

**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:**

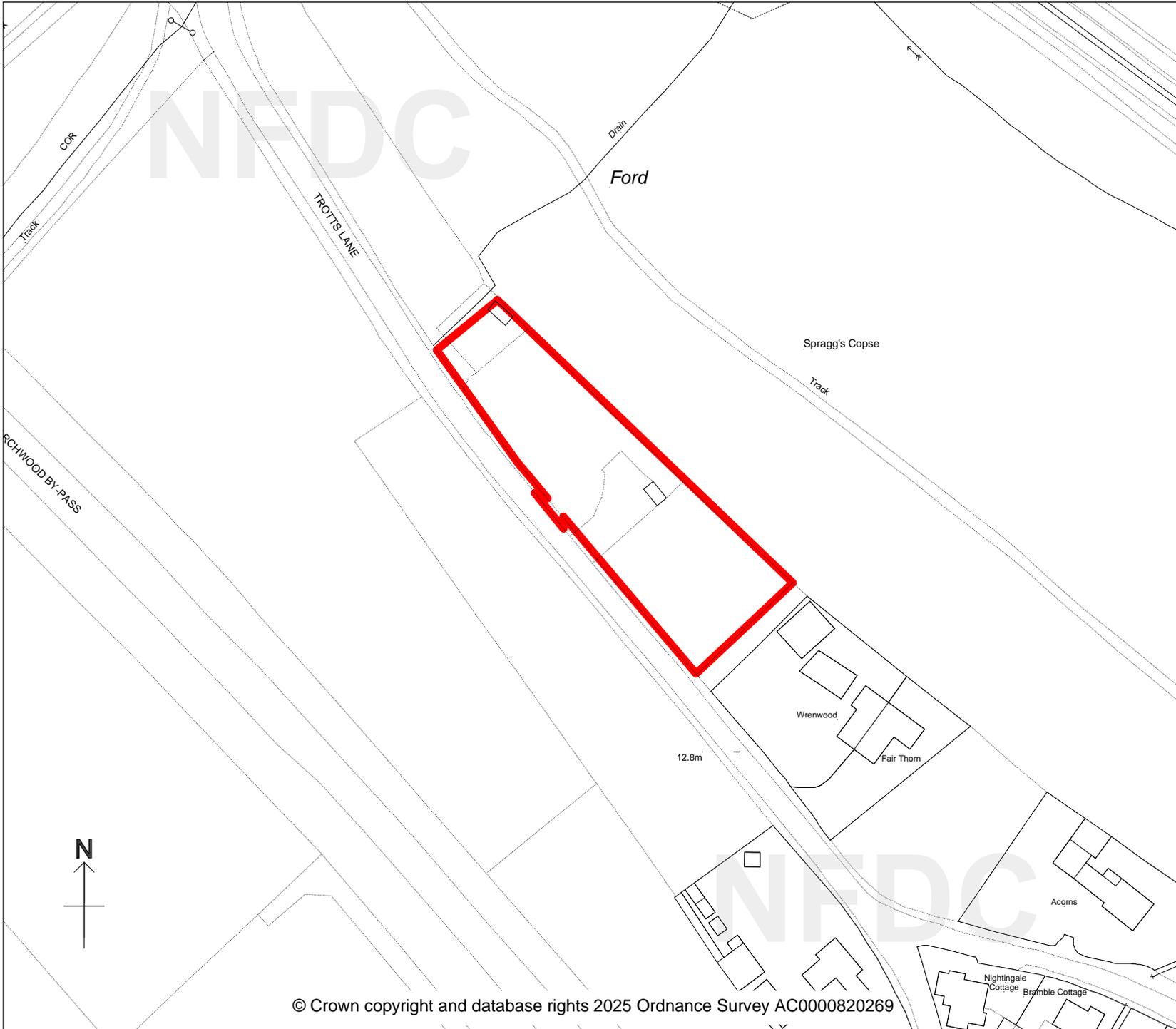
1. The planning application has not demonstrated how it can deal with surface water and foul water arising from the proposed use in accordance with the Planning Practice Guidance, or in a manner that would not have a detrimental impact on the appearance of the site, exacerbate concerns regarding the 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:**

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# New Forest

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## 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.