan site; erection of x2no. day rooms and placement of x2no. mobile homes and x2no. touring caravans.

The two day rooms are identical to each other. They are single storey with fully hipped pitched roof. They are 9m x 4.5m external dimensions, approximately 32.2 sqm internal floorspace. They are 4.3m tall to the ridge line and 2.4m to the eaves. The north elevation includes an entrance door and pair of patio doors to the living room. There are windows on all four elevations. Materials are indicated as red brick, clay tiles, brown UPVC doors and windows with soffits, fascias and rainwater goods to match.

### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Decision
22/11334 Provision of two dwellings (Outline application)	06/01/2023	Refused	Appeal Decided	Appeal Dismissed

Summary of Appeal Decision Appeal Ref: APP/B1740/W/23/3316930 Land Adjacent Wrenwood, Trotts Lane, Marchwood, Hampshire SO40 4UE

- The Inspector concluded that the proposal did not accord with Policies STR1, STR3, ENV3, ENV4 and HOU5 of the New Forest District Council Local Plan Part 1: Planning Strategy 2020, Saved Policy CS21 of the New Forest District Council Local Development Framework: Core Strategy 2009 or Saved Policy DM20 of the New Forest District Council Local Development Framework: Local Plan Part 2: Sites and Development Management 2014.
- The Council could not demonstrate a five-year housing land supply in August 2023 and therefore the policies which are most important for determining the application are deemed to be out of date and Paragraph 11(d) of the National Planning Policy Framework (the Framework) is engaged.
- The Inspector acknowledged that the proposal would deliver housing to help address the shortfall in housing land supply and that, pursuant to Paragraph 69 [as it was] of the Framework, small and medium sized sites can make an important contribution and be built out very quickly.
- The Inspector also concluded that the contribution in this case would be very limited and as such, the socio-economic benefits derived from the proposal would be similarly limited.
- On this basis, even if the shortfall in housing land supply was deemed to be substantial, the Inspector concluded that significant harm derived from multiple conflicts with policies in the development plan relating to spatial strategy, character and appearance would result in adverse impacts that would significantly and demonstrably outweigh the benefits.

- Consequently, the proposal did not benefit from the presumption in favour of sustainable development under Paragraph 11(d)(ii) of the Framework and there are no material considerations indicating that a decision should be taken otherwise than in accordance with the development plan, where there is conflict as a whole.

## 5 PLANNING POLICY AND GUIDANCE

### **Planning Legislation and National Guidance**

Planning and Compulsory Purchase Act 2004

Levelling Up and Regeneration Act (2023)

National Planning Policy Framework December 2024

National Planning Policy Guidance

Planning Policy for Traveller Sites (2024)

Natural England and the Forestry Commission Guidance: Ancient woodland, ancient trees and veteran trees: advice for making planning decisions 2022

### **Local Plan 2016-2036 Part 1: Planning Strategy**

Policy STR1: Achieving Sustainable Development

Policy STR2: Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park

Policy STR3: The strategy for locating new development

Policy STR4: The settlement hierarchy

Policy STR5: Meeting our housing needs

Policy STR9: Development on land within a Minerals Safeguarding Area or Minerals Consultation Area

Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites

Policy ENV3: Design quality and local distinctiveness

Policy ENV4: Landscape character and quality

Policy HOU1: Housing type, size, tenure and choice

Policy HOU4: Gypsies, travellers and travelling showpeople

Policy HOU5: Rural Housing Exception Sites and Community Led Housing Schemes

Policy CCC1: Safe and healthy communities

Policy CCC2: Safe and sustainable travel

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

### **Local Plan Part 2: Sites and Development Management 2014**

DM2: Nature conservation, biodiversity and geodiversity

DM20: Residential development in the countryside

TOT10: Land at Little Testwood Farm caravan site

### **Local Plan Core Strategy 2009. Saved policies**

CS21: Rural economy

### **Supplementary Planning Guidance And Documents**

SPD - Air Quality in New Development. Adopted June 2022

SPD - Housing Design, Density and Character

SPG - Landscape Character Assessment

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

SPD - Planning for Climate Change

Hampshire Consortium Gypsy, Traveller and Travelling Showpeople  
Accommodation Assessment (GTAA, May 2017)

Emerging Gypsy and Traveller Accommodation Assessment (GTAA 2025)

## 6 PARISH / TOWN COUNCIL COMMENTS

**Marchwood Parish Council: PAR 4.** Resolved to object to the planning application. (30th July 2025)

The development was considered to be inappropriate in the area of the countryside and if approved would result in damage to the local environment especially the ancient woodland, wildlife and biodiversity.

The site lay outside of the defined settlement boundary and within the countryside, if approved the development would have a detrimental impact on the rural character and appearance of the area.

Trotts Lane is not suitable for the towing of caravans.

Rather than conserve and enhance the countryside and natural environment the development would have a detrimental effect on wildlife, conservation and neighbour amenity.

In addition, it was further considered that the requirement of Planning Policy DM2 conservation, biodiversity and geodiversity would not be met by the applicants BNG report in terms of off-site biodiversity gain.

Planning Policy DM20, Residential development in the countryside states development will only be permitted where:

- A limited extension to an existing dwelling or the replacement of an existing dwelling except where it is the result of a temporary permission and/or is an unauthorised use and/or it has been abandoned.
- Affordable housing to meet a local need, in accordance with the Core Strategy Policy CS22 if agricultural worker forestry workers dwelling.

In respect of this application none of the above has been met by the applicant.

Policy STR3 - the application does not conserve or enhance the countryside and natural environment; to the contrary it will harm the natural environment.

Policy HOU5 - the applicant has not illustrated or identified a need for the development for local people or that of the travelling community, there is an alternative site nearby Bury Brickfield.

The site currently contributes to the rural character and appearance of the area.

There were no drainage or sewage facilities on site and no waste management/storage or collection outlined in the application.

## 7 COUNCILLOR COMMENTS

**Cllr Richard Young: Objection.**

The proposed development site is located outside of the defined settlement boundary of Pooks Green, Marchwood, and within the countryside. I am of the view

that if approved this development would have a significant detrimental impact on the rural character and appearance of the area, immediately adjacent to an ancient deciduous woodland. As proposed the development would evidently not conserve and enhance the countryside and natural environment. It is reasonable to surmise that the proposed development would instead have a detrimental effect on wildlife, conservation and neighbour amenity.

NFDC Planning Policy DM20 clearly states that development in the countryside will only be permitted in strictly limited circumstances. I do not consider that the applicant has adequately demonstrated any of those limited circumstances.

With the existence of the nearby Bury Brickfields traveller site and a number of pitches there being unoccupied over the long term there is clearly no identified demonstrable need for this development for local people including the local travelling community. The known issues at Bury Brickfields are not in themselves a material planning reason to create another site elsewhere.

There are no drainage or sewage facilities at the proposed development site and no waste management/storage or collection outlined in the application. Furthermore Trotts Lane (a narrow single file lane in places) is wholly unsuitable for the regular movement of any articulated vehicles.

For the numerous reasons detailed above I therefore urge planning officers (and if necessary, the planning committee) to refuse permission on this application.

## **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

### **New Forest DC**

#### **Ecologist: Objection**

There is ancient woodland directly adjacent to the site. Whilst the layout has regard to potential direct impacts, the potential for indirect impacts remains and is of concern. An updated Biodiversity baseline survey is required. A survey is required to consider the presence or otherwise of reptiles due to the proximity to suitable habitat.

#### **Environmental Design: Objection**

Whilst the layout appears to have been informed by the tree constraints of the site there is no indication that it has been informed by an assessment of the landscape character of the area. The proposed built form is modest in scale and appears to be informed by agricultural buildings, but the arrangement is very formal and symmetrical. It is not considered that the current proposals are sufficiently informed by the local character as required by Policy ENV3 and would have a negative impact on the setting of Marchwood.

Development proposals should be informed and accompanied by a Landscape and Visual Appraisal (LVA) which examines the sensitivity of the landscape and of its visual setting. The LVA should form part of an iterative process which will guide all stages of the design process and aim to minimise any adverse effects. It should be demonstrated how the LVA has informed the design. The LVA does not need to be a long document but should be 'proportionate to the scale of development proposed.

#### **Planning Policy: No objection**

This response provides comments on the overall need for Gypsy and Traveller

pitches within the plan area and the current status of Gypsy and Traveller Accommodation Assessment (GTAA) evidence to support it.

The Local Plan review is currently assessing existing site capacity, based on the known supply of existing or allocated sites, against need emerging from an update to the Council's GTAA (see below). At this point in time of the review, it is considered they do not meet the emerging need and therefore, until the Local Plan review progresses the application site will assist in meeting some of this need now.

With regards to the supply of Gypsy and Traveller pitches, the Planning Policy for Travellers Sites (PPTS) sets out the need to maintain a 5 year supply of deliverable sites. Where this is not the case, then the provisions in paragraph 11(d) of the National Planning Policy Framework apply. Therefore, full consideration of the significant NPPF footnote 7 constraints will be required that relate to application site.

As this application is on an unallocated site, then if it is agreed the need is fully demonstrated by the applicant, then the provision of the 2 pitches proposed in can count towards meeting objectively assessed needs, based on the current position in respect of the Local Plan review. Therefore at this point in time, no objection is raised on the policy grounds of need.

### **Evidence studies and the emerging Local Plan review**

In general terms, need identified in a GTAA is seen as need for pitches. The current published Gypsy, Traveller, and Travelling Showpeople Accommodation Assessment (May 2017) does not now provide an overall up-to-date picture of need, and as part of the evidence base being prepared for the Council's Local Plan review, an update to GTAA is currently being finalised. This sets out the need based on up-to-date fieldwork and uses the current planning definition of a Traveller.

It currently identifies a need for 22 pitches emerging from the 33 households that met the 2024 PPTS planning definition. There is also a need for 7 pitches emerging from the 8 undetermined households.

Over the next 12 months, the Local Plan review will look to propose for consultation policies to address this need, including options around safeguarding existing sites, assessing the potential for additional capacity on existing sites and if need still exists, potentially proposing new allocations. Whilst no sites so far have been promoted for Gypsy and Traveller uses in the 'call for sites' that recently took place, a review of Saved Policy TOT10 (Little Testwood Farm) of the adopted Local Plan Part 2 (2014) will take place, that will look for any further potential for permanent pitches that may assist in meeting some of this need.

Further information on this current allocation can be found in a note, from the 2019 examination of the Local Plan 2016-2036 Part 1: Planning Strategy (adopted July 2020). It contains an extract of this policy and indicates the area that was originally safeguarded by Saved Policy TOT10 for a transit caravan site and the approximate area, outlined red, allocated for the development of permanent residential caravan pitches for gypsies and travellers: EXAM09 - NFDC - Matter 9 - Note on Status of Little Testwood Farm.

In summary, based on the position of the out of date status of the existing GTAA and the clear need in the emerging GTAA – for which at this point in time there are insufficient allocation to address it – no objection is made on grounds of need.

### **Tree Team: Objection.**

Amended plans reduce the extent of encroachment into the 15m buffer required beside the ancient woodland. However, these are not sufficient to overcome the

original concerns, and the proposal is contrary to the NPPF and Government advice. The proposal will lead to harm to the ancient woodland from direct and indirect pressure.

## **Hampshire County Council**

Highways: **No Objection.**

Subject to conditions securing visibility splays at proposed access.

## **Others**

Natural England: Natural England is not able to provide specific advice on this application and therefore has no comment to make on its details. Non detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local planning authority to determine whether or not the proposal is consistent with national and local environmental policies.

## **9 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

### Principle of development

- Contrary to local plan countryside policies.
- The location is unsustainable
- Negative impact on the Green Belt
- Lack of demonstrated need and there are already under-utilised pitches available for the applicant
- Not materially different to housing scheme dismissed at appeal and should be refused for similar reasons
- Not promoted to Council in local plan 'call for sites' as a traveller site

### Design

- Harm to the rural character and appearance of the area and site.
- Impact on the landscape character of the area
- Conflict with the purposes of the New Forest National Park
- Plot is too small for the proposed development

### Highway safety

- Insufficient access visibility.
- Speeding traffic and narrow road are not safe.
- Bus route
- Runners, cyclists and horse riders use Trotts Lane, and the proposal will compromise their safety.
- Road is used as a rat-run alternative when delays on A326

### Amenity

- The development will disturb residential amenity

### Nature conservation

- Impact on biodiversity, wildlife and adjoining woodland.
- The development will impact on the woodland which is an important public amenity space.

## Others

- Insufficient infrastructure on site and in Marchwood to support travellers.
- Lack of drainage infrastructure
- Flooding along Trotts lane
- Land contaminated through historic activities

For: 0

Against: 45

## **10 PLANNING ASSESSMENT**

### **A. Principle of development**

#### *i. NFDC Local Plan*

Local Plan Policy STR3 (The strategy for locating new development) presents the strategy for locating new development, seeking to direct development to accessible locations that help to sustain the vitality and viability of the towns and villages of the plan area. Beyond locations where site-specific policies apply and the built-up area boundary of settlements, the primary objectives are to conserve and enhance the countryside and natural environment. Development will generally be restricted unless the development proposed is appropriate in a rural setting in accordance with Local Plan Policy CS21 (Rural Economy).

Local Plan Policy CS21 presents a broad strategy for supporting the rural economy, largely focussed on employment generating development making use of existing buildings or enhancing established existing businesses.

Local Plan Policy STR4 (The settlement hierarchy) sets out that Marchwood is identified as a town in the highest tier. These centres offer access to a wider range of employment, facilities and services and are the most sustainable locations.

Local Plan Policy HOU1 (Housing type, size, tenure and choice) sets out:

*The strategy is to ensure that all residential development helps to address the diversity of housing needs of local people at all stages of life by providing a mix and choice of homes by type, size, tenure and cost.*

*The policy objectives are to improve the diversity of housing choice, and to achieve an overall balance of housing provision in general accordance with housing needs evidence. Each development should contribute appropriately to improving housing diversity wherever possible, taking into account the location, size and characteristics of the site, the form of development proposed and the viability of the scheme.*

The supporting text to Policy HOU1 (Paragraph 6.4) sets out that HOU1 seeks the provision of a greater range and quantity of the following types and tenures in appropriate locations. This includes in the fifth bullet point (emphasis added) – plots for self- and custom-build housing, including for travellers.

Local Plan Policy HOU4 (Gypsies, travellers and travelling showpeople) sets out:

*Needs for gypsy and traveller pitches and for plots for travelling showpeople, who continue to live a travelling lifestyle, will be met by existing planning permissions, site allocations and a combination of the following:*

- i. *Regularising and/or permitting extensions to existing sites in appropriate locations;*
- ii. *Permitting applications for new traveller pitches or showpeople plots in appropriate locations for residential development;*
- iii. *Addressing any remaining unmet needs through the Local Plan Review Part Two, in consultation with travelling communities.*

The supporting text to Policy HOU4 (Paragraphs 6.32 to 6.36) sets out further detailed commentary.

Paragraph 6.32 highlights the historic links between gypsies and the New Forest Area, and that national planning policy seeks to ensure fair and equal treatment for travellers whilst respecting the interests of the settled community.

Paragraph 6.33 sets out that the Hampshire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA, May 2017) which indicates a confirmed need in the Plan Area. It also sets out that some additional needs may arise from traveller households that did not participate in the assessment survey. Further detail on the GTAA is set out below.

Paragraph 6.34 sets out that Local Plan Policy TOT10 allocates land at Little Testwood Farm for traveller pitches. It has capacity for around eight new pitches.

Paragraph 6.35 confirms that development proposals for those who no longer travel but wish to live in a culturally specific form of accommodation will also be assessed using the criteria set out in part (ii) of Policy HOU4. Paragraph 6.35 also sets out that general restrictions on residential development in the open countryside, including in the Green Belt, apply equally to travellers, but where in accordance with Policy HOU5 (Rural housing exception sites and community-led housing schemes) proposals may be considered in appropriate locations as a form of self-build housing or as a rural housing exception site.

Paragraph 6.36 confirms that Local Plan Policy ENV1 (Mitigating the impact of development on International Nature Conservation Sites) applies to traveller sites too.

Local Plan Policy HOU5 (Rural housing exception sites and community-led housing schemes) sets out:

*New residential development will only be permitted on suitable sites outside the defined settlement boundaries where it is to meet an identified need of local people for affordable housing to meet local needs which cannot be provided in any other way.*

*The Council will support and encourage housing, and other ancillary or related development proposed alongside housing, by a qualifying Community-led Housing group on land it owns or controls, where the development has the support of the local community and is proposed to meet the identified local needs of the community it relates to.*

*Suitable sites will be located within or adjoining a settlement which either provides a range of local services and facilities, or is (or can be made) safely accessible to a larger settlement nearby which provides a wider range of services and facilities. The District Council will work with local communities to identify suitable sites, which may also be identified through Neighbourhood Plans.*

*Legal undertakings or other appropriate mechanisms will be required to ensure that the benefits of the scheme to the local area and/or specified community group are clearly defined and legally protected in perpetuity.*

Local Plan Policy TOT10 'Land at Little Testwood Farm caravan site' is safeguarded for the provision of additional permanent residential caravan pitches for gypsies and travellers. It is considered that this is a 'site allocation' as referenced in Local Plan policy HOU4.

ii. *National Planning Guidance*

The National Planning Policy Framework (NPPF) (December 2024) sets out

Paragraph 4:

*The Framework should be read in conjunction with the Government's planning policy for traveller sites, and its planning policy for waste. When preparing plans or making decisions on applications for these types of development, regard should also be had to the policies in this Framework, where relevant.*

Paragraph 63 (emphasis added):

*Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing (including Social Rent); families with children; looked after children; older people (including those who require retirement housing, housing with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes.*

Footnote 27 (page 17) sets out that:

*Planning Policy for Traveller Sites sets out how travellers' housing needs should be assessed for those covered by the definition in Annex 1 of that document.*

Planning Policy for Traveller Sites (PPTS) is the Government planning policy for traveller sites which should be read in conjunction with the NPPF.

PPTS Paragraph 25 sets out:

*Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:*

- a) the existing level of local provision and need for sites;*
- b) the availability (or lack) of alternative accommodation for the applicants;*
- c) other personal circumstances of the applicant;*
- d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites;*
- e) that they should determine applications for sites from any travellers and not just those with local connections.*

PPTS Paragraph 26 sets out:

*Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.*

PPTS Paragraph 27 sets out:

When considering applications, local planning authorities should attach weight to the following matters:

- a) effective use of previously developed (brownfield), untidy or derelict land;*
- b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness;*
- c) promoting opportunities for healthy lifestyles, such as ensuring adequate landscaping and play areas for children; and*
- d) not enclosing a site with so much hard landscaping, high walls or fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.*

PPTS Paragraph 28 sets out:

*If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply. Local planning authorities should consider how they could overcome planning objections to particular proposals using planning conditions or planning obligations including:*

- a) limiting which parts of a site may be used for any business operations, in order to minimise the visual impact and limit the effect of noise;*
- b) specifying the number of days the site can be occupied by more than the allowed number of caravans (which permits visitors and allows attendance at family or community events);*
- c) limiting the maximum number of days for which caravans might be permitted to stay on a transit site.*

PPTS Paragraph 30 sets out:

*The implementation policies set out in the National Planning Policy Framework will apply also to plan-making and decision-taking for traveller sites. In applying those implementation provisions to traveller sites, references in those provisions to policies in the National Planning Policy Framework should, where relevant, be read to include policies in this planning policy for traveller sites.*

PPTS Annex 1 (Glossary) sets out the following:

For the purposes of this planning policy “gypsies and travellers” means:

*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, and all other persons with a cultural tradition of nomadism or of living in a caravan, but*

*excluding members of an organised group of travelling showpeople or circus people travelling together as such.*

For the purposes of this planning policy, “pitch” means

*A pitch on a “gypsy and traveller” site and “plot” means a pitch on a “travelling show-people” site (often called a “yard”). This terminology differentiates between residential pitches for “gypsies and travellers” and mixed-use plots for “travelling show-people”, which may / will need to incorporate space or to be split to allow for the storage of equipment.*

iii. *Planning Agent Statement, Appeal Decisions and Case Law*

The Case Officer sought further information to support the application (via email) on 11 July 2025.

The Planning Agent responded to the Case Officer (via email) on 15 July 2025 setting out the following details.

In terms of the justification for the proposal, the Planning Agent comments as follows:

- NFDC Local Plan Policy HOU4 is manifestly out of date as it provides no criteria whatsoever with which to guide Traveller applicants for planning permission for their sites, such as Mr McDonagh (an ethnic Irish Traveller, this being a protected characteristic under the Equality Act 2010).
- Policy HOU4 is inconsistent with national policy in Planning Policy for Traveller Sites (PPTS) (December 2024) and the NPPF (December 2024). The absence of development management policy to apply is a factor that attracts significant weight in favour of approving the application.
- In contrast the proposal is compliant with the relevant criteria in PPTS 2024, a factor that attracts additional significant weight.
- Furthermore, by insisting that the policy only applies to “gypsy and travellers... who continue to live a travelling lifestyle” HOU4 is out of date with PPTS 2024 Annex 1 (as set out above).
- The definition upon which HOU4 is based – that in the 2015 PPTS – was found to be unlawful in the *Lisa Smith* case following which the government changed the definition. Note: The Planning Agent attached the *Lisa Smith* judgement in the email dated 15 July 2025.
- To compound matters, the 2017 GTAA upon which your authority's need figure is based, itself relies on the unlawful 2015 PPTS definition and therefore substantially under-records the real extent of need. In the GTAA: it found that only 1 household came within the (unlawful) 2015 PPTS definition but that 25 were unknown or fell outside that (unlawful) definition. As all of those people were ethnic Travellers, all 25 should be added to the equation. This alone indicates how unreliable the 2017 GTAA is.
- In a recent Appeal Decision (PINS ref:APP/B9506/C/23/3325725) on land adjacent to Dibden golf course that was allowed for a Traveller site in the New Forest National Park Authority (which relies on the same 2017 GTAA) the Inspector found:

Appeal Decision paragraph 10

*" Paragraph 7(b) of the PPTS requires local planning authorities to prepare and maintain an up-to-date understanding of the likely accommodation needs of their areas over the lifespan of the development plan. The PPTS also requires local planning authorities to identify, and update annually, a 5-year supply of specific deliverable sites against their locally set targets."*

Paragraph 11

*"The Hampshire Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (2017) (the GTAA 2017) identifies a need for 1 additional pitch to be provided within the NP between 2016 and 2036. Land at Forest View is allocated to meet that identified need. The GTAA is however 7 years old. Furthermore, it predates the Lisa Smith judgement and the change to the gypsy and traveller definition found in Annex A of the PPTS. These factors have the potential to significantly affect the identified need for pitches within the NP. For these reasons I find the GTAA 2017 to be out of date."*

As such, given this context, it is considered appropriate to consider the proposal, including the Principle of Development, against both Local Plan Policy HOU4 and current national Planning Policy including both the NPPF (December 2024) and Planning Policy for Traveller Sites (PPTS) (also December 2024). The NPPF, as set out, is explicit in Paragraph 4 that the Framework should be read in conjunction with the Government's planning policy for traveller sites.

#### *iv. Assessment*

##### *a) Local Planning Policy*

With respect to the numbered criteria of Local Plan Policy HOU4, criterion (ii) is not applicable as the application site is not an existing traveller site. With regard to criterion (iii), Local Plan part 2 was not reviewed in the original time scale identified by the Local Development Scheme in place at the time Part 1 was adopted.

However, as set out, Local Plan Paragraph 6.35 confirms that development proposals for those who no longer travel but wish to live in a culturally specific form of accommodation will also be assessed using the criteria set out in part (ii) of Policy HOU4 - *Permitting applications for new traveller pitches or show-people plots in appropriate locations for residential development.*

The planning application site is outside the built-up area of Marchwood, as defined by the policies map, the boundary of which is approximately 80m away to the south-east, at the junction of Park Lane with Pooks Green and Trotts Lane. Local Plan policy STR3 is clear that beyond locations where site-specific policies apply and the built-up area boundary of settlements, the primary objectives are to conserve and enhance the countryside and natural environment.

Furthermore, development will generally be restricted unless it is appropriate in a rural setting in accordance with Saved Policy CS21 of the New Forest District Core Strategy 2009, which encourages development that directly supports the rural economy. Essentially, it is considered this planning application would not directly support the rural economy.

Local Plan policy HOU5 allows for residential development outside the built-up areas where it is to meet an identified need for local people for affordable housing to meet local needs which cannot be provided for in any other way. The policy and its supporting text make no provision for local housing need to include accommodation to serve the needs of gypsies or travellers. Therefore, Local Plan Policy HOU5 is not relevant to this application.

As such, the proposal would not be in a location appropriate for residential development when considered against the relevant NFDC Local Plan Policies in isolation.

Therefore, it is considered the development would not be in accordance with Local Plan policies STR3, HOU4 and CS21.

*b) National Planning Policy*

As set out above, the NPPF should be read in conjunction with the planning policy for traveller sites (PPTS), taking each paragraph and criteria of policy H 'Determining planning applications for traveller sites' in turn the following are considered.

Paragraph 25. a) In respect of the existing level of local provision Local Plan policy TOT10 safeguards land for the provision of gypsy and traveller accommodation. Local plan policy HOU4 allows for any land appropriate for residential development to be appropriate for gypsies and travellers accommodation.

Based on the changes to National guidance on how to assess the need for gypsy and traveller accommodation (arising from the Lisa Smith judgement), described above, the NFDC Policy team manager has advised that the emerging Gypsy and Traveller Accommodation Assessment (GTAA 2025), undertaken to support the Local Plan review, has identified need for up to 29 pitches across the plan area.

It is accepted that Local Plan policy TOT10 does not safeguard sufficient land to meet all the accommodation needs identified by the GTAA 2025. Furthermore, whilst there is currently capacity at Bury Brickfields there are non-planning reasons behind this, and spaces may not be available. However, this site does not provide sufficient pitches to meet the accommodation needs identified by the GTAA 2025.

25. b) In addition to the principle that land considered suitable for residential development is suitable for gypsies and travellers accommodation set out at criterion ii. of Local Plan policy HOU4, land is safeguarded at Little Testwood, by Local Plan part 2 policy TOT10 for the development of accommodation for gypsies and travellers. However, it cannot be confirmed whether it is available and suitable for the applicants needs, though it is considered large enough to accommodate the combination of accommodation proposed by the planning application.

In light of the emerging scale of need identified by the GTAA 2025 the NFDC Planning Policy team manager advises that the two pitches proposed can count towards meeting the objectively assessed need for gypsy and traveller accommodation.

25. c) In addition to confirming that the applicant, Mr McDonagh, considers himself to be an Irish traveller, the agent has described the personal circumstances of the applicant in making the planning application as being:

Mr McDonagh and his wife would live on one pitch; the second pitch is to accommodate their daughter who is a single mother to 1 child and is also pregnant

with another due this year. Ms McDonagh is living in a caravan with no fixed address. Mr McDonagh has strong connections with both Hampshire generally as well as the New Forest in particular: both his sons and their wives and children live in Totton.

25. d) Sub-section a) 'NFDC Local Plan policy' of this assessment of the planning application considers the locally specific criteria set out to assess applications on unallocated sites, such as the site subject to this planning application.

25.e) Although of limited detail, as presented at criterion c) above, the applicant has indicated he has local connections to Hampshire and Totton. In any event the Council will determine this properly made planning application.

Paragraph 26. With respect to limiting new traveller site development in the open countryside this planning application considers the merits of the proposed use of the land as a new site for traveller accommodation against policies of the development plan that direct development to identified built-up areas. Where development occurs outside such built-up areas, as defined by the adopted policies map, strict policy considerations seek to control development, as described at sub-section a) 'NFDC Local Plan policy' above. The planning application proposes to provide accommodation for two family groups, as described by the applicant and considered at PPTS policy 25.c) above, it is considered that this scale will not dominate the settlement of Marchwood, identified as a town, the highest tier of settlements, by Local Plan policy STR4, where there is a wide range of infrastructure considered capable of accommodating the scale of development proposed by this planning application.

Paragraph 27 a) The site is not considered to be previously developed land, untidy or derelict land.

27 b) Detailed assessment of the built form, layout and landscape proposed by the planning application is undertaken below at sub-section 10 B to this report.

27 c) The planning application includes amenity space on site considered sufficient to meet the informal play achievable within any similar residential garden. However, as described at sub-section 10 C to this report, it is considered that such use will lead to indirect harm to the integrity of the adjoining ancient woodland. Furthermore, there are no public areas for play in close proximity or safe walking distance of the site.

27 d) The planning application does not propose to enclose the site with so much hard landscaping, high walls or solid fences, that the impression may be given that the site and its occupants are deliberately isolated from the rest of the community.

Paragraph 28. As confirmed by the NFDC Planning Policy response the Council cannot demonstrate a five-year supply of land for housing, including pitches for gypsies and travellers. The provisions of paragraph 11(d) of the NPPF are considered to apply. The implications of which for the determination of this application are set out in the planning balance at section 12 below.

The Council will consider the use of planning conditions or planning obligations should they be necessary to make the planning application acceptable and they meet the relevant tests.

28 a) The proposed layout and landscape plan supporting the planning application makes no provision for any of the site to be used for any business operations, nor is it referenced in any of the supporting information and personal circumstances

provided. As with any residential property a degree of business use by the occupier ancillary to their primary use of the site as their home would not in itself require planning permission. However, should the use become more dominant, it may be that a change of use has occurred that would require the benefit of planning permission itself.

28 b) The planning application describes the number and range of structures that will be provided for habitable accommodation and is supported by a proposed layout and landscape plan that shows the layout. No provision is made by the planning application for additional visiting caravans. However, as indicated by the PPTS this could be subject to a condition.

28 c) The planning application does not propose the site to be developed as a transit site.

*c) other considerations of the principle*

The site is located outside the built-up area of Marchwood as identified by the Local Plan policies map. However, it does abut a ribbon of development extending out from the built-up area, along the north side of Trotts Lane. There are no pavements for circa 600m along either Pooks Green or Park Lane, when they respectively meet Staplewood Lane. These two roads serve a large number of existing residential dwellings, the residents of which may choose to walk or cycle along the lanes to access Marchwood Local shopping frontage circa 1.2km away.

However, the application site is a further 400m away from Marchwood Local shopping frontage, which at 1.6km total distance could discourage walking for most trips but could be accessible by bicycle. The planning application does not make provision to improve facilities for pedestrians. However, it is not considered proportionate to the scale of the proposed development to expect the planning application to make improvements to pedestrian accessibility, especially considering the scale of works that would be required in order to connect to existing provisions for pedestrians.

As described above, there is a public bus service passing the application site, providing services between Hythe and Southampton, with a bus stop less than 300m walk from the planning application site. This bus stop only serves buses heading to Southampton, return trips are served by a bus stop on Staplewood Lane, approximately 600m away.

As such whilst the planning application site is outside the built-up area, it is served by public transport and is within cycling distance of Marchwood local centre. As set out above, Marchwood is identified as a sustainable location in the settlement hierarchy and it is therefore considered to be served by sustainable modes of travel

As described above, the site is located outside the built-up area of Marchwood as identified on the policies map. However, the site is not located in the South-West Hampshire Green Belt. Nor is it located in the New Forest National Park. As such comments raised in representations from members of the public objecting to the impact of the development on such designations are incorrect and given no weight.

Not only is the planning application site outside the New Forest National Park, due to the intervening separation distance of circa 100m, in which there are multiple lines of trees, hedgerows and two roads, combined with the relatively small scale of the planning application proposals, it is considered that the development will have no direct or indirect impact on the special qualities and purposes of the National Park, or its setting, thereby furthering the purposes of National Park. As such in

accordance with Local Plan Policy STR2 and the Levelling Up and Regeneration Act (2023) Section 245 the character, quality and scenic beauty of the National Park will be protected.

*v. Principle of Development - Summary*

In conclusion, the planning application does not accord with Local Plan policies STR3, HOU4 and CS21.

However, taking in to account the change to the national planning policy definition of a gypsy and traveller, as a result of the *Lisa Smith* judgement, and the lack of a five-year supply of sites to meet the need for accommodation for gypsies and travellers identified by the emerging GTAA 2025, the planning application has been assessed against the Planning Policy for Travellers Sites.

No objection is raised by NFDC Planning Policy on the grounds of need for additional accommodation for gypsies and travellers. There is a clear emerging need in the District for additional Gypsy and Traveller pitches in line with the most recent definitions set out in national planning guidance. The site despite being located in open countryside has reasonable accessibility to services and facilities given its countryside location and is on a bus route.

As such, on balance of considerations, the identified need for additional Gypsy and Traveller pitches outweighs the fact that the site is located in open countryside in proximity to a main settlement as defined in Local Plan Policy STR4.

The principle of the development accords with the policies of the national Planning Policy for Travellers Sites as described in the above assessment, as such there is no objection to the principle of the development. The rest of this report will consider the detailed matters of the planning application, before the planning balance considers the implications of paragraph 11(d) of the NPPF for the recommendation.

**B. Design and the character and appearance of the area**

Local Plan Policy ENV3 (Design quality and local distinctiveness) sets out that all development should achieve high quality design that contributes positively to local distinctiveness, quality of life and enhances the character and identity of the locality by creating buildings, streets, places and spaces that are functional, appropriate and attractive. New development will be required to address specific design criteria (i) to (vii).

The site is located outside the built-up area of Marchwood as defined by the policies map. It is a small open field amongst other open fields. Whilst outside the built-up area, there is a residential dwelling to the south-east and is in an area of very low density of built form. The site is undeveloped and contributes to the rural character and appearance of the area, indicative of the countryside location. There is a substantial tree belt along and beyond the north-east boundary, designated as a SINC and assessed as being an ancient woodland, these are integral to the verdant character and appearance of the countryside location.

As demonstrated by the proposed layout plan, the planning application proposes to erect two single storey residential buildings, described as 'day rooms' by the applicant, lay gravel and paved hard surfaces to provide for the siting of two mobile homes and two touring caravans and to provide a suitable surface for access, parking and manoeuvring space to support the proposed residential use of the site.

The supporting day room elevation and layout plans indicate that the single storey day rooms provide kitchen, living and bathroom space, which would be in addition to any such facilities commonly found in mobile homes and touring caravans.

The elevations demonstrate a domestic appearance to the design with simple hipped pitched roof, akin to a residential garage outbuilding, that would be consistent with the, albeit limited, built form present in close proximity to the application site along Trotts Lane.

In addition to the day rooms, the planning application seeks permission for the siting on the application site, and occupation for residential purposes, of two mobile homes and two touring caravans. Whilst detail of the construction of the mobile homes has not been presented, to demonstrate that they will comply with the caravans Act with respect to their mobility, mobile homes are commonly capable of being caravans and by definition as mobile structures they do not require planning permission themselves, as such no elevation designs have been proposed.

Notwithstanding the lack of images or details of the proposed mobile homes and touring caravans, the planning application indicates their proposed siting on the site. In order to avoid the constraint of the ancient woodland to the rear of the site, the caravans and day rooms are shown, on the supporting proposed layout plan, to be positioned immediately adjacent to the Trotts Lane boundary. Such a layout results in all the proposed structures being particularly prominent and evident in views of the site along Trotts Lane, an impact that was a particular concern of the Inspector in dismissing an appeal for two houses on the site in 2023.

As set out on the proposed layout and landscape plan, the planning application proposes to plant a new boundary hedge along the frontage of the site to Trotts Lane. This would be set back, approximately 1m deeper into the site, from the alignment of a hedgerow that used to enclose the front of the site, in order to achieve improved visibility from the vehicular access.

Inclusion of a new hedgerow along the road frontage of the application site and native buffer planting at the north-western and south-eastern ends of the site, will enhance the landscape setting of the site, albeit in respect of the frontage hedgerow this would reestablish a landscape feature that previously existed. As such the weight applied to this benefit is limited.

Whilst the external design of the day rooms will share characteristics and appearance with residential development commonly found in suburban residential areas, the application site is not in such an area, and they do not display the traits, character or appearance of buildings more commonly found in a rural setting. Furthermore, neither would mobile homes or touring caravans located on the site readily reflect or positively complement the rural character of this countryside location.

Furthermore, concerns regarding the appropriateness of the design are exacerbated by the proposed layout positioning the buildings very close to the front of the site. The limited built form located close to the planning application site, that is also located outside the built-up area of Marchwood, is set substantially back from the road frontage behind mature landscape, contributing to the rural character, the planning application would markedly contrast with that layout, negatively impacting on the rural character and appearance of the site in this countryside location.

The NFDC Environmental Design officer has objected to the lack of a Landscape Visual Impact Assessment (LVIA) supporting the planning application. Whilst such an assessment may demonstrate the applicant has a greater appreciation of the

quality and importance of the landscape setting it is considered unlikely to result in a significantly different layout due to the constraint of the ancient woodland that the planning application has sought to respond to. Furthermore, it is not considered proportionate to the scale of the planning application under consideration that an LVIA has to be submitted or that the planning application should fail due to the absence of such an assessment.

In addition to the content of Local Plan policy ENV3 described above, the policy includes design criteria. The most relevant here is criterion i. that requires development to create buildings, streets and spaces which are sympathetic to the environment and their context in terms of layout, landscape, scale, height, appearance and density and in relationship to adjoining buildings, spaces and landscape features.

As set out above it is considered that the planning application will conflict with this part of Local Plan policy ENV3, in respect of failing to deliver development that is Appropriate, as defined in the policy, being sympathetic to the environment in terms of layout and appearance and the landscape in which it is located. Whilst the inclusion of landscape setting, including the new hedgerow along the site frontage, will be positive, that, in itself, is not considered sufficient to outweigh or mitigate the identified impacts of the planning application.

It is therefore considered that the planning application will be in conflict with bullet two describing Appropriate development and criterion i. of Local Plan policy ENV3.

### **C. Trees, Ecology and Habitat Mitigation**

#### *i. Trees and Ancient Woodland.*

Local Plan policy ENV4 (Landscape character and quality) sets out that where development is proposed there is a requirement to retain and/or enhance the following landscape features and characteristics through sensitive design, mitigation and enhancement measures, to successfully integrate new development into the local landscape context, addressing supporting design criteria (i) to (vi).

Local Plan policy DM2 seeks to preserve or avoid impacts on features of nature conservation interest, including international, national and local designations and species. The development should include features to incorporate features to encourage biodiversity and retain and where possible enhance features of nature conservation value within the site.

The trees to the rear of the site are immediately adjacent to the site boundary and their canopies and root zones extend significantly into the application site. The trees are part of a larger area of woodland, known as Spraggs Copse, that has been designated as a Site of Interest for Nature Conservation (SINC), considered to be an Ancient Woodland and is subject to a Tree Preservation Order. In addition to the above referenced Local Plan policies, paragraph 193(c) of the NPPF requires development that results in the loss or deterioration of irreplaceable habitats, including ancient woodland, to be refused.

National guidance, prepared by Natural England and the Forestry Commission (NE&FC) recognises that Ancient Woodland takes hundreds of years to establish and is defined as an irreplaceable habitat and is a valuable natural asset important for, *inter alia*, wildlife (which includes rare and threatened species). The guidance indicates that when assessing the relationship of proposed development with ancient woodland, a buffer zone of, at least, 15m should be provided from the boundary of the woodland. The guidance goes on to say:

That buffer should:

- contribute to wider ecological networks
- be part of the green infrastructure of the area

A buffer zone should consist of semi-natural habitats such as:

- woodland
- a mix of scrub, grassland, heathland and wetland

As indicated by the proposed site layout plan and demonstrated by the tree constraints plan, the planning application places the two day room buildings beyond the 15m buffer with the boundary of the ancient woodland. Soft landscape will be preserved within that buffer at a width that varies from circa 9m at the north-western end to 15m at the south-eastern end of the planning application site and consists of an area of improved grassland enclosed by a 1.2m high post and rail fence and an area of ornamental grass.

However, the planning application proposes areas of gravel surfaced driveways and parking areas, including any base for the siting of the north-western mobile home, to be within the 15m buffer zone. Garden amenity areas are also within the buffer zone. That includes the fenced area of improved grassland and the amenity space of ornamental grass, allowing for incidental amenity activities to occur within the buffer zone of the ancient woodland.

The supporting site layout plan and tree constraints plan include images for the two mobile homes to be brought on to the planning application site. In response to concerns raised about incursion into the 15m buffer zone, the north-western mobile home has been reduced in size to be a single unit, as described by the agent in the explanatory correspondence accompanying the amended plans. As described elsewhere in this report, the precise details, size and appearance of the mobile homes is not before the Council, provided the structures brought to the site comply with the requirements of being a caravan, as such it considered it would be difficult to ensure compliance with this aspect of the planning application.

The NFDC Tree officer and NFDC Ecology officer raise concerns that the layout does not create a solid barrier to prevent activities occurring within the buffer zone, as such it is considered by the officers that there would be harm to the woodland and the potential for future direct and indirect pressure, from any further residential activities and incidental structures and the general residential use of the site leading to;

- reducing the amount of semi-natural habitats next to ancient woodland that provide important dispersal and feeding habitat for woodland species
- reducing the resilience of the woodland or trees and making them more vulnerable to change
- increasing the amount of dust, light, water, air and soil pollution
- increasing disturbance to wildlife, such as noise from additional people and traffic
- increasing damage to habitat, for example trampling of plants and erosion of soil by people accessing the woodland or tree root protection areas
- increasing damaging activities like fly-tipping and the impact of domestic pets
- increasing the risk of damage to people and property by falling branches or trees requiring tree management that could cause habitat deterioration

Whilst it may be possible to limit some indirect impacts through the imposition of conditions, the principle of the development leads to the occurrence of many of these and conditions could not limit those effects occurring. It is also considered inappropriate to rely on conditions to prevent normal use of gardens or erection of security lighting, that can also fail to meet the tests of reasonableness and enforceability.

Furthermore, the NFDC Ecology officer has indicated that the planning application does not include a landscape scheme that would minimise the potential for indirect impacts to occur by way of the species of plants proposed for the buffer zone. Seeking to deter access to the buffer zone with species such as Blackthorn and Hawthorn, not only providing woodland edge habitat but also discouraging access and use to the buffer area.

The NFDC Tree and Ecology consultation responses recognise do not consider the smaller mobile home proposed for the north-west plot would alleviate the indirect pressure, which arise from the principle of the use.

As such their respective advice is that the planning application is contrary to Government advice and paragraph 193 of the NPPF.

However, paragraph 193(c) of the NPPF and the NE&FC guidance confirm that development that results in the loss or deterioration of irreplaceable habitats should be refused unless there are wholly exceptional circumstances, and a suitable compensation strategy exists.

Footnote 70 to the NPPF provides examples of wholly exceptional circumstances as nationally significant infrastructure projects, orders under Transport and Works Act or similar hybrid bills.

The planning balance below, at chapter 12 of this report, considers if wholly exceptional circumstances are considered to apply to the planning application. However, based on the NFDC Ecology officer consultation response it is considered that the second test of paragraph 193(c) is not met in that a suitable compensation strategy does not exist.

Representations received from members of the public raise concerns that the planning application will have a negative impact on the quality of Spraggs Copse as an area for recreation by local residents. Whilst there are clear concerns regarding the impact of the planning application on the ecological and arboricultural value of Spraggs Copse, it is not designated or identified as a site for recreational purposes, nor are any of the paths through it adopted as formal rights of way. As such any role for recreation is informal and as the development would not result in the loss of land being used those objections are given little weight.

As such the proposal is contrary to Local Plan policy DM2.

#### ii. *Ecology and Protected Species.*

Local Plan policy DM2 seeks to preserve or avoid impacts on features of nature conservation interest, including international, national and local designations and species. The development should include features to incorporate features to encourage biodiversity and retain and where possible enhance features of nature conservation value within the site. Conditions could be used to minimise damage, provide mitigation and site management measures and, where appropriate, compensatory and enhancement measures.

The planning application is supported by a Preliminary Ecology Assessment (PEA) that considers the potential for the site to be occupied by protected species.

There is a pond and suitable habitat for Great Crested Newts (GCN) located within 250m of the application site. The pond has not been surveyed for the presence of GCN. The NFDC Ecology officer considers there is likelihood of GCN being present and does not agree that there will not be any impact on the species.

The PEA does not identify any evidence of badgers on or adjoining the site. The NFDC Ecology officer is satisfied that a robust assessment has been undertaken and accepts the conclusion that they are absent.

There is no habitat on the planning application site suitable for roosting bats but there is potential for supporting habitat within the adjoining Spraggs Copse woodland. External lighting has the potential to disturb commuting or foraging bats, and a sensitive lighting strategy should be secured to minimise any impacts. The inclusion of bat boxes on the day rooms is positive and could be secured by a suitably drafted condition.

There is no habitat on the planning application site suitable to support nesting birds. As such birds are not anticipated to be impacted by the proposals.

The NFDC Ecology officer is content that hazel dormice are not present on the site and will not be impacted. The details presented by the proposed site layout and landscape plan indicate improvement in hedgerow habitat with the potential to support dormice should there be a population locally.

The PEA identifies the site is inhabited by a tussocky grassland that provides suitable habitat for reptiles. No surveys have been undertaken due to the assumed likelihood of a low population of reptiles. The NFDC Ecology officer considers the site has greater potential to support reptiles than the approach of the PEA concludes, and requests surveys are undertaken and where appropriate, mitigation identified and secured.

Insufficient surveys have been undertaken to establish the presence or absence of reptiles including GCN, as such it can not be concluded that the planning application will not cause harm to protected species and as such does not accord with Local Plan policy DM2.

### *iii. Recreational Activity Impact on New Forest and Solent Habitats*

Policy ENV1 of the Local Plan requires developments proposing less than 50 dwellings to make provision of financial contributions towards the provision of recreational mitigation projects to avoid harmful impacts occurring to protected habitats in the New Forest and along the Solent shoreline, from increased recreational activity. This takes the form of contributions towards infrastructure projects to provide alternative natural recreational green spaces and recreational routes, and towards access and visitor management of recreational visits to the New Forest and Solent Coast sites.

Natural England do not object to the application subject to completion of a habitats regulations assessment of the development. their representation recognises the Council has adopted strategies that if complied with enable the development to proceed without causing adverse impacts on the integrity of the identified habitats. In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest

and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that such adverse impacts would be avoided if the applicant were to enter into a Section 106 legal agreement to secure a habitat mitigation contribution in accordance with the Council's Mitigation Strategy. In the absence of such a legal agreement, a scheme specific Appropriate Assessment could not be passed and the planning application would be contrary to Local Plan policy ENV1.

*iv. Nitrate Neutrality and Impact on the Solent Special Protection Area (SPA) and Special Area of Conservation (SAC).*

Local Plan Policy ENV1, goes on to require all residential developments draining or discharging wastewater to the Solent and Southampton water make a financial contribution or other appropriate mechanisms to achieve nutrient-neutral development.

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied.

These adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package addressing the additional nutrient load imposed on protected European Sites by the development, likely to take the form of purchasing nitrate offsetting credits in a mitigation scheme.

A Grampian style condition has been agreed with the applicant and could be added to a recommendation to approve.

#### **D. Residential Amenity**

Local Plan policy ENV3 at paragraph (ii) requires development, to avoid unacceptable effects by reason of visual intrusion, overbearing, overlooking, shading, noise and light pollution.

The proposed site layout plan supporting the planning application proposes residential development in single storey structures that would be arranged on the site so as to place amenity garden space adjacent to the east edge, closest to the residential dwelling at Wrenwood.

Due to the separation distance of circa 11m to the driveway at Wrenwood, the orientation of the planning application to the north-west of the plot of Wrenwood and the single storey size of a mobile home, and the potential for the native buffer planting shown along the boundary to restrict views, the planning application will not give rise to levels of overlooking or shading that will be detrimental to the privacy and amenity of the occupiers of Wrenwood. In any event, any overlooking that may arise would be across the driveway of Wrenwood, part of that site visible from the

road.

The day rooms and second mobile home will be positioned to the north-west of the south-eastern mobile home further away from Wrenwood, locating the majority of any external activities significantly more than 20m from the edge of the plot of Wrenwood. It is therefore considered that any noise from general residential activities will not be detrimental to the privacy and amenity of the occupiers of Wrenwood.

Whilst mobile homes are capable of being moved, such an activity is not common, as such once in situ there is unlikely to be any noise associated with the mobile nature of their design. The planning application also seeks permission for the siting of two touring caravans. The planning application sets out that the site is likely to be occupied for sustained periods of time and not akin to the regular comings and goings of a touring caravan campsite, which by their very nature are more readily mobile than the proposed mobile homes. Notwithstanding this, given the layout of the site and the relationship to neighbouring properties as described above, any comings and goings associated with manoeuvring the caravans that would occur is not considered to give rise to sustained levels of noise that will cause a nuisance or disturb the amenity of the occupiers of Wrenwood.

Based on the supporting proposed day room plans, the two day rooms provide living, kitchen and bathroom accommodation entirely characteristic of the nearby residential dwellings. Based on their size and the limit of two mobile homes and touring caravans these are unlikely to be used at a scale or in a manner that would give rise to a level of activity that will be out of character with the residential character of the adjoining site, or cause nuisance or disturbance to the privacy and amenity of the occupiers of Wrenwood.

The proposed day room plans indicate external down lights would be installed on the front elevation of the day rooms. These are reasonable on a residential site and are unlikely to result in light spread beyond the site, are not beyond normal for a residential property and will not impact on the amenity of the occupiers of Wrenwood.

Subject to imposition of a condition limiting use of the site to two mobile homes and two touring caravans only, to reflect the description of development, the planning application will not give rise to unacceptable effects on residential amenity.

As such it is considered that the planning application will comply with criterion ii. of Local Plan policy ENV3.

## **E. Highway Safety**

In accordance with Local Plan policy CCC2 proposed development is required to deliver safe and sustainable travel, by prioritising safe and convenient pedestrian access within developments, provide or contribute to the provision of dedicated cycle routes and lanes, consider the impact of development on bridleways, provide sufficient car and cycle parking in accordance with the parking standards SPD, provide infrastructure for electric vehicles and contribute to the provision of highway or public transport measures.

The site is currently served by two gated accesses. The eastern one will be closed as part of this planning application, with new boundary treatment and planting replacing the existing gates. The access located in the centre of the site, along its frontage to Trotts Lane will be recessed into the site and widened to improve access in to and out of the site. The planning application proposes to lay a new hedge

boundary along the Trotts Lane frontage, inside the alignment of the existing fence.

Traffic volumes along Trotts Lane are low, speeds are restricted to 30mph and there is no 'white line' along the centre of the road, discouraging speed as vehicles meet each other in opposite directions. The proposed alterations to the access and front boundary will allow visibility splays in excess of 50m in both directions along the road. These are considered to be sufficient for the development. A condition could be used to ensure the visibility splays along the site frontage are kept clear of obstruction.

Letters of representation received objecting to the planning application suggest Trotts Lane is inappropriate for towing caravans. There is no signage or traffic regulation to prevent or discourage HGV's or vehicles towing trailers or caravans from using Trotts Lane or a weight limit for vehicles using the road. It is noted that there is a public bus service using Trotts Lane and therefore large vehicles are considered to be able to navigate the road safely. Furthermore, as the planning application proposes providing space for only two touring caravans, it is considered the number of caravan movements along Trotts Lane will not be high, nor regular. The improvements to the alignment of the access will accommodate the manoeuvres required for caravans to enter the application site.

It is considered that there is adequate on-site parking to meet the needs of the development. The supporting proposed layout plan includes details of the parking layout with accompanying manoeuvring space. The space afforded for manoeuvring is considered to be tight and likely to result in multiple manoeuvres or vehicles manoeuvring across the landscape setting. However, this would not prejudice highway or pedestrian safety on the public highway or negate domestic vehicles being able to enter and egress in a forward gear.

The planning application seeks permission for the siting and residential use of touring caravans on the site. The supporting proposed layout plan indicates siting of two such caravans. The plan indicates the shape and size of the caravans. However, the detailed size is not a matter for the Council to consider as part of a planning application. Based on the supporting proposed layout plan, manoeuvring a touring caravan will also be restricted, especially if being manoeuvred in to position with a motor vehicle. However, it is acknowledged that caravans can be manually manoeuvred in to position once in the broad position of the pitch and in any event such manoeuvring would not prejudice pedestrian or highway safety on Trotts Lane.

However, it is considered that the marginal space available for manoeuvring on site and the potential that such movements would over sail into landscape areas conflicting with the 15m buffer zone around the ancient woodland, contributing to the indirect impacts raised earlier in the Planning Assessment.

There would be adequate space on the application site for the storage of bicycles and wheeled bins. No such purpose-built structures are proposed by the planning application. A condition could be used to secure details. Although such structures could contribute to concerns raised above about the impact of the development on the ancient woodland buffer.

In line with the commentary set out in the Principle of Development sub-section of the Planning Assessment, it is considered that the planning application site is in a location where it can take advantage of sustainable forms of travel to access local services and facilities. Furthermore, it is considered that the vehicular movements the planning application will give rise to will not prejudice highway or pedestrian safety along Trotts Lane. As such it is considered to comply with Local Plan policy CCC2.

## **F. Other Matters**

### *i. Flood Risk.*

Local Plan policy CCC1 criterion (i) requires development not to result in pollution or hazards which prejudice the health and safety of communities and their environments. Criterion (iv)(b) directs development for vulnerable development in flood zones to be in accordance with the sequential and exceptions tests. Representations received from members of the public object to the application due to flood events occurring in the area.

Local Plan supporting paragraph 8.14 states:

"In considering potential or proposed locations for development it is therefore important that, as far as reasonably possible, development is located where the risk of flooding (from all sources) is and will remain lowest, taking account of climate change and the vulnerability of future uses to flood risk."

Annex 3 to the NPPF classifies mobile homes and caravans, intended for permanent residential use, as Highly Vulnerable to the impact of flooding.

The planning application includes the erection of day rooms. Based on the supporting day room floor plans they do not provide overnight accommodation. Overnight accommodation will be provided for within the mobile homes and caravans, the finished floor levels of which are often elevated above ground level as part of being mobile. However, in accordance with the Flood Risk Vulnerability Classification, such accommodation for permanent residential use would be highly vulnerable, that are least appropriate to locate in areas at risk of flooding.

The site is located within flood zone 1 for flood risk from rivers and the sea, being those areas with the lowest risk of flooding. Furthermore, the maps published alongside the 2024 Strategic Flood Risk Assessment (SFRA) indicate that the site is not at risk of surface water flooding.

Based on the scale of the development, especially the small area of impermeable roofs, it is not considered that the scheme would result in surface water runoff to the extent that it would exacerbate any surface water flood risk occurring along Trotts Lane or adjoining land, experienced by members of the public leading to the representations received.

Whilst mobile homes and caravans for permanent residential use are highly vulnerable, based on the adopted SFRA 2024 it is considered that residents would be safe from the risk of flooding and as such the proposal accords with Local Plan policy CCC1 criterion (i) protecting residents from hazards that could prejudice the safety of the occupants.

### *ii. Drainage*

The planning application proposes to discharge surface water runoff via soakaway. It is considered that the planning application does not propose to introduce extensive areas of hard or impermeable surfaces that large volumes of water will be captured requiring attenuation and controlled discharge, or that the principle of soakaways can not be acceptable. No details of the size or location of proposed soakaways have been provided. Whilst a condition could be used to secure details prior to the commencement of development, this is a further feature that could impact on the ancient woodland buffer zone.

The site is not served by the foul sewer network. The planning application proposes to install a package treatment plant to treat foul water. Whilst it is considered that such a feature could adequately deal with the volume of foul water generated by the scheme, no details have been presented to demonstrate what plant and equipment would be installed, nor where it would be accommodated on site.

The Planning Practice Guidance (PPG) covers Water supply, wastewater and water quality. Paragraph 020 (Reference ID: 34-020-20140306) advises that applications for developments relying on anything other than connection to a public sewage treatment plant will need to be supported by sufficient information to understand the potential implications for the water environment.

Where a connection to a public sewage treatment plant is not feasible (in terms of cost and/or practicality) a package sewage treatment plant can be considered. A proposal for a package sewage treatment plant and infrastructure should set out clearly the responsibility and means of operation and management to ensure that the permit is not likely to be infringed in the life of the plant.

As with the principle of surface water soakaways, installation of a package treatment plant could impact on the ancient woodland buffer zone, or have a visual impact on the character of the area.

Based on the significance of the constraints, limiting the developable area, on the site and in the absence of details of the proposed drainage infrastructure, it is considered that the planning application conflicts with Local Plan policy DM2 and does not demonstrate that adequate drainage can be achieved in conflict with Local Plan policy CCC1 criterion (i).

iii. *Ground Contamination.*

Representations received from members of the public have referred to the potential for historic activities undertaken on site to give rise to the ground being contaminated. The site has not been identified as being at risk of contamination due to known previous operations on or near the site. However, evidence of previous enforcement cases indicates burning of waste and storage of scrap was undertaken without the benefit of planning permission on the land.

It is considered that the duration of these activities and the types of waste and materials involved would not have given rise to a degree of contamination that would require extensive decontamination of the land prior to commencement of the residential use proposed by this planning application.

As such, the proposal accords with Local Plan policy CCC1 criterion (iv)(c).

iv. *Infrastructure.*

Representations received from members of the public object to the lack of infrastructure to support future residents of the proposals subject to the planning application. It is considered that at only providing accommodation for two family groups as described by the applicant, would not place unacceptable demands on any services or facilities, or that it would be proportionate to require enhancements. There is no policy in the local plan requiring small scale residential development to make proportionate contributions towards the provision of services and infrastructure.

## **G. Infrastructure and Developer Contributions**

As part of the development, the following is required to be secured via a Planning Obligation:

### *Heads of terms*

- New Forest habitat recreation infrastructure mitigation £6960
- New Forest habitat recreation non-infrastructure mitigation £1014
- Bird Aware Solent mitigation £964
- New Forest Air Quality monitoring £224
- S.106 commencement monitoring £878

As part of the development, subject to any relief being granted Community Infrastructure Levy will be payable.

## **11 OTHER MATTERS**

None

## **12 PLANNING BALANCE and CONCLUSION**

Planning Committee Members will be aware that Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determination of planning applications:

'If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

As set out earlier in this report it is considered the principle of the planning application would not be in accordance with Local Plan policies STR3, HOU4 and CS21. Furthermore as set out, whilst detailed aspects of the planning application are in accordance with Local Plan policies STR2, ENV3(ii) CCC1(i (flood risk hazard)) and CCC2, there are further conflicts with criteria of Local Plan policies ENV3(i), DM2 and CCC1(i (foul water drainage hazard)) and in the absence of a S.106 legal agreement conflict with ENV1.

However, as confirmed by S.38(6) determination must be made in accordance with the (development) plan unless material considerations indicate otherwise.

The National Planning Policy Framework (NPPF) and Planning Policy for Travellers Sites (PPTS) (both December 2024) are two such other material considerations relevant to the determination of this planning application.

As set out in the conclusion on the consideration of the principle of the planning application. The principle of the planning application is considered to be in accordance with the PPTS and due to changes to the definition of a gypsy and traveller and the emerging GTAA needs assessment, undertaken by NFDC for its Local Plan review, there is no objection to the planning application in principle.

NPPF paragraph 11 clarifies the presumption in favour of sustainable development.

Paragraph 11(c) states for decision making this means:

approving development proposals that accord with an up-to-date development plan without delay.

The lack of a demonstrable five-year supply of land for housing development, including for travellers, means for the purpose of this planning application the development plan is not up-to-date.

As such the presumption in favour of sustainable development in NPPF paragraph 11(d) needs to be considered for this application. Paragraph 11(d) states

where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.

With respect criterion (i), as set out in consideration of trees and ecology, the advice of the NFDC Ecology and Tree Officers respectively is that the planning application would result in deterioration of the ancient woodland immediately adjoining the planning application site, due to the indirect impacts arising from residential use of the site as proposed. The NPPF at paragraph 193(c) confirms that ancient woodland is considered to be an irreplaceable habitat. Footnote 7 to the NPPF confirms that irreplaceable habitats are an asset of particular importance.

However, before concluding that such an impact on a footnote 7 asset, that provides a strong reason for refusal and therefore restricts application of the presumption in favour of sustainable development, the test of paragraph 193 (c) should be considered.

Furthermore, NPPF paragraph 193 states (emphasis added):

When determining planning applications, local planning authorities should apply the following principles:

- (c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists;

There is no definition of what constitutes 'wholly exceptional' circumstances provided by the NPPF, PPG or NE&FC ancient woodland guidance. The NPPF, at footnote 70 does advise:

*For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.*

It is considered that this planning application is not commensurate with the example of development described as being capable as being 'wholly exceptional' by the NPPF as the public benefit would clearly be very limited and would clearly not outweigh the loss or deterioration of the ancient woodland.

The decision not to allow the appeal for the planning application for two houses on the site in 2023 indicates that the benefits of two houses was not such to be considered 'wholly exceptional', in the face of concerns regarding the effect of the development on the ancient woodland.

Whilst this application would contribute towards addressing the shortfall in sites for travellers to meet their accommodation needs in the plan area, identified by the emerging GTAA 2025, it is considered that a similar conclusion can be reached as by the 2023 appeal decision.

The second limb of paragraph 193(c) also has to be met, whereby a suitable compensation strategy exists. As concluded in the tree and ecological considerations of the planning application. A suitable compensation strategy does not exist.

As such it is considered that the planning application does not accord with NPPF paragraph 193(c). As this paragraph directs the Local Planning Authority to refuse development where deterioration of irreplaceable habitats will occur, then this conflict is considered to be a strong reason for refusal as set out by paragraph 11(d) criterion.

Furthermore, the absence of a S.106 legal agreement required to secure the mitigation necessary to prevent harm to protected habitats in the New Forest and Solent, referred to as habitats sites in footnote 7 of the NPPF, the planning application would be contrary to paragraph 195 of the NPPF and Local Plan policy ENV1 and this conflict also presents a strong reason for refusal.

Whilst it has been concluded that there are strong reasons for refusal, it is appropriate to balance any benefits of the planning application against the adverse impacts, in accordance with the second limb of NPPF paragraph 11(d).

In this case the planning application is considered to provide residential accommodation for travellers, where there is a shortfall of such sites to meet emerging need, this provides a significant social benefit.

It proposes development on a site served by sustainable modes of travel, though such a benefit is limited by the lack of facilities, to support residential use of the site, within walking distance. This is a minor environmental benefit.

There would be economic benefit of spend in local shops and facilities, and employment during construction. However, based on the scale of the development these benefits would be minor.

As concluded in the planning considerations there would be dis-benefits of the planning application on the character and appearance of the area, ecology and pollution hazards that weigh against the planning application.

It is considered that the dis-benefits arising from the conflict with policies of the development plan and NPPF are all significant and therefore demonstrably outweigh the benefits.

As such it is concluded that neither limb of paragraph 11(d) of the NPPF are complied with and the presumption in favour of sustainable development does not apply.

In conclusion the planning application is not considered to be in accordance with the development plan, whilst it satisfies the policies of the Planning Policy for Travellers

Sites it does not comply with the NPPF and there are strong reasons for refusal. The adverse impacts of the planning application demonstrably outweigh the benefits.

There are no other material planning considerations that indicate the recommendation should be anything other than for refusal.

## **13 RECOMMENDATION**

### **Refuse**

#### **Reason(s) for Refusal:**

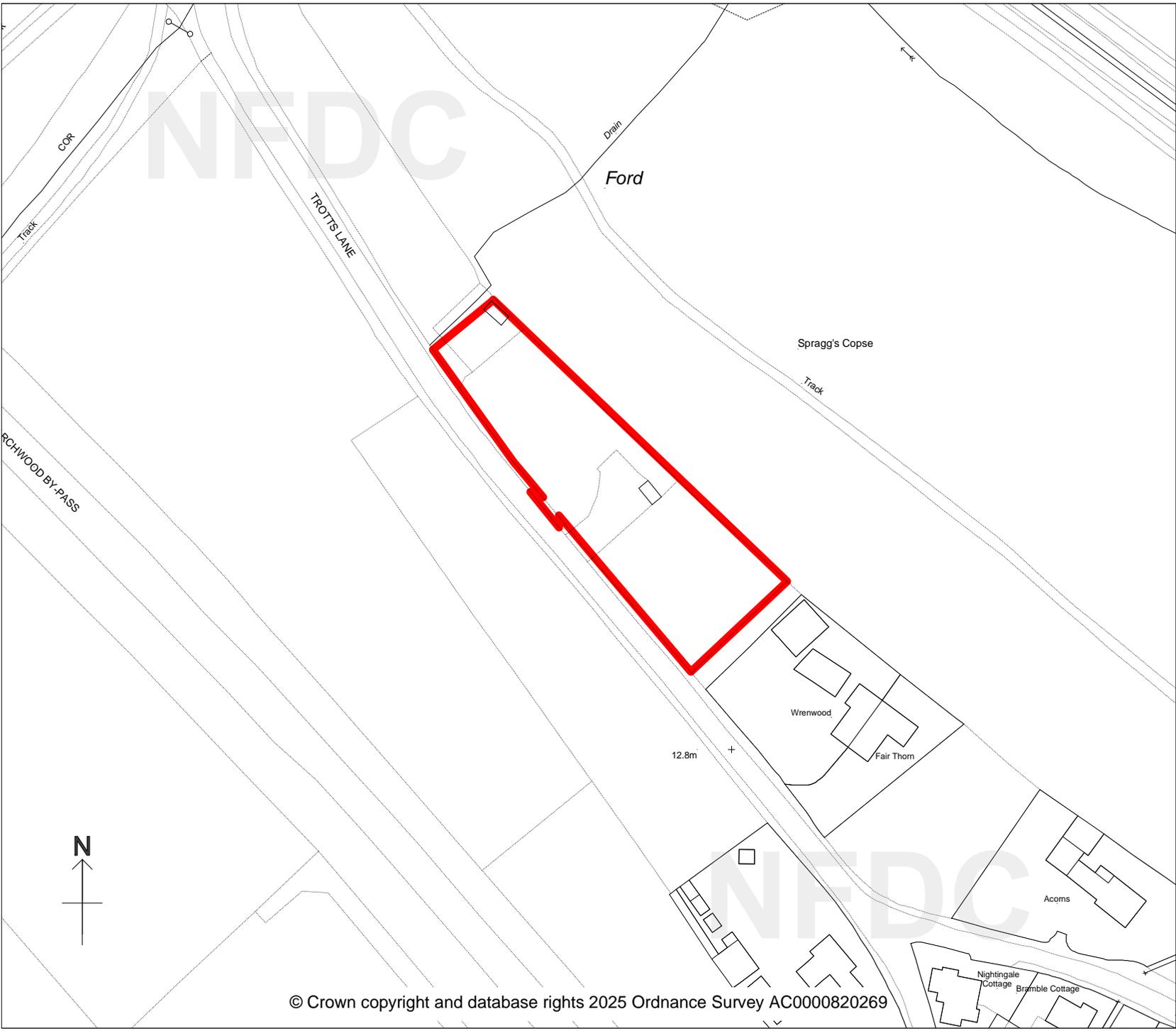
1. The planning application has not demonstrated how it can deal with surface water and foul water arising from the proposed use in accordance with the Planning Practice Guidance, or in a manner that would not have a detrimental impact on the appearance of the site, exacerbate concerns regarding the impact on the ancient woodland and protect residents from the hazard of foul water pollution. The planning application is contrary to policies ENV1, ENV3 and CCC1 of the New Forest District Local Plan part 1: Planning Strategy 2020 and policy DM2 of the New Forest District Local Plan part 2: Sites and DM policies 2014.
2. The proposal sets out a layout within the site and a style of buildings that will be uncharacteristically close to the front boundary in a manner that will not be sympathetic to the prevailing spacious layout of the area and the rural countryside character and appearance and will conflict with policy ENV3 of the New Forest District Local Plan part 1: Planning Strategy 2020.
3. The proposal will give rise to a scale and range of residential activities and structures that will lead to indirect pressure in and immediately adjacent to the buffer zone required to protect ancient woodland, that will be detrimental to the purpose of the buffer zone and result in deterioration of the irreplaceable habitats for which wholly exceptional circumstances do not exist. The proposals would therefore be contrary to policy DM2 of the New Forest District Local Plan part 2: Sites and DM policies 2014 and paragraph 193(c) of the NPPF.
4. The planning application has failed to demonstrate that it will not cause harm to protected reptiles considered likely to be present on the site. It will therefore conflict with policy DM2 of the New Forest District Local Plan part 2: Sites and DM policies 2014 and the Wildlife and Countryside Act 1981.

5. The recreational and air quality impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent and Southampton Water Special Protection Area, the Solent and Southampton Water Ramsar site, and the Solent Maritime Special Area of Conservation would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures on these sensitive European nature conservation sites, contrary to Policies ENV1 of the New Forest District Local Plan Part 1: Planning strategy 2020 and the Mitigation for Recreational Impacts on New Forest European Sites SPD 2021, Air Quality Monitoring SPD 2022 and the Bird Aware Solent Strategy.

**Further Information:**

James Gilfillan

Telephone: 02380 28 5797



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# New Forest DISTRICT COUNCIL

Tel: 023 8028 5000  
www.newforest.gov.uk

Mark Wyatt  
Service Manager  
Development Management  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

## PLANNING COMMITTEE

October 2025

Land off Trotts Lane  
Marchwood

25/10429

Scale 1:1250

N.B. If printing this plan from  
the internet, it will not be to  
scale.

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Planning Committee 08 October 2025

**Application Number:** 25/10544 Full Planning Permission  
**Site:** 1 GRANGE CLOSE, EVERTON, HORDLE SO41 0TY  
**Development:** Two dwellings; extend access; car port; landscaping;  
demolition of existing  
**Applicant:** Solent Projects (New Homes) Ltd  
**Agent:** Kingston Studio  
**Target Date:** 11/08/2025  
**Case Officer:** Graeme Felstead  
**Officer Recommendation:** Service Manager - Grant  
**Reason for Referral to Committee:** Parish Council contrary view

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

1. Principle of Development
2. Design, site layout and impact on local character and appearance of area
3. Residential amenity
4. Impact on trees, including Tree Preservation Orders
5. Impact on highway safety, including matters relevant to car parking
5. Impact on ecology and in particular protected species;
6. Habitat Mitigation

## 2 SITE DESCRIPTION

The site is in the built-up area of Everton, on the north side of Grange Close, a rectangular shaped plot. The locality is an established residential area which has a mixed character of detached houses and chalet style properties. The site is accessed in the south-east corner from Grange Close and accommodates a bungalow sited centrally in the plot. There are trees along the north and west boundaries of the site.

## 3 PROPOSED DEVELOPMENT

The application proposes the demolition of the existing three-bedroom bungalow and redevelopment of the site to provide 2 x 4 bed detached houses with vehicular parking and car port to the front.

Plot 1 has a site area of 426sqm and the house a height of 7.2m, width of 9.2m and depth of 14.95m. Plot 1a has a site area of 360sqm, height of 7.25m, width of 7.5m and depth of 17.5m.

They will be of brick construction with tiled roofs. Single storey porches and areas of external cladding help to break up the uniformity of the external elevations of the properties

## 4 PLANNING HISTORY

No relevant history

## 5 PLANNING POLICY AND GUIDANCE

### Local Plan 2016-2036 Part 1:

- Policy STR1: Achieving Sustainable Development
- Policy STR3: The strategy for locating new development
- Policy STR4: The settlement hierarchy
- Policy STR5: Meeting our housing needs
- Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites
- Policy ENV3: Design quality and local distinctiveness
- Policy ENV4: Landscape character and quality
- Policy HOU1: Housing type, size, tenure and choice
- Policy CCC1: Safe and healthy communities
- Policy CCC2: Safe and sustainable travel
- Policy IMPL1: Developer Contributions
- Policy IMPL2: Development standards

### Local Plan Part 2: Sites and Development Management 2014

- DM2: Nature conservation, biodiversity and geodiversity

### Supplementary Planning Guidance:

- Air Quality in New Development. Adopted June 2022 SPD
- Mitigation Strategy for European Sites SPD
- Parking Standards SPD
- Hordle Village Design Statement

## 6 PARISH / TOWN COUNCIL COMMENTS

### Hordle Parish Council (17 July 2025) – recommend refusal

Key Concerns:

1. Overdevelopment: Proposed properties total 357m<sup>2</sup> vs. existing 84m<sup>2</sup>.
2. Encroachment: Part of the plan may extend into a neighbour's property.
3. Visual Impact: Design is out of keeping with the street; a single larger dwelling would be more appropriate.
4. Road Safety:
  - Dangerous junction at Grange Close and Lymore Lane.
  - Blind bend poses accident risk.
  - Steep dropped kerb forces vulnerable users (children/elderly) onto the road.
  - Construction traffic will worsen visibility and access.
  - Commercial vehicles may struggle with access and visibility.
  - Residents' vehicles may need to reverse into traffic, with unreported near misses.
5. Amenity Impact: Loss of light to neighbouring properties.
6. Future Development Risk: Potential development of adjacent land could further compromise safety and traffic flow at the Lymington Road/Lymore Lane/Grange Close junction.

## 7 COUNCILLOR COMMENTS

No comments received

## 8 CONSULTEE COMMENTS

### **Hampshire County Council Highways (Revised Comments received on 11 August 2025) – No objection**

The Highway Authority have reviewed the details of the proposals and note that the provision of a revised/new access arrangement is not materially relevant to the permission. The application is not on a classified road requiring planning permission in their own right and the access amends are not necessary to make the development acceptable in planning terms. Therefore, the Highway Authority raise no objection on the application and permission should not be considered to cover any agreement in principle to the proposed access changes.

It is therefore recommended to the applicant that they should be made aware that subject to any planning permission being granted by the Local Planning Authority, a subsequent agreement will need to be granted by HCC as Highway Authority to undertake the drop kerb works on the Highway.

**Ecology (Updated comments received on 26 September 2024) - No objection subject to conditions.**

#### Lifespan of Ecological Reports

- Reports are within the valid timeframe (under 18 months) per CIEEM guidance.
- The ecological baseline is considered accurate and up to date.

#### Designated Sites

- The site is within the Solent catchment, where residential development may contribute to nutrient pollution.
- Nutrient neutrality is required under the Conservation of Habitats and Species Regulations 2017.
- A nutrient mitigation package must be provided before planning permission can be lawfully issued.
- Recreational impacts on the New Forest and Solent European Sites must also be mitigated in line with adopted strategies.

#### Habitats

- The site is classified as vegetated garden following clearance.
- Native tree and hedgerow planting is recommended and welcomed for enhancement.

#### Biodiversity Net Gain (BNG)

- BNG assessment shows a net loss of -67.93% habitat units.
- A deficit of 0.22 units (with spatial risk multiplier) must be addressed via off-site units or statutory biodiversity credits.
- No significant habitats require monitoring.
- Condition recommended: Biodiversity Gain Plan to be prepared in line with the approved metric.

## Species and Enhancements

- Enhancement measures include:
  - Bat and bird boxes
  - Swift boxes and sparrow terraces
  - Hedgehog fencing gaps
- These should be secured via condition, with evidence of installation required prior to occupation.

## Bats

- The property has moderate suitability for roosting bats.
- Two emergence surveys were undertaken in line with current best practice guidance. No roosting bats were recorded and are therefore considered likely absent.
- A sensitive lighting strategy is proposed and may need updating post-surveys.
- Bat bricks are proposed and should be secured via condition.

## Birds

- Vegetation clearance must occur outside nesting season (March–August) or be preceded by an ecologist inspection.
- Swift boxes and sparrow terraces are proposed and welcomed.

## Other Species

- Site offers foraging opportunities for hedgehogs.
- Fencing gaps recommended to facilitate movement and should be secured.

## **NFDC Environmental Design (3 September 2025) - Objection**

The proposed development introduces a significant change to the existing street scene by increasing building mass and height, expanding hard surfacing, and reducing front garden planting. These changes detract from the established character of the close.

- **Current Site:** A modest single-storey dwelling with generous gardens and mature planting, partially screened from public view.
- **Visual Impact:** The new design is visually intrusive, especially due to the dominance of parked cars and loss of greenery.
- **Functionality:** The layout prioritises car access over pedestrian usability, compromising access to homes and facilities. The extended dropped kerbs create an uneven and uncomfortable footway, especially for vulnerable users.
- **Appropriateness:** The scale and design are inconsistent with local character. The proposal lacks sensitivity to its context.
- **Attractiveness:** The development lacks architectural quality and undermines the green character of the street. The removal of vegetation from the front garden creates a harsh and unwelcoming appearance.
- **To conclude;** while the principle of increasing housing density is supported, the current proposal is visually and functionally flawed.

**NFDC Trees** – No objection subject to conditions.

**Protected Woodland Area:** The Tree Preservation Order (TPO 39, Woodland W5) covers land to the north and west of the site but does not include any trees within the red line boundary of the proposed development site.

Site Status: The site is outside the protected area, and no protected trees were present within it before the application was submitted.

Recent Tree Works: Consent was granted for works to two lime trees on adjacent land, and notification was given for the removal of two dead roadside trees. No unauthorised felling was observed during multiple site visits.

Woodland Context: The woodland order reflects the area prior to the development of Grange Close. Newer dwellings (e.g., 5a and 6a) have disrupted the continuity of the woodland, with parts now forming rear gardens.

Arboricultural Report: Submitted with the application, it includes a tree survey and outlines protection measures for retained trees. The report is agreed upon and considered acceptable.

Trees Adjacent to Site:

- T1 (Beech): A prominent tree from the frontage.
- T2 (Lime): Recently re-pollarded, contributes to the woodland character. Both are on adjacent land and are to be retained, with protection measures in place.

Root Protection Area (RPA) Encroachment: Mitigated through protective fencing, ground protection, and specialist foundation design (piling with above-ground raft), compliant with BS5837:2012.

## **9 REPRESENTATIONS RECEIVED**

11 letters have been received against the proposal raising the following matters:

### **1. Road Safety and Blind Bend.**

- The site is located on a dangerous blind bend, already known for near-miss incidents.
- Increased traffic from two dwellings and a six-car parking area will worsen safety risks.
- Vehicles reversing into or out of the site will pose a hazard to pedestrians, cyclists, and other road users.
- Service vehicles (e.g. refuse collection) already struggle with access and will be further impacted.

### **2. Overdevelopment of the Plot**

- The plot was originally designed for a single dwelling.
- Squeezing two properties onto the site is inappropriate and out of character with the rest of Grange Close.
- The proposed dwellings are closely spaced, unlike any other in the area.
- Concerns about future expansion (e.g. converting single-storey buildings to two-storey) and further development on the remaining land.

### **3. Parking and Infrastructure Limitations**

- The Close has narrow roads and limited parking.
- No safe on-street parking for visitors, delivery drivers, or service vehicles.
- Vehicles have already been seen straddling pavements, forcing pedestrians into the road.

#### 4. Loss of Privacy and Natural Light

- The new dwellings will overlook existing properties, affecting privacy.
- Larger buildings will cause overshadowing, reducing natural sunlight to neighbouring homes.
- Residents intend to ensure BRE guidelines on overshadowing are upheld.

#### 5. Environmental and Visual Impact

- Tree removal has increased noise from the main road and reduced greenery.
- The visual impact of multiple parked vehicles will detract from the open-plan nature of the Close.
- The development is not in keeping with the existing layout, where homes have garages and off-road parking.

#### 6. Premature and Unauthorised Site Activity

- Site clearance and tree removal began before planning permission was granted.
- No planning notice was displayed; residents were not consulted or informed.
- Bonfires and noise pollution have already caused disruption.

#### 7. Health and Wellbeing Concerns

- Elderly and vulnerable residents, including those with serious health conditions, will be negatively affected by prolonged construction noise, dust, and disruption.
- The development will cause unreasonable interference with residents' enjoyment of their homes.

## 10 PLANNING ASSESSMENT

### A. Principle of Development

In principle, there are no objections to the provision of additional residential development within the identified built-up area of Everton. Everton is classed as a 'main village' under Local Plan Policy STR4 and can support small scale development such as a two for one replacement dwellings.

As such, the principle of development is established as acceptable subject to the consideration of other material considerations as set out below;

#### *5 year housing land supply, the NPPF and the approach to decision making*

In determining planning applications decisions should be made in accordance with the policies of the extant Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning & Compulsory Purchase Act). Material considerations include the planning policies set out in the National Planning Policy Framework (NPPF).

Paragraph 11 of the NPPF clarifies what is meant by the presumption in favour of sustainable development for decision taking. It states:

For decision-taking this means: '...

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission

unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Taking NPPF paragraph 11(c), if the proposed development accords with the local plan it should be approved. If the development does not accord with the local plan, the development must be considered against NPPF paragraph 11(d).

Footnote 8 to the NPPF paragraph 11 is clear that in such circumstances where a five-year supply of deliverable housing sites is not demonstrated those policies which are most important for determining the application are to be considered out-of date meaning that the presumption in favour of sustainable development in paragraph 11 is engaged.

The most recent five-year housing land supply statement published by the Council, confirms that there is 1.53 years of housing land available in the district.

Taking the first limb of paragraph 11(d), in this case there are specific policies in the NPPF which protect areas of assets of particular importance referred to within footnote 7 of the NPPF, namely habitats sites. Therefore, a judgement needs to be reached as to whether policies in the Framework provide a strong reason for refusing the development. Where this is found to be the case, the development should be refused.

The second limb of paragraph 11(d), namely whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole (the so called 'tilted balance'), will only apply if it is judged that there are no clear reasons for refusing the development having applied the test set out in the first limb.

With regard to paragraph 11d) of the NPPF, for the purposes of housing provision, the Local Planning Authority's (LPA's) development plan would be considered to be out of date where the LPA cannot demonstrate a five year supply of deliverable housing sites or where the Housing Delivery Test was substantially below (less than 75%) of the housing requirement.

The following sections of the report assess the application proposal against this Council's adopted local planning policies and considers whether it complies with those policies or not. Following this Officers undertake the Planning Balance, taking into national planning guidance, to weigh up the material considerations in this case.

## **B. Design, site layout and impact on local character and appearance of area**

Policy ENV3 of the Local Plan Part 1 requires that all new development demonstrates high-quality design that is sympathetic to its surroundings. This includes careful consideration of layout, scale, massing, height, and the relationship to existing buildings, as well as the integration of landscaping and boundary treatments to reinforce local character and sense of place.

The National Planning Policy Framework (NPPF) further emphasises that development should:

- Function well and add to the overall quality of the area over its lifetime.
- Be visually attractive through good architecture, layout, and appropriate landscaping.
- Be sympathetic to local character and history, including the surrounding built environment and landscape setting, while allowing for innovation and change.
- Establish or maintain a strong sense of place through the arrangement of streets, spaces, and building forms.

The National Design Guide identifies ten characteristics of well-designed places, including context, identity, and built form, which stress the importance of responding positively to local character, creating coherent layouts, and ensuring that developments integrate green infrastructure and promote biodiversity.

The street scene is characterised by a chalet-style property adjoining the site (2 Grange Close) and two-storey dwellings, set within relatively generous plots with landscaped frontages. While the proposed dwellings occupy smaller plots with reduced spacing between buildings, the overall layout maintains a coherent building line and reflects the existing varied character of the street. The residential typology (family home), scale (two-storey house) and roof forms (pitched) are consistent with the prevailing pattern, ensuring the proposed development including the proposed open car port to the west of plot 1 whilst situated forward of the building line, does not appear visually intrusive or incongruous.

To address concerns regarding the extent of hardstanding to the front, an amended site plan 524.17 Rev C (dated 31.07.2025) has been submitted. This introduces soft landscaping, planting beds, and boundary treatments to break up paved areas, enhance visual amenity, and reinforce and reflect the green character of the street. These measures align with the principles of place-making and contextual design set out in the Local Plan and national guidance.

Several comments received, including those from Hordle Parish Council and the NFDC Urban Designer, set out that the proposal comprises over-development of the plot.

However, NPPF paragraph 125 criterion (d) sets out that planning decisions should support the development of under-utilised land especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used for more effectively.

In this instance, the site has potential to be sub-divided to provide an additional dwelling within the defined settlement boundary and in an area where housing land supply is constrained. Whilst the separation distances between the dwellings are closer than that of the existing homes in Grange Close, these are not considered to be of such an extent as to give rise to a significant harmful visual impact on the wider street scene. Notwithstanding this conclusion, this matter is considered further when applying the tilted balance later in this report.

The proposed rear gardens have a depth of 12.3m for plot 1 and 10.7m for plot 1a which is considered to be satisfactory for a modern family house and in the absence of a prescribed garden depth or size within the development plan. It is noted that some of the existing dwellings in Grange Close have rear gardens of a similar depth.

The applicants have provided revised landscape plans which set out additional planting. It is considered that this is sufficient to address the matters raised by the NFDC Urban Designer in respect of hard standing, landscaping and the street scene.

It should also be noted that some existing dwellings in Grange Close, such as the dwellings at Nos. 4 and Nos 5 already have front gardens almost entirely given over to hard surface parking areas and as such the proposed front parking areas would not represent an overly incongruous addition to the wider street scene.

Essentially, the proposal effectively utilises and optimises the site to provide an additional family home in line with NPPF paragraphs 125, 129 and 135 criterion (e) and would not comprise over-development of the site.

The amended plans show a range of details for hard and soft landscaping. These form the basis of a scheme which will represent a sufficiently high quality of landscape design to complement the house details. Details of brickwork and tile for the houses will be secured via condition.

In summary, officers consider that the proposed design would function well, be visually attractive, sympathetic to the local context, appropriately optimise the potential of the site, establish a good sense of place and provide a safe, inclusive and healthy living environment for future residents.

The proposal includes sufficient on-plot parking (4 spaces and 3 spaces respectively), bin storage areas close to a likely kerb-side collection and cycle storage in the rear garden. Pedestrian side access is provided for each of the dwellings. As such, the proposal is suitably functional for future occupiers in line with Local Plan Policy ENV3 and the NFDC Parking Standards SPD.

Additionally, whilst the comments from the NFDC Urban Designer on architectural quality are noted, the Case Officer considers that the vernacular of the proposed dwellings is of a sufficiently high quality and would not present an incongruous presence in the wider street scene taking into account the existing residential architecture which is typical of the late 1960s and 1970s.

Therefore, taking into account the revised layout, landscaping enhancements, and the overall design approach, the proposal is considered, on balance, to respect the local character and appearance of the area. It achieves an appropriate balance between efficient use of land and maintaining the established suburban character. The development therefore complies with Policy ENV3 of the Local Plan Part 1, National Design Guide, NPPF (December 2024) paragraphs 125, 129 and 135 and broadly accords with the Hordle Village Design Statement.

### **C. Residential Amenity**

Local Plan Policy ENV3 criterion (ii) requires development to avoid unacceptable effects by reason of overbearing impact, shading and overlooking.

The proposed dwellings would be sited 3.4m from the western boundary with West Lodge, Lymington Road and 1.5m from the boundary of no 2 Grange Close and 5.6m from the 2-storey element of that dwelling which is located to the east

The siting of the proposed houses would not be directly in front of any primary habitable windows of no 2 Grange Close and a secondary window facing west is 5.6m from the flank wall of unit 1a

Furthermore, the roof form of unit 1a would pitch away from this boundary, minimising the impact of the built form on the adjacent property.

The distances between 2 Grange Close and proposed dwellings are such that a significant level of harmful loss of sunlight would not result. As such, it follows that

overshadowing would not be a significant impact on the amenity of the occupiers of other dwellings in Grange Close further to the north and east.

In terms of privacy, the proposed obscure glazed rooflight to the eastern elevation of 1a would not impact on the level of privacy currently enjoyed by no2. This is a secondary rooflight which serves an en-suite bathroom and would also face towards a roof slope.

However, a condition requiring this roof light to be maintained as obscure glazed with restricted opening is considered appropriate in view of the proximity of the mutual boundary. The western facing rooflights of 1a would be clear glazed and would look towards the roof space of unit 1.

In view of the proposed orientation of the two proposed dwellings (which reflects the north-west/south-east orientation of the existing dwellings in proximity in Grange Close) the proposed angle of outlook from rear facing windows, as such, it is considered that there would not be any significant direct overlooking between proposed or neighbouring properties. In addition, the proposal given the separation distances will not affect the amenity of other occupiers down Grange Close by virtue of overlooking or shadowing.

The proposed level of amenity space for the new dwellings is considered sufficient for the enjoyment of future occupiers.

An indicative programme of works which includes measures to minimise noise and disturbance, details of delivery times, materials storage and details to control of the emission of dust will be conditioned.

Hours of operation on site will be restricted to between 0800 hours and 1830 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays and secured by condition.

The proposal would not result in any other material impacts on residential amenity and is considered to comply subject to suitable conditions with Policy ENV3 in this respect.

#### **D. Impact on trees, including Tree Preservation Orders**

Policies ENV3 and ENV4 of the Local Plan Part 1 require that development proposals incorporate appropriately designed green spaces and retain features that contribute to the wider green infrastructure network including trees.

The site lies adjacent to a designated woodland area protected under Tree Preservation Order (TPO) 39, Woodland W5, which covers land to the north and west of the site. Importantly, no trees within the application site (red line boundary) are subject to this TPO, and no protected trees were present on the site prior to submission of the application.

Consent was previously granted for works to two lime trees on adjacent land, and notification was given for the removal of two dead roadside trees. Multiple site inspections confirmed that no unauthorised felling or harmful works have taken place. The woodland designation reflects the historic landscape prior to the development of Grange Close; subsequent infill development (e.g., Nos. 5a and 6a) has already fragmented the original woodland, with some areas now forming private gardens.

An Arboricultural Report including a detailed tree survey and tree protection plan, was submitted with the application. The report identifies two notable trees on adjacent land:

- T1 (Beech): A visually prominent tree contributing to the street frontage.
- T2 (Lime): Recently re-pollarded, forming part of the woodland character.

Both trees are to be retained and protected throughout the construction phase. The report sets out measures to safeguard their Root Protection Areas (RPAs), including:

- Installation of protective fencing and ground protection.
- Use of specialist foundation design (piled foundations with an above-ground raft) to minimise root disturbance.

These measures comply with BS5837:2012 – Trees in Relation to Design, Demolition and Construction.

The Council's Tree Officer has reviewed the submitted details and confirmed they are acceptable, subject to conditions requiring:

- Implementation of all tree protection measures as shown on the approved plans.
- Submission and approval of a detailed foundation method statement and engineering drawings prior to commencement.

On this basis, it is considered that the proposal will not result in significant harm to retained trees or the wider green infrastructure. The development is considered to accord subject to suitable conditions with Policies ENV3 and ENV4 of the Local Plan Part 1.

#### **E. Highway safety, access and parking**

Policies ENV3 and CCC2 of the Local Plan Part 1 require development to provide sufficient car and cycle parking spaces for the development.

The NFDC Parking Standards SPD recommends that the proposed four bed dwellings provide 3 spaces on plot and three spaces are proposed for each dwelling. This is considered acceptable in accordance with the parking standards.

Neighbour concerns were raised regarding the increase in traffic caused by the proposal, however any impacts would be minimal and readily absorbed by the existing highway network given that there is only a net increase of one dwelling. There would be no adverse impact on the safe operation of the local highway network as the accesses are to the north of Grange close which allow visibility on the bend. Suitable landscaping has been included which does not impinge in visibility. The driveways are acceptable and can accommodate the requisite level of vehicle parking in accordance with NFDC Parking Standards SPD.

The site includes adequate capacity to accommodate cycle storage and this is set out in the most up-to-date landscape plan (Ref;524.17) . A condition is proposed requiring these provisions to be provided and retained.

The applicant has been made aware that a subsequent agreement will need to be granted by HCC as Highway Authority to undertake the drop kerb works on the Highway and meet their required standards including accessibility ensuring pedestrians, pushchairs and wheelchairs can cross safely.

The proposal is therefore considered to comply with policies ENV3 and CCC2 and in complying with the Highway Authority standing advice, there are no highway reasons for refusal.

## **F Ecology and Habitat Mitigation**

Policy DM2 of the Local Plan Part 2 requires development to incorporate features to encourage biodiversity and where possible, retain existing features of nature conservation value.

The submitted Ecological Appraisal states that species enhancement measures will include, bat and bird boxes, swift boxes and sparrow terraces and hedgehog fencing gaps. It is recommended that a condition is imposed to ensure these items are provided and thereafter retained, together with specific details of where they would be located.

The NFDC Ecologist has confirmed that a Biodiversity Net Gain assessment has been completed and is satisfied that the baseline has been accurately captured. The identified deficit will require securing either through provision of off-site units or purchase of statutory biodiversity credits. No significant habitats are proposed and therefore do not require securing and monitored.

Planning conditions are recommended to ensure the works are undertaken in strict accordance with the ecology surveys and to secure the ecological enhancements contained within them.

### *Habitat Mitigation and off-site recreational impact Habitat Mitigation*

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives.

The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that such adverse impacts would be avoided if the applicant were to enter into a Section 106 legal agreement to secure a habitat mitigation contribution in accordance with the Council's Mitigation Strategy.

In this case, the applicant has agreed to enter into a Planning Obligation , before the decision is issued which will secure the required habitat mitigation contribution.

Nitrate neutrality and impact on Solent SAC and SPAs In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the Solent catchment.

Adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to second occupation of the new residential accommodation.

These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development.

A Grampian style condition has been agreed with the applicant and is included as part of this recommendation.

## *Air Quality*

To ensure that impacts on international nature conservation sites are adequately mitigated, a financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site.

There is potential for traffic-related nitrogen air pollution (including NO<sub>x</sub>, nitrogen deposition and ammonia) to affect the internationally important Annex 1 habitats for which the New Forest SAC was designated, and by extension those of the other International designations.

Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations.

A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring.

In this case, the applicant has agreed to enter into a Section 106 legal agreement to secure the required monitoring contribution, before the decision is issued.

In response to the requirements of the recently adopted 'Air Quality Assessments in New Development Supplementary Planning Document 2022, the applicant has provided information explaining the measures including electric car charging points that they will take to reduce the potential adverse impact new development can have upon air quality, thereby lessening the negative effects upon health and wellbeing.

## **G. Developer Contributions**

As part of the development, the following will be secured via a Section 106 agreement:

- Habitat mitigation (Infrastructure): £7657
- Habitat mitigation (Non-Infrastructure): £1217
- Air Quality Monitoring: £112
- Bird Aware: £1067

Community Infrastructure will also be payable on this proposal.

The following amount Community Infrastructure Levy will be payable: £21,480

The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the RICS CIL Index (<https://www.rics.org/uk/products/data-products/rics-community-infrastructure-levy-index/>) and is: Net additional new build floor space (A) x CIL Rate (R) x Inflation Index (I)

## **H. OTHER MATTERS**

Policy IMPL2 Development Standards part v) encourages the provision of high speed broadband to the property threshold. The DAS mentions that broadband is available up to 80mbps in the locality and will be provided up to the threshold. Generally, residential broadband is now addressed through Building Regulations.

Surface Water Drainage – there is an increase in the built/hard surface coverage of the site and the applicant confirms that this will be dealt with via on site soakaways

## 11 CONCLUSION / PLANNING BALANCE

In view of the Council's lack of a 5-year housing land supply, consideration has to be given to the benefits of the provision of new housing under paragraph 11d) of the NPPF, which states: d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date ( where we cannot demonstrate a 5 year housing land supply), granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. Under limb i) of 11(d) Footnote 7 refers to policies in the Framework (rather than those in development plans) relating to habitats sites (and those sites listed in paragraph 194).

The above report concludes that there no strong reasons for refusal of the proposal under limb i) of paragraph 11(d) as habitat mitigation can be secured. As set out, objections have been made to the proposed design from the local community, the Parish Council and the NFDC Urban Designer.

The proposal would result in some limited harm, including a slightly tighter relationship between dwellings and an increase in hard surfacing. However, these impacts are localised and mitigated through design and landscaping and should be balanced against the direction in the NPPF to make effective use of land including optimising the potential of individual sites.

The proposed development seeks to replace an existing single-storey bungalow with two detached two-storey dwellings of traditional form and pitched roofs, reflecting the prevailing residential typology in Grange Close. The dwellings will be constructed in brick with tiled roofs, complemented by single-storey porches and areas of external cladding to break up the massing and add visual interest. Both plots provide adequate space for private gardens and on-plot parking.

The revised layout (Plan Ref: 524.17 Rev C, dated 31.07.2025) introduces soft landscaping and planting beds to mitigate the visual impact of hardstanding and reinforce the green character of the street. Boundary treatments and planting have been incorporated to enhance visual amenity and integrate the development into its context. The design approach aligns with Local Plan Policy ENV3 and the National Design Guide by ensuring the scheme is functional, visually attractive, and sympathetic to local character while optimising the site's potential. Details of external materials, including brick and tile samples, will be secured by condition to ensure a high-quality finish.

A number of representations have set out objections relating to the impact of the proposal on the amenity of occupiers of existing dwellings in Grange Close. However, as set out in the Planning Assessment, it is considered that, subject to suitable conditions, the proposal would not give rise to significant impacts on the amenity of existing local residents. As such, the proposal accords with Local Plan Policy ENV3 criterion (ii).

As set out in the Planning Assessment, other material considerations including ecology, highways and access, vehicular parking and storage, and trees also accord with relevant policies subject to suitable conditions and/or planning obligations.

As such the proposal should be considered against the second limb of paragraph 11(d), the so called “tilted balance” whereby in applying the presumption in favour of sustainable development even greater weight should be accorded in the overall planning balance to the provision of new housing.

The representations from Hordle Parish Council and the local community are noted. The relevant material considerations identified have been addressed in the Committee Report.

To conclude, in accordance with paragraph 11(d)(ii) of the NPPF, the presumption in favour of sustainable development applies. The proposal would result in some limited harm, including a slightly tighter relationship between dwellings and an increase in hard surfacing. However, these impacts are localised, would be mitigated through design and landscaping and need to be balanced against the NPPF direction to optimise the use of land.

The scheme delivers clear benefits:

- the provision of additional family housing within the settlement boundary,
- efficient use of land,
- support for local services in a sustainable location,
- short-term economic gains during construction.

On balance, the adverse impacts as set out do not significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole. Accordingly, the tilted balance tips in favour of granting planning permission, subject to conditions.

## 12 RECOMMENDATION

Delegated Authority be given to the Service Manager Development Management to **GRANT PERMISSION** subject to:

- i) the completion of a planning obligation entered into by way of a Section 106 Agreement to secure Habitat Mitigation, Bird Aware Solent and Air Quality Monitoring
- ii) the imposition of the conditions set out below.

### **Proposed Conditions:**

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

Reason: To comply with 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 permitted shall be carried out in accordance with the following approved plans:

- Drawings 524.09/10/11/12/13/14/16 Submitted 9.06.2025
- Drawing 524.15 REV C Submitted 31.07.2025
- Drawings 524.17/18 Submitted 22.09.2025
- Drawing 524.17 REV A Submitted 23.09.2025
- Water Quality Checklist dated 11.06.2025
- Arboricultural Report – Shutler Services dated 3.06.2025
- Ecology Assessment dated 08.08.2025

Reason: To ensure satisfactory provision of the development.

3. Before development commences, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

4. Before development commences, the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

Reason: To ensure that the development takes place in an appropriate way in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

5. Prior to the first occupation of the approved development, the proposed ecological enhancements and mitigation set out in the submitted Ecology Assessment (Peach Ecology, 8 August 2025, Ref: 0836 Issue:02) shall be implemented in full and evidence shall be submitted to confirm the agreed features have been installed as agreed, for example, a photographic record and/or a signed statement by a suitably qualified ecologist.

Reason: To ensure that biodiversity enhancement measures are delivered throughout the development in accordance with Policy DM2 of the Local Plan Part 2 (Sites and Development Management) for the New Forest outside of the National Park.

6. No dwelling shall be occupied until the parking spaces and rear garden cycle storage serving that specific dwelling, as shown on plan 524.15 REV C, have been provided. The parking and cycle spaces shown on plan 524.17 Rev. A shall thereafter be retained and kept available for the parking of motor vehicles and cycles for the respective dwellings at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policies ENV3 and CCC2 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

7. The residential dwellings hereby permitted shall not be occupied until: A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter;

A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and The mitigation package shall include a timetable for implementation and measures for retention and maintenance of that mitigation package, which shall thereafter be implemented.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

8. All external works (hard and soft landscape) shall be undertaken in accordance with the approved plans 524.17 REV A unless the Local Planning Authority gives written Approval to any variation. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. All external works (hard and soft landscape) shall be maintained thereafter as approved. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become

seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the achievement and long term retention of an appropriate quality of development and to comply with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park

9. The first floor Ensuite bathroom rooflight on east elevation of the approved dwelling unit 1a shall be permanently glazed with obscured glass and thereafter retained as such in perpetuity

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

10. All works shall be undertaken in accordance with the approved plans and the Arboricultural Survey. The trees identified for retention on the approved plans shall be protected throughout all phases of site clearance, demolition, and construction works in strict accordance with the protection measures detailed in the submitted Tree Protection Plan (Drawing No. 524.15 Revision C) and Arboricultural Survey dated 03/06/2025. No works, including clearance or demolition, shall commence until the tree protection fencing has been installed in accordance with the approved details and confirmed in writing by the Local Planning Authority

Reason: To safeguard trees and natural features which are important to the visual amenities of the area and in accordance with Policy ENV3 of the Local Plan Part 1 and Policy DM2 of the Local Plan Part 2 for the New Forest outside of the National Park.

11. **Protection of Trees**

The trees on or adjacent to the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Arboricultural report

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

12. **Tree Protection Areas and Construction**

No development, demolition or site clearance shall take place until a method statement and engineering drawings for the foundation design of the approved development has been submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with these approved details.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

13. No development shall take place, including any works of demolition and site clearance, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:
- a) An indicative programme for carrying out of the works; including site layout, (compound, site hut, welfare and contractor parking)
  - b) Details of the arrangements for public engagement / consultation both prior to and continued liaison during the construction works;
  - c) Measures to minimise the noise (including vibration) generated by the construction process to include, proposed construction methods, plant and machinery to be used, and noise mitigation methods to be employed
  - d) Details of any construction floodlighting, including location, height, type and direction of light sources and intensity of illumination;
  - e) Areas for the loading and unloading of plant and materials, including permitted times for deliveries;
  - f) Storage of plant and materials used in constructing the development;
  - g) The erection and maintenance of security hoarding including decorative displays and
  - h) Measures to control the emission of dust and dirt during construction.
  - i) A scheme for recycling / disposing of waste resulting from demolition and construction works i.e., no burning permitted.

The development shall be carried out in accordance with the approved details throughout the entire construction period.

Reason: To comply with Local Plan policies STR1 and ENV3.

14. All works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 0800 hours and 1830 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays

Reason: To safeguard residential amenities.

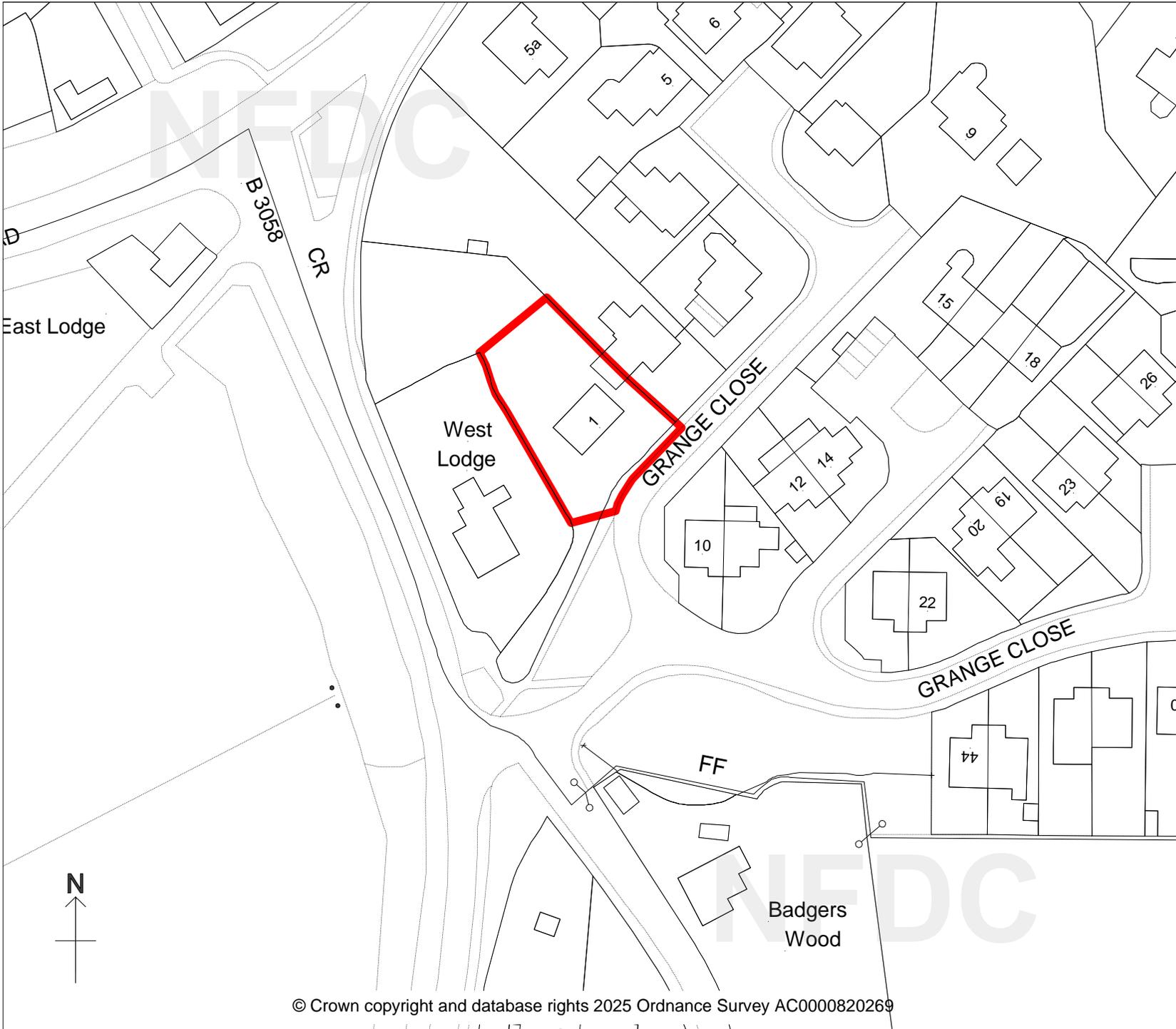
15. No development shall take place until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using SuDS methods has been submitted to and approved in writing by the Local Planning Authority. The approved drainage system shall be fully implemented in accordance with the approved Sustainable Drainage Strategy prior to first occupation of the residential dwellings and maintained thereafter for the lifetime of the development.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal

**Further Information:**

Graeme Felstead

Telephone:



**New Forest**  
DISTRICT COUNCIL

Tel: 023 8028 5000  
www.newforest.gov.uk

Mark Wyatt  
Service Manager  
Development Management  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**PLANNING COMMITTEE**

**October 2025**

1 Grange Close  
Evertone  
Hordle  
25/10544

Scale 1:1000

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the internet, it will not be to  
scale.

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Planning Committee 08 October 2025

**Application Number:** 24/10939 Full Planning Permission  
**Site:** WHITSBURY STABLES, FORDINGBRIDGE ROAD,  
WHITSBURY SP6 3QB  
**Development:** Demolition of existing dwelling and barn, partial demolition and conversion of existing racing stables and erection of five dwellings with associated infrastructure and landscaping.  
**Applicant:** Whitsbury Manor Stud  
**Agent:** Chapman Lily Planning Ltd  
**Target Date:** 02/01/2025  
**Case Officer:** Vivienne Baxter  
**Officer Recommendation:** Refuse  
**Reason for Referral to Committee:** Parish Council contrary view

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the development
- 2) Impact on the character and appearance of the Conservation Area
- 3) Impact on the residential amenities of the area
- 4) Highway matters including parking
- 5) Ecology
- 6) Habitat mitigation

## 2 SITE DESCRIPTION

The site lies within the village of Whitsbury and is within the Whitsbury Conservation Area and Cranbourne Chase National landscape.

The site is 0.37ha in size and comprises a courtyard grouping of three stable buildings (35 stables, feed store, tack room and rest room) immediately to the north of the listed Majors Farmhouse. Behind the courtyard is an open sided barn set into a bank. Access to the site is through a covered way between two of the stable buildings and leads to a large hard surfaced area with two grassed areas centrally located in the courtyard. One of the stable buildings accommodates a 2-bed residential property although it is vacant at present.

The adjacent farmhouse and land to the rear are within the applicant's ownership and this land ownership extends to much of the local area and property

## 3 PROPOSED DEVELOPMENT

The proposal is for 5 new dwellings, one of which would be within a converted building. This entails the demolition of the western building and its replacement with two pairs of semi-detached houses which generally comprise kitchen/dining room,

sitting room, and WC at ground floor level (unit 2 also has a boot room) with three bedrooms and a bathroom at first floor level. Units 1, 2 and 4 also have an en suite to the main bedroom.

The northern building would be converted into a single storey dwelling comprising open plan kitchen, dining, sitting room, cloakroom, study and two en suite bedrooms.

The eastern building forming the boundary to the road would be converted into car ports (2 per dwelling) and a store for each dwelling. Within the courtyard, each dwelling would have a semi-private garden area although their main private gardens would be to the west of the buildings.

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
XX/RFR/10835 Loose boxes and bungalow.	21/01/1966	Granted Subject to Conditions	Decided	
XX/RFR/10177 40 loose boxes.	23/04/1965	Granted Subject to Conditions	Decided	

#### 5 PLANNING POLICY AND GUIDANCE

##### Local Plan 2016-2036 Part 1: Planning Strategy

Policy CCC2: Safe and sustainable travel  
 Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites  
 Policy ENV3: Design quality and local distinctiveness  
 Policy ENV4: Landscape character and quality  
 Policy IMPL1: Developer Contributions  
 Policy STR1: Achieving Sustainable Development  
 Policy STR2: Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park  
 Policy STR3: The strategy for locating new development

##### Local Plan Part 2: Sites and Development Management 2014

DM1: Heritage and Conservation  
 DM2: Nature conservation, biodiversity and geodiversity  
 DM25: Recreational uses in the countryside - including horse-keeping/riding  
 DM20: Residential development in the countryside  
 DM21: Agricultural or forestry workers dwellings

##### Supplementary Planning Guidance And Documents

SPD - Air Quality in New Development. Adopted June 2022  
 SPD - Design of Waste Management Facilities in New Development  
 SPD - Housing Design, Density and Character  
 SPD - Mitigation Strategy for European Sites  
 SPD - Parking Standards  
 SPD - Climate Change

## **National Planning Policy Framework**

NPPF Ch. 5 - Delivering a sufficient supply of homes

NPPF Ch.11 - Making effective use of land

NPPF Ch.12 - Achieving well-designed places

NPPF Ch.16 - Conserving and enhancing the historic environment

## **National Planning Policy Guidance**

### **6 PARISH / TOWN COUNCIL COMMENTS**

#### **Whitsbury Parish Council**

Whitsbury Parish Council recommends PERMISSION under PAR3. The reasons for this are (1) the need for housing in Whitsbury, (2) an appropriate use and enhancement of an existing building, and (3) this application supports a local employer.

### **7 COUNCILLOR COMMENTS**

No comments received.

### **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

#### **NFDC Ecologist**

Ecological mitigation/enhancement recommendations are welcomed, conditions recommended

#### **NFDC Trees**

No objection subject to conditions

#### **NFDC Conservation**

Clarification sought regarding levels and window vents (now resolved)

#### **NFDC Policy**

Proposal can be considered under DM21 and CS21(g), the need for the houses needs to be demonstrated

#### **NFNPA Archaeologist**

No objection subject to conditions

#### **Highway Authority**

No objection

#### **Reading Agricultural Consultants**

Limited evidence has been provided to demonstrate an essential need under Policy DM21

#### **National Landscape Officer**

Raises concerns about the impact on the International Dark Sky Reserve and the lack of a landscaping plan.

## 9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

- more detail (drainage and design) should be provided
- trees should be retained
- parking likely to occur on road
- concern about holiday letting
- overlooking/lack of privacy
- horses should be rerouted across the fields to the Gallops rather than the road
- change to views through the archway and from elevated land opposite
- conversion of buildings should be preferable
- loss of visual working element of village
- alternative sites are available that would have less impact

For: 0

Against: 4

## 10 PLANNING ASSESSMENT

### 5 year housing land supply, the NPPF and the approach to decision making

In determining planning applications, decisions should be made in accordance with the policies of the extant Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning & Compulsory Purchase Act). Material considerations include the planning policies set out in the National Planning Policy Framework (NPPF).

Paragraph 11 of the NPPF clarifies what is meant by the presumption in favour of sustainable development for decision taking. It states:

*For decision-taking this means: ‘...*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.*

Taking NPPF paragraph 11(c), if the proposed development accords with the local plan it should be approved. If the development does not accord with the local plan, the development must be considered against NPPF paragraph 11(d).

Footnote 8 to the NPPF paragraph 11 is clear that in such circumstances where a five-year supply of deliverable housing sites is not demonstrated those policies which are most important for determining the application are to be considered out-of-date meaning that the presumption in favour of sustainable development in paragraph 11 is engaged. The most recent five-year housing land supply statement published by the Council, confirms that there is 1.5 years of housing land available in the district.

Taking the first limb of paragraph 11(d), in this case there are specific policies in the NPPF which protect areas of assets of particular importance referred to within footnote 7 of the NPPF, namely National Landscapes. Therefore, a judgement will need to be reached as to whether policies in the Framework provide a strong reason for refusing the development. Where this is found to be the case, the development should be refused.

The second limb of paragraph 11(d), namely whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole (the so called 'tilted balance'), will only apply if it is judged that there are no clear reasons for refusing the development having applied the test set out in the first limb.

With regard to paragraph 11(d) of the NPPF, for the purposes of housing provision, the Local Planning Authority's (LPA's) development plan would be considered to be out of date where the LPA cannot demonstrate a five year supply of deliverable housing sites or where the Housing Delivery Test was substantially below (less than 75%) of the housing requirement.

The following sections of the report assess the application proposal against this Council's adopted local planning policies and considers whether it complies with those policies or not. Following this Officers undertake the Planning Balance to weigh up the material considerations in this case.

#### Principle of Development

Policy DM20 of the Local Plan Part 2 allows for new residential development within the countryside but only where this is proportionate additions to existing dwellings, replacement dwellings, affordable housing or dwellings which are specifically for agricultural or forestry workers.

In this case, the site contains one single storey dwelling which would be replaced. The policy also requires replacement dwellings to '*not normally provide for an increase in floor space of more than 30%*' although this could be exceeded where the floor space does not exceed 100m<sup>2</sup>. The existing dwelling has a floor space of less than 59m<sup>2</sup> meaning that 100m<sup>2</sup> would be the maximum permitted as a replacement. The proposal conversion is some 17.5m<sup>2</sup> greater than this. Although the converted dwelling (as the smallest proposed dwelling) would be contrary to the floor space provisions of policy DM20, in view of it being contained in existing built form and impact on the Conservation Area grouping, this small increase over the policy guidance the replacement dwelling can be accepted in this instance.

The final part of the policy DM20 requires development to respect the character and scale of the existing dwelling and should not significantly alter the built form of development on the site within its setting. In this case, the replacement dwelling is a converted property, utilising existing built form. Reducing the built form in order to comply with the floor space requirements would have an adverse impact on the courtyard grouping in the Conservation Area, creating a gap where presently there is none.

The additional dwellings are not proposed as part of a conversion scheme. These are new buildings in the countryside. The application submits that these dwellings are proposed for occupation by employees of the stud farm business. Policy DM21 expressly provides for this type of development.

Policy DM21 reads as follows:

*New permanent dwellings will be allowed to support existing agricultural/forestry activities on well-established agricultural or forestry enterprises, where:*

*(i) there is a clearly established existing functional need;*

First it is important to acknowledge that an equine enterprise is not technically an agricultural or forestry activity as expressed in the policy however the enterprise also includes an element of agricultural use whereby hay is produced for the animals. However, it is well accepted practice that equestrian enterprises are assessed against the same policy tests as other agricultural and rural works. To that end, the application of policy DM21 is appropriate. Policy CS21 of the Core Strategy also relates to the rural economy where agricultural enterprises are encouraged.

In this case the agricultural consultant advising the Council has concluded that given the specialist brood mare foaling down along with stallions and young stock facility, it is clearly essential that staff live on site

*(ii) the need relates to a full-time worker, or one who is primarily employed in the agriculture/forestry enterprise and does not relate to a part-time requirement;*

The Council's Consultant has confirmed that the activities at the stud meets a functional need that would require the equivalent of 32 full time workers

*(iii) the unit and the agricultural/forestry activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;*

The stud farm has been established for many years and from the submission it would appear that it has a clear prospect of remaining so

*(iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned.*

The stud enterprise and land ownership extends to several other properties (34) in Whitsbury, 32 of which are occupied by staff. The supporting information does not clarify why the two properties currently tenanted could not be utilised for the business, suggesting that two of the proposed new build dwellings are not required for business purposes. Further, there is no detail as to what might happen to the properties currently occupied by workers who may relocate to the new dwellings. It is not clear whether or not the workers' titles proposed to occupy the new dwellings are existing employees or future additional workers.

In the absence of such detail it is not clear whether the functional need could indeed be met by one or more of the existing 32 on site residential employees. The application proposal conflicts with this policy requirement as submitted.

*Where the need is established, the dwelling should be sited so as to meet the identified functional need and be well-related to existing farm buildings or other dwellings. All dwellings permitted under this policy will be subject to an appropriate restrictive occupancy condition.*

The proposed dwellings are well-related to existing farm buildings although it is noted that they are some 1,200m from the stud operations. The applicant has advised a restrictive occupancy condition would be acceptable. However whilst a

condition may be able to control the occupancy to stud workers, the proximity of the proposal to the stud operations means that the necessary functional link – related to the husbandry of the stock – is over a kilometre from the animals.

*An occupancy condition restricting the occupancy of a dwelling to a person employed or last employed in agriculture or forestry will not be removed unless the local planning authority is satisfied that the long term need for the dwelling has ceased and there is no evidence of a continuing need for housing for persons employed or last employed in the locality in these categories.*

This final policy test is not relevant to the application.

The information provided to support the application has been considered for the Council by an independent agricultural consultant with experience in equestrian development. The advice to the Council has concluded that there is an essential need for staff to live on site in order to provide 24 hour supervision for the horses and the number of hours labour requirement equates to 32 full-time jobs. However, the consultant advice also states that the application does not suggest that the new houses are essential for the proper functioning of the stud or agricultural element of the business nor why the two tenanted properties could not be made available for additional staff. On this basis, there is very limited evidence to demonstrate an essential need for the proposed five new dwellings.

Having regard to policy DM21 therefore, whilst it is considered that the business is well established and there is a functional need for some staff to live on site, there are concerns that there are existing properties which could be made available for the business and that the proposed residential properties are not necessarily sited, being some distance from the stud, to meet the functional need and welfare of the animals. The proposal is therefore contrary to policies DM20 and DM21 of the Local Plan Part 2.

#### Impact on character and appearance of Conservation Area and National Landscape

Policy ENV3 of the Local Plan Part 1 requires development to create buildings and spaces which are sympathetic to their environment and context in terms of scale, layout, height in relationship to adjoining buildings and spaces. Development should contribute to local distinctiveness.

Policy DM1 of the Local Plan Part 2 requires development to conserve and seek to enhance the historic environment and heritage assets. Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.

Policy STR2 of the Local Plan Part 2 requires development not to have any unacceptable impact on the Cranborne Chase National Landscape or its setting with weight being given to ensuring that the character of this area is protected and enhanced. Local Authorities have a duty to seek to further the purposes of the National Landscape designation.

Majors Yard is a racing stables constructed in the mid-sixties in a courtyard arrangement. The yard is located on the site of the former Majors Farm which previously existed on the site with a range of buildings in a courtyard arrangement. The yard buildings, which are of modest scale and utilise traditional materials, construction and form are considered to have a neutral impact to the character of the Conservation Area. The surrounding topography means that the village and the

application site is overlooked from the surrounding higher ground and heritage assets.

The proposal includes the retention of the frontage building to the site with new build houses sited behind this and visible through the archway entrance into the site and wider views from public rights of way to the east of Fordingbridge Road. In terms of layout, the proposal largely follows the existing layout although there would be a reduction in built footprint to the north west of the site and to the south adjacent Majors Farmhouse. Whilst alterations to the landscaping within the courtyard are proposed by relocating the central grassed area to be closer to the proposed dwelling frontages, the openness of this area is maintained. Details of how the semi-private garden frontages would be marked out have been requested but the applicant has declined to provide this information at the current time. The finer details of how the courtyard and areas to the rear of the houses could reasonably be dealt with by an appropriately worded planning condition were permission to be forthcoming. The impacts on the wider landscape is considered in the section below.

The pedestrian access in the frontage building is proposed to be retained and this is welcomed along with the retention of the stable doors to stables 1, 6, 9 and 14. However, stables 2-5, 7 & 8 and 10-13 would have their existing openings widened in order to create access for vehicles. A reduction in the proposed width of these openings has been requested although it is accepted that this is difficult to achieve due to turning requirements into the spaces and the need to be able to open car doors. It is accepted that the proposed use of these stables as parking is of overall benefit to the proposal, as it would enable the visual impact of cars not to undermine the character of the open courtyard. Furthermore, the openings would not be visible from public vantage points and as such these alterations are considered acceptable on this basis.

The section of building to be converted running along the northern edge of the site includes a new front wall below the eaves thus slightly increasing the footprint but not the roof plan. It is noted that the proposed openings in the southern elevation are not directly in line with the existing stable doors although in view of the new wall and the fact that this elevation does not include any retained fabric, it is not considered that this would be harmful. The additional glazing next to the proposed front door is considered acceptable.

The proposed new-build dwellings are laid out as two pairs of semi-detached houses constructed in brick and timber shiplap cladding under tiled roofs. The design incorporates brick window arches and shutters over windows and doors together with feature dormer windows and conservation style roof lights. Examples of this type of feature can be found in other locations within Whitsbury. The applicant has also confirmed that the windows would be double glazed with concealed trickle vents which would be in keeping with the Conservation Area and appropriate details could be secured on this basis.

As existing, the stables have 33 roof lights, all of which face towards the courtyard. Clearly, they do not relate to habitable rooms and light pollution through these roof lights is unlikely to be significant. Fourteen of these roof lights are to be retained within the garage/store building and due to the nature of the use of the buildings are unlikely to adversely or harmfully increase the impact on the International Dark Sky Reserve (IDSR).

The existing roof lights within the building to be converted (5) would be removed and replaced by a single, double sized roof light above one of the proposed en suite bathrooms. This represents a reduction of 3 in the number of roof lights in this

element of the scheme which on its own, offers a slight improvement in terms of the impact on the IDSR.

The proposed new build properties were initially designed with 17 roof lights although following a request to streamline these numbers where possible, the proposal now includes 10 roof lights (including a double size one). The double sized roof light is the only one which serves a bedroom, there being no alternative option to provide a traditional window in view of its location within the eaves of the building. The other roof lights relate to landings, bathrooms and en suites. Whilst discussions were had with regard to the reduction of the number of roof lights, those remaining are still significant in this sensitive area.

Although the proposal would not include any external lighting, the provision of 10 roof lights within the new dwellings would not comply with the Environmental Lighting Zone E0 which requires zero upward light, encouraging a greater awareness of the impact of artificial light pollution in support of nocturnal habitats. Whilst there are ways which would help to minimise the impact of the roof lights, such as automatic dusk to dawn blinds or polymer-dispersed liquid crystal 'smart' glass, it would be difficult to secure these options through a planning condition due to issues of enforceability. As such, the number of roof lights within the proposal would conflict with policy STR2 of the Local Plan Part 1 which requires development to not have an unacceptable impact on the special qualities and purposes of the National Landscape.

Overall, there are no objections in principle on heritage grounds with details able to be secured through suitably worded conditions and the character of the conservation area would be preserved. However, the presence of so many roof lights is not considered to minimise the adverse impact on the National Landscape and this would conflict with policies STR2 and ENV4 of the Local Plan Part 1.

### Residential amenity

Policy ENV3 of the Local Plan Part 1 requires development to avoid unacceptable impacts on residential amenity.

The site abuts Majors Farmhouse which is owned by the applicant and has several windows and an access facing the stable courtyard. The tack/rest room element of the existing stable block adjacent to this property would be demolished opening up the rear outlook of this property. The property is slightly unusual in that its rear garden is not fully enclosed and can be accessed from the access track to the west which leads into the stable courtyard. Proposed Unit 1 would be aligned with the current location of the western stables with its kitchen window approximately 8m from a first floor window to a rear projection to this house albeit off-set with a 1.7m high brick wall between the two. Whilst this is not an ideal relationship, in view of the angles and boundary treatment between the two, it is not considered that the amenity currently enjoyed by the occupant of the house would be significantly harmed as a result of the proposed Unit 1. The proposed bathroom window at first floor level would be further from the house and could be obscure glazed.

To the north of the site, there are two residential properties which border the site. The rear gardens for these properties varies between 22m and 34m in length. The building closest to this boundary would be retained (stables 15-20) and converted into a single storey dwelling. Ground floor windows would be inserted in the northern elevation at a distance varying between 1.8m and 2.5m from the mature beech hedge along the mutual boundary. Two of these would serve the hall, one would serve the study and two secondary windows would serve the open plan sitting, dining, kitchen area with this room's main outlook to the west across the

proposed garden area. An existing high level window in the north facing gable of the eastern part of the building would be replaced. The distance between the study window and the adjacent dwelling would be in excess of 35m. Given the intervening (deciduous) hedge and the fact that the windows are at ground floor level where the amenity impacts are reduced, it is not considered that the proposed unit 5 would give rise to any significant loss of residential amenity.

Within the development, the relationship between the proposed dwellings would be comparable to many residential developments and they would all have their own private amenity space together with parking and storage facilities away from the main dwelling. These storage rooms are large enough to accommodate the necessary waste facilities.

It is not considered that the proposal would conflict with the requirements of policy ENV3 in terms of its impact on residential amenity.

#### Highway safety, access and parking

Policies ENV3 and CCC2 require proposals to integrate sufficient car and cycle parking facilities so as not to prejudice that character and quality of the street, highway safety, emergency or service access or pedestrian convenience.

As no alterations are proposed to the existing access provisions for the site, the Highway Authority do not have any concerns with the proposal.

The NFDC Parking Standards SPD recommends 2.5 car parking space per dwelling where they are on-plot and 1.9 spaces were they to be provided communally.

Having regard to this, the proposal includes two car port spaces for each dwelling and, given the courtyard style development, there would be adequate space within the site for additional vehicles to be parked. It is noted that representations made raise concern about displaced parking on the highway which could cause problems for larger traffic (such as farm vehicles and horse boxes) through the village although it is noted that there are no parking restrictions on the highways outside the site. Cycle parking (3 per dwelling) could be provided within the storage rooms.

On balance, the shortfall of 0.5 of a parking space per dwelling is not considered to be harmful to highway safety given the available courtyard area and in this instance and the proposal would comply with the requirements of policies ENV3 and CCC2 in this respect.

#### Ecology

Development is expected to incorporate features to encourage bio-diversity in line with policy DM2 of the Local Plan Part 2. The policy also requires securing the habitat of protected species.

The Bat Report provided with the application identifies three species of bat having day roosts within two buildings on site. Building A fronting the road and adjacent to Majors Farmhouse supports common pipistrelle and is proposed to be retained and converted into car ports/storage for properties 1 and 2. Building D to the north east of the site supports the common pipistrelle, soprano pipistrelle and brown long-eared bat. The building is proposed to be demolished. This means that a European Protected Species Mitigation Licence (EPSML) or Bat Mitigation Class Licence (formerly Bat Low Impact Class Licence) site registration from Natural England is required should permission be forthcoming. The mitigation and methodology provided in the Bat Report suggest that favourable conservation status

of the species would be maintained following the development and there is no alternative given the proposed development. As such, it is considered that all the necessary derogation tests have been met in this respect.

The proposed ecological enhancements include bat boxes/tubes and no external lighting to avoid impacts on bats and these matters are considered to be satisfactory. The site also accommodates nesting swallows and any works should occur outside of the nesting bird season. The ecologist has welcomed the provision of nesting cups to mitigate the loss of nesting habitat as a result of the proposal. The ecological enhancements also include hedgehog friendly fencing across the site which is also welcomed. These ecological enhancements could be secured by condition if the proposals were otherwise acceptable.

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition (“the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan in writing.

The proposal would require the submission and written approval of a Biodiversity Gain Plan before any development is begun because none of the Statutory Exemptions and transitional arrangements are considered to apply.

A Bio-Diversity Net Gain Assessment has been provided with the application and this concludes that the development would achieve a net gain of over 40% habitat units and over 120% of hedgerow units through the provision of rear garden hedge boundaries. This is considered acceptable.

Overall, the proposal offers a variety of ecological enhancements and a clear biodiversity net gain, both of which should be secured by condition should approval be forthcoming.

### **Landscape impact and trees**

Policy ENV4 requires development to retain or enhance landscape features and characteristics, including trees through sensitive design. Due to the site's location within the Cranborne Chase National Landscape and policy STR2 of the Local Plan Part 2 is also relevant and this requires development to not have any unacceptable impact on this designation or its setting with weight being given to ensuring that the character of this area is protected and enhanced. Local Authorities have a duty to seek to further the purposes of the National Landscape designation.

All trees within the site with a diameter greater than 75mm when measured 1.5m from ground level are protected by virtue of being within a conservation area. Most of the trees are set back within the site and not prominent in the street scene although the larger mature trees do provide a positive contribution as a backdrop to the site. A small group (hedge) consisting of 3 Western Red Cedar will be removed to facilitate the scheme. These trees are not significant in terms of their public amenity value and replacement planting would ensure future canopy cover as mitigation.

Having regard to the wider, landscape setting of the site within the National Landscape, designated as such for landscape reasons, it is not considered that the applicant has provided sufficient details of the landscaping to justify the proposed development. It is noted on the submitted site plan that banks to the west of the site

would be planted with a woodland planting mix with small trees but there is no reasoning as to why this is considered an acceptable landscape feature in this sensitive location.

The measures as set out in the report and protection plan would be sufficient for this scheme. Overall, if the measures set out within the arboricultural report are followed there will be no significant adverse impacts to the retained trees. There are therefore no objections on tree grounds subject to conditions. In landscape terms, there are concerns that the wider setting has not been properly considered and this would conflict with policies ENV4 and STR2 of the Local Plan Part 1.

## **Habitat Mitigation and off-site recreational impact**

### Habitat Mitigation

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites. Although the adverse impacts could be avoided if the applicant were to enter into a Section 106 legal agreement to secure a habitat mitigation contribution in accordance with the Council's Mitigation Strategy, no such legal agreement has been completed in this instance. As such, it is not possible, in respect of recreational impacts, to reach a conclusion that adverse effects on European sites would be avoided.

### Phosphate neutrality and impact on River Avon SAC

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment was carried out as to whether granting planning permission would adversely affect the integrity of the River Avon European sites, in view of those sites' conservation objectives, having regard to phosphorous levels in the River Avon. However, Natural England has drawn attention to the fact that the submitted Appropriate Assessments (AA) rely on the delivery of the phosphate neutrality measures set out in the River Avon SAC – Phosphate Neutral Development Plan Interim Delivery Plan (Wood Environment & Infrastructure Solutions UK Limited – January 2019). The Interim Delivery Plan set out mitigation measures for new development up to the end of March 2020, and thereafter relied on the delivery of the Wessex Water River Avon Outcome Delivery Incentive (ODI), if fully in place. Natural England's view is that, as the initial Interim Delivery Plan period has now concluded, the submitted AAs should not simply be rolled forward, at least without a valid evidence-based justification that provides the required reasonable certainty for phosphate neutrality. They also note that circumstances are different from those of when the Interim Delivery Plan was first agreed because of external developments in caselaw, notably the Dutch case (Joined Cases C-293/17 and C-294/17 Coöperatie Mobilisatie for the Environment UA and Others v College van gedeputeerde staten van Limburg and Others).

With regard to current proposals, Natural England agrees with the competent authority that the plan or project for new residential development, without mitigation, has a likely significant effect on the River Avon Special Area of Conservation (SAC). The site is also listed as a Ramsar site and notified at a national level as the River Avon System and River Avon Valley Sites of Special Scientific Interest (SSSIs). Listed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Natural England

considers that impacts of phosphates on the Ramsar interest features are likely to be similar to the impacts on the SAC. As the Council cannot now rely on the Interim Delivery Plan to address phosphate levels in the River Avon, there needs to be a mitigation project to provide this development with a phosphate budget that will enable the development's phosphate impact to be offset. Such a project has now been secured and were permission to be recommended, a Grampian style condition would need to be imposed that will secure the appropriate level of phosphate mitigation.

### Air Quality

To ensure that impacts on international nature conservation sites are adequately mitigated, a financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site. There is potential for traffic-related nitrogen air pollution (including NOx, nitrogen deposition and ammonia) to affect the internationally important Annex 1 habitats for which the New Forest SAC was designated, and by extension those of the other International designations. Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring.

In response to the requirements of the recently adopted 'Air Quality Assessments in New Development Supplementary Planning Document 2022, the applicant has provided information explaining the measures that they will take to reduce the potential adverse impact new development can have upon air quality, thereby lessening the negative effects upon health and wellbeing. These will be provision of cycle storage, increase in green space, occupants to be encouraged to walk or cycle to work.

### Developer Contributions

As part of the development, the following would need to be secured via a Section 106 agreement if the proposals were otherwise acceptable:

- Habitat Mitigation £27,288 (infrastructure) and £3,964 (non-infrastructure)
- Air Quality Monitoring £448

As part of the development, subject to any relief being granted the following amount Community Infrastructure Levy will be payable:

Type	Proposed Floor space (sq/m)	Existing Floor space (sq/m)	Net Floor space (sq/m)	Chargeable Floor space (sq/m)	Rate	Total
Dwelling houses	951		951	951	£80/sqm	£114,412.62 *

Subtotal:	£114,412.62
Relief:	£0.00
Total Payable:	£114,412.62

*\*The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the RICS CIL Index (<https://www.rics.org/uk/products/data-products/rics-community-infrastructure-levy-index/>) and is:*

*Net additional new build floor space (A) x CIL Rate (R) x Inflation Index (I)*

## **11 OTHER MATTERS**

With regard to the Parish Council's reasons for supporting the proposal, the need for housing in Whitsbury is noted although should approval be given for the development, the new dwellings would be secured for the business and not available for affordable or open market purposes. The conversion of much of the built form on site is welcomed as this would limit the impact of the proposal on the street scene through the village. Supporting local businesses such as the high value-added business in Whitsbury is compliant with policy (ECON1).

## **12 CONCLUSION / PLANNING BALANCE**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determination of planning applications:

*'If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'*

Starting with the development plan the proposal is contrary to policies DM20 and DM21 of the Local Plan Part 2 as it would provide new residential development within the countryside where it has not been demonstrated that the proposal is fully justified in this location.

As set out earlier in this report Paragraph 11 of the NPPF is a Material Consideration. Paragraph 11 clarifies the presumption in favour of sustainable development.

Paragraph 11(c) states for decision making this means approving development proposals that accord with an up-to-date development plan without delay.

The lack of a demonstrable five-year land supply however, means that the titled balance in NPPF paragraph 11(d) is engaged for this application.

As is set out above, the first limb of paragraph 11(d) of the NPPF advises that applications should be refused if:

- (ii) *the application of policies in this Framework that protect areas or assets of particular importance [7] provides a strong reason for refusing the development proposed.*

Footnote 7 to paragraph 11(d)(i) defines the policies that protect areas of particular importance. These include a National Landscape, designated Heritage Assets and protected Habitat Sites.

Furthermore, paragraph 195 of the NPPF sets out that:

*"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site"*

The above report has considered the impacts upon the National Landscape via the provision of rooflights in the buildings and the demonstrably harmful impact this would have on the International Dark Sky Reserve( IDSR).

The proposal seeks to deliver five new dwellings in the countryside in an unsustainable location for which there is no overriding need demonstrated. It is accepted that the wider stud farm is an established rural enterprise however there is no demonstrated functional need for the provision of five additional dwellings at the site. Whilst the impact of the proposal on the Whitsbury Conservation Area heritage asset is not considered to be significant such as to warrant refusal, the proposal would have a harmful impact upon intrinsic qualities of the National Landscape and, in particular, the IDSR. This identified harm to the National Landscape and IDSR is considered to be a “strong” reason for refusal of the application pursuant to footnote 7 of the NPPF under the first limb of Para 11d. As such the “tilted balance” under Para 11 d (ii) is not engaged as these will only apply if it is judged that there are no clear reasons for refusing the development having applied the test set out in the first limb. Therefore, the application can be determined in accordance with paragraph 38(6) of the Act which essentially means the assessment is made against the policies of the development plan

In addition to this, the effect of NPPF paragraph 195 means as a result of these proposals having an adverse effect on the integrity of a habitats sites, in the absence of any secured mitigation, as concluded by the Appropriate Assessment, the ‘titled balance’ is not engaged and the application can be determined in accordance with paragraph 38(6) of the Act which essentially means the assessment is made against the policies of the development plan.

In view of the above concerns, the necessary legal agreement to secure Habitat Mitigation and Air Quality Monitoring has not been sought and this is a further reason for refusal.

## **13 RECOMMENDATION**

### **Refuse**

#### **Reason(s) for Refusal:**

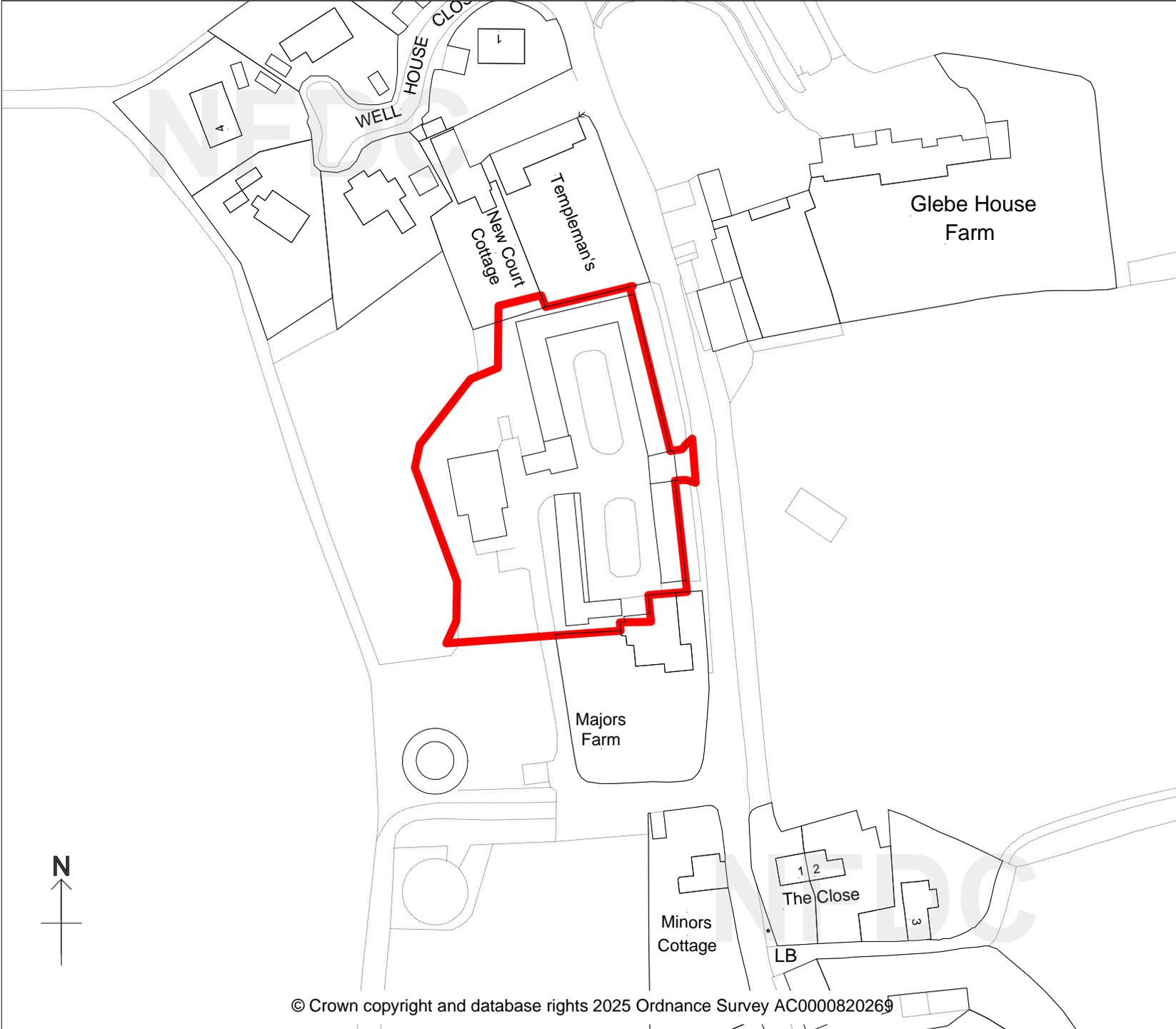
1. The site is located within the countryside where new residential development is restricted. It has not been demonstrated that there are no suitably available properties in the local area which could fulfill the functional need for additional residential accommodation. Further, it has not been demonstrated that the proposed dwellings are sited in an appropriate location, relative to the stud farm, to fulfill this functional need. As such the proposals would be contrary to policies DM20 and DM21 of the Local Plan Part 2 for the New Forest outside of the National Park.

2. The proposal includes 10 roof lights within the dwellings which would adversely affect the National Landscape which is also an International Dark Sky Reserve. Combined with the lack of a landscape assessment to justify the proposed landscaping scheme, the proposal would be contrary to policies STR2 and ENV4 of the Local Plan Part 1 and paragraph 189 of the NPPF.
  
3. The recreational and air quality impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area and the New Forest Ramsar site would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational and air quality pressures on these sensitive European nature conservation sites, contrary to Policy ENV1 of the Local Plan 2016-2036 Part One: Planning Strategy and the Council's Supplementary Planning Document "Mitigation for Recreational Impacts on New Forest European Sites".

**Further Information:**

Vivienne Baxter

Telephone: 023 8028 5442



**New Forest**  
DISTRICT COUNCIL

Tel: 023 8028 5000  
www.newforest.gov.uk

Mark Wyatt  
Service Manager  
Development Management  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**PLANNING COMMITTEE**

**October 2025**

Whitsbury Stables  
Fordingbridge Road  
Whitsbury  
24/10939

Scale 1:1250

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Planning Committee 08 October 2025

## **Tree Preservation Order: TPO/0011/25**

<b>Site:</b>	LAND REAR OF 37, 39 AND 41 TENNYSON ROAD, TOTTON
<b>Proposal:</b>	To confirm the Tree Preservation Order
<b>Case Officer:</b>	David Cashman
<b>Officer Recommendation:</b>	Confirm TPO
<b>Reason for Referral to Committee:</b>	Objections received

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### **1 SUMMARY OF THE MAIN ISSUES**

The key issues are:

1. The public amenity value of the trees and their value to the wider community.
2. The expediency to protect these trees

### **2 TREE PRESERVATION ORDER HISTORY**

The subject trees are situated to the rear of several properties within an Area Order but consist of a distinct wider linear group of large oak.

The Order was made in response to concerns raised over the potential removal of the trees concerned. The properties were previously owned by the local authority (NFDC) and the trees managed/maintained by the Corporate Tree Team. The properties were subsequently sold and therefore are now in private ownership.

A Tree Preservation Order (TPO) was made on 2 May 2025. (Appendix 1.)

The owners of the trees have put in writing their objections to the Order. Third party representations have also been received in support of the Order.

### **3 THE TREES**

The TPO covers an area including all trees of whatever species, but mainly for the purpose of providing initial provisional protection for a linear group of large oak. The trees are visible from the public highway and the rear access within the residential development.

### **4 POLICIES**

#### **Relevant Legislation**

Town and Country Planning (Tree Preservation) (England) Regulations 2012

#### **Local Plan Part One:**

- Policy ENV4 – Landscape Character and Quality

### **5 PLANNING HISTORY**

None relevant

## **6 PARISH / TOWN COUNCIL COMMENTS**

No comments received

## **7 COUNCILLOR COMMENTS**

None

## **8 CONSULTEE COMMENTS**

None

## **9 REPRESENTATIONS RECEIVED**

There are three letters of objection received to the Order from 37, 39 and 41 Tennyson Road (the tree owners) and one letter expressing concerns over the trees from 103 Ewell Way. There are eight letters of support for the TPO from 84, 87, 88, 98, 90, 97, 103 & 105 Ewell Way. The representations are summarised below:

### Representations received to support the Order:

The trees are located within the rear gardens of 37, 39 and 41 Tennyson Road, Totton and were in immediate threat of removal. This is despite the trees forming part of a prominent linear boundary feature that pre-dates the surrounding houses and road infrastructure. The trees are unusual insofar as they are remnants of historic field margins therefore have historic importance to the local area. Established mature trees of this linear number within domestic curtilages are uncommon within the local area.

This linear group of trees are principal landscape features (individually and collectively) within the local and wider landscape and are enjoyed in their setting. They make a significant contribution to the character and appearance as well as the public enjoyment of the area, enclosing Ewell Way and are also highly visible from adjoining roads such as Tennyson Road, Shelly Road, Shakespeare Drive, Blackwater Drive, Galmore Drive, and Stanley Road. In addition to the public amenity value, the trees also provide seasonal interest and help soften the built environment.

In 2021, New Forest District Council made a Climate Change and Nature Emergency declaration which reinforces the need to protect our natural features. Without protection the loss of these trees is inevitable fragmenting the group by creating a gap in the linear row. This would also result in the loss of eco services (rainwater infiltration, filtering of airborne particulates, summer shade in rising temperatures etc) for residents. The trees also provide significant screening and privacy for residents of Tennyson Road and Ewell Way.

Ecologically, the trees are a source of food/pollen and offer shelter and roosting/nesting sites for wildlife, including statutory protected species. The trees also provide a commuting wildlife corridor to other significant neighbouring groups of oak trees (aligning Galmore Drive, Blackwater Drive, Testwood Crescent) for bats (and other transient wildlife) which are commonly seen foraging at dusk/night.

A professional assessment of the trees by a qualified Arboriculturist (Instructed by a resident) concludes that these Oak trees have a future life expectancy of over 40 years and have the potential to become trees of veteran status through good arboricultural management. The Tree Preservation Order would still allow good management to occur and in turn could offer benefits to the reasonable use of the

affected gardens, increasing daylight and remove natural deadwood (which is not untypical of mature oak trees) which can be a concern. Such works to the trees can still be achieved maintaining their visual amenity, health, and long-term viability.

Considering the historic, visual amenity and wildlife value of the trees and the fact a Tree Preservation Order still enables good arboricultural management of the trees in their current context, it is respectfully requested in the public interest that the Tree Preservation Order be confirmed.

Representations received in objection to the Order:

1. Safety and Structural Risk

These trees are exceptionally large, proximity to buildings, and living areas, pose a real risk to property and personal safety, particularly during storms or high winds. Increasing concern about more frequent falling limbs and storm related damage.

Unsuitable for Suburban Context

The trees are disproportionate to the size of the gardens.

2. Ongoing Maintenance Burden

Caring for these trees carries high costs in terms of regular pruning and risk monitoring. These are not one-off expenses – they are ongoing and significant. Regular maintenance, pruning, and debris management are simply not sustainable without support.

3. Loss of Sunlight and Amenity

Due to the size and dense canopy of these trees, they block natural light to the surrounding homes and gardens. This directly impacts the amenity, comfort, and liveability – particularly for residents who rely on natural light for wellbeing.

4. Declining Tree Health

Several of these trees show signs of internal decay and damage. If the intention of the TPO is to preserve healthy, thriving specimens, these trees do not meet that standard and may already pose risks that outweigh their remaining ecological value.

5. Respect for Property Rights and Liveability

The TPO breaches Article 8 of the Human Rights Act 1988 and Article 1 of the First Protocol, these rights also protect our ability to enjoy our private home and garden without disproportionate interference. The concerned neighbour's enjoyment should not come at the expense of the safety, comfort, or property rights of those who live with the daily consequences of their presence. Anxiety, worry, and sleepless nights have a direct impact on our wellbeing and mental health. The constant worry of falling trees, injury, and risk to life conflicts with our human rights.

## 10 CONSIDERATION OF THE GROUNDS FOR OBJECTION

- A request was received from local residents following notification from a tree surgery company employed to fell the tree/s. The reasons provided from the tree surgeon to neighbouring properties affected by the trees was that they were being removed due to health and safety concerns, regarding their condition and position to neighbouring properties. It was stated that the trees have started to lean, and concerns were raised by homeowners on Ewell Road which their client is trying to mitigate.
- The TPO was made as a direct response to this request. Following an onsite assessment of the trees it was considered that the trees were under sufficient threat of removal. The trees provide a significant landscape feature providing a good degree of wider public amenity and it was considered that a TPO was justified in order to safeguard their premature removal.
- Following the making of the order, no applications or notifications have been made or provided to the authority from the contractor or residents indicating that any of the trees concerned are in such condition that the work is justifiable on the grounds of any specific safety concern or identifiable feature that would render the tree/s at significant increased risk of failure and therefore requiring removal. On that basis the reasons given for their removal could be considered as speculative and in relation to an unsubstantiated, perceived threat.
- It is understandable that large trees within a domestic curtilage close to dwellings can cause apprehension and do pose some risk; however, this can be managed by routine inspection and reasonable routine maintenance. The imposition of a TPO on a tree does not prevent an owner, or neighbour carrying out reasonable routine management of a protected tree. There is no financial charge made by New Forest District Council in the processing of tree work applications.
- It is evident that the trees pre-date the residential development and were part of the previous land use, forming a distinct linear arboreal feature in the locality. The presence of large trees within urban areas is recognised as a key factor in mitigating the negatives effects of a changing climate providing important canopy cover and the provision of ecosystem service benefits.
- Although it is recognised that large trees can cause a burden to occupants in terms of shade and debris fall it would not be considered justifiable to remove significant trees for this reason. It would be evident when purchasing a property with large trees present that there would be a degree of general maintenance associated with this relationship.
- The objections to the TPO from the tree owners draw upon the Human Rights Act and protection of human rights and fundamental freedoms. The Act translates into UK law via the European Convention on Human Rights (ECHR). It sets out the rights of every person and the limitations placed on these rights in order to protect the rights of other and the wider community. The planning process including the preservation of trees, respects the rights of the individual whilst acting in the wider public interest. In general, the making of a TPO involves the assessment of the effect the TPO will have on individuals and balances that against the wider public interest. Any interference with the rights of individuals affected by the confirmation of this Order is considered to be in accordance with the relevant legislation and proportionate.

- The Planning Authority is satisfied that the process of making the TPO complies with the ECHR. Inherent in the consideration of the TPO was the consideration of the rights of individuals balanced against the interests of the wider community and public interest. The trees were present prior to the properties being built and have co-existed for many decades, they have not been imposed on the dwellings. The trees provide a high level of visual amenity to the wider locality and any relationship between the trees and tree owners property could be managed with general routine maintenance to provide appropriate separation and crown management in line with current best practice.
- The properties concerned are Ex-council properties. As indicated on the Council website and would have been evident to the owners - Properties that were once council housing are covered by a covenant, which states the owner of the property must not undertake any tree works without the prior consent of the council. This covenant is a civil matter to be addressed between the tree owner and the Council and is not a matter for the Committee to consider, however it forms a binding part of the sale agreement dating back to the time the property was sold. It binds not only the person who purchased the land, but any subsequent owners. The covenant is a form of tree protection which is intended to protect and promote trees on ex-council land. In situations where there is a risk the covenant could be breached the tree may also have an additional Tree Preservation Order in place if the tree is of notable stature, interest or believed to be under threat of removal.
- The loss of the trees would erode the current cohesive linear group feature and likely lead to future pressure and precedent for further removals with the adverse impact on the many public amenity benefits provided by the trees to the area.
- The Order should be modified to apply only to a specific group of six oak within the subject properties from the current form consisting of a defined area applying to all trees of whatever species.

## **11 CONCLUSION / PLANNING BALANCE**

A local planning authority may only make a tree preservation order where it appears to the authority that it is expedient to protect a tree or woodland in the interests of amenity.

These oak trees provide a positive contribution to the amenity of the area. The trees are under threat of removal which would be of detriment to the amenity they provide to the area. Therefore, in the interest of public amenity it is expedient to confirm this Tree Preservation Order.

## **12 RECOMMENDATION**

**MODIFY THE TREE PRESERVATION ORDER FROM AN AREA ORDER TO BE SPECIFIC TO THE SIX OAK TREES ONLY AND THEN CONFIRM THE TREE PRESERVATION ORDER AS A GROUP.**

**For further information contact:  
David Cashman  
Senior Tree Officer (Planning)  
023 8028 5345 (option 1)**



# New Forest

DISTRICT COUNCIL

Tel: 023 8028 5000  
www.newforest.gov.uk

Mark Wyatt  
Service Manager  
Development Management  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

## PLANNING COMMITTEE

October 2025

Land of 37, 39 & 41 Tennyson Road  
Totton

TPO/0011/25

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