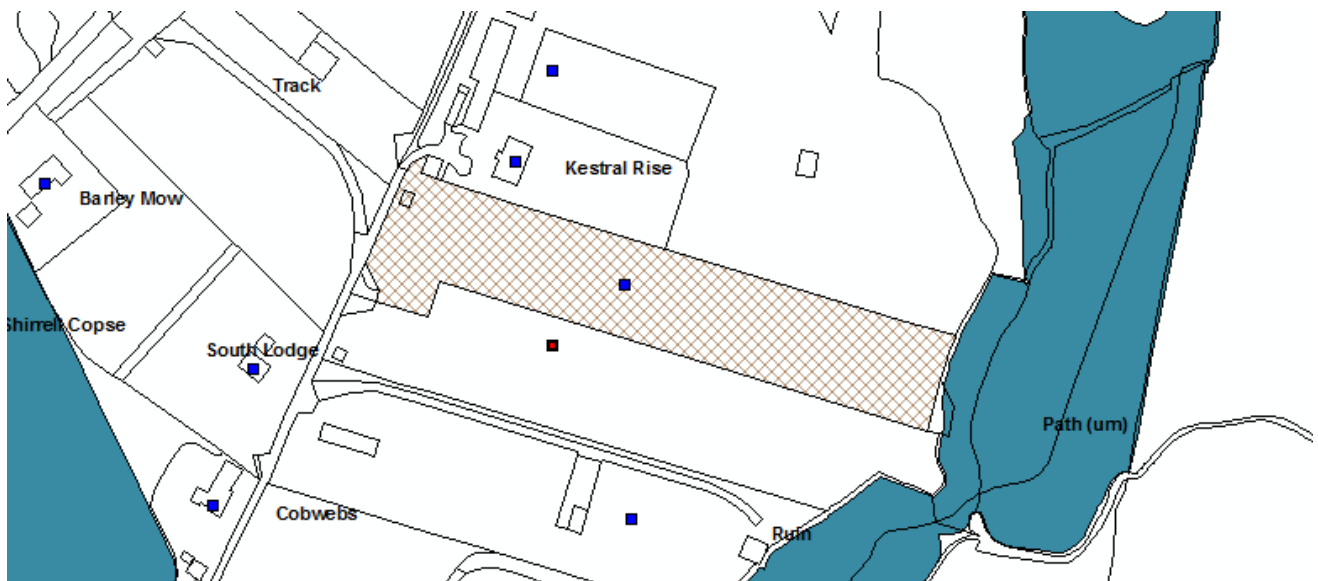


WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 20/00883/FUL
Proposal Description: Erection of small scale holiday let accommodation consisting of 2 x Shepherd huts and 1 x Treehouse
Address: Land Adjacent To Kestrel Rise Pricketts Hill Shedfield SO32 2JW
Parish, or Ward if within Winchester City: Shedfield
Applicants Name: Mr Cochran
Case Officer: Rose Lister
Date Valid: 1 May 2020
Recommendation: Permit

Link to Planning Documents : <https://planningapps.winchester.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=Q9NNDRBPKCR00>

Pre Application Advice: No



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General Comments

The application is reported to Committee due to the number of objections received contrary to the officer recommendation and the Parish Council's request for the application to be determined by Planning Committee, see Appendix 1

Site Description

The site is approximately 1 hectare in size and has a gentle slope to the east. There is a SINC (Long Copse) to the east immediately adjacent to the site, and another SINC (Shedfield Common) to the west and is approximately 95m from the site. The site is currently used as a small holding with horses, sheep and chickens on site.

Proposal

The proposal is for 2 units of tourist accommodation.

This was reduced from 3 units, the original description included a third unit, a tree house, and this was removed from the proposal due to the impact on the adjacent SINC. The change was re-advertised to reflect the change.

Relevant Planning History

19/01918/FUL - Siting of 1 x mobile home unit (non-residential) on hardstanding and 1 x pole mounted floodlight for agricultural uses (Retrospective) – permitted 06.11.2019
10/02255/FUL - Extension to the time limit for implementing planning permission (07/02363/FUL) Stable block with tack room and hay/feed store and change of use of associated land to equestrian – permitted 01.02.2011
07/02363/FUL - Stable block with tack room and hay/feed store and change of use of associated land to equestrian - permitted 28.11.2007

Consultations

Service Lead for Environment : Engineers - Drainage: No objection subject to condition 4
The site is within flood Zone 1 and therefore at low risk of flooding. No drainage information has been submitted.

HCC Highways: No objection
The site is located off an unclassified road/footpath..

Service Lead for Environment - Landscape: . No objection.
The site is adjacent to a SINC and within the Shedfield Heathlands Character Area

Service Lead for Environment – Trees: No objection
The tree house has been removed from the plans and therefore no trees would be impacted..

Service Lead for Environment - Environmental Health: No objection
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Service Lead for Environment – Ecology: No objection.

The tree house has been removed from the application. The shepherd's huts are considered to be far enough away from the SINC's not to cause an issue to the biodiversity.

Natural England – No Objection.

No Objection subject to condition 3.

HCC Countryside Planning - Objection.

The site is accessed from footpath 12, a Public Right of Way (PROW). The applicant should demonstrate that they have right of vehicular access to the site.

Representations:

Shedfield Parish Council – Object for the following material planning reasons:

- Not an acceptable location
- Would generate noise and light pollution
- Increase in traffic
- No provision for drainage
- Would be used as dwellings
- No bridle way in the area
- No tree survey submitted

11 letters received from 8 addresses objecting to the application for the following material planning reasons:

- Inappropriate access/footpath
- Inadequate parking
- Noise
- Light pollution
- No bridleway in the area
- Flooding/drainage
- Proximity to SINC
- Increased traffic
- Impact on ecology
- Would be used as dwellings

Reasons aside not material to planning and therefore not addressed in this report

- Area is used for fly tipping
- Applicant doesn't own the access

18 letters of support received from 14 addresses for the following material planning reasons:

- Good for local economy
- Sympathetic design
- Innovative drainage solution
- Sustainable form of development

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Relevant Planning Policy:

Winchester Local Plan Part 1 – Joint Core Strategy
MTRA4, CP8, CP11, CP13, CP16

Winchester Local Plan Part 2 – Development Management and Site Allocations
DM1, DM15, DM16, DM17, DM23,

National Planning Policy Guidance/Statements:
National Planning Policy Framework

Supplementary Planning Guidance
High Quality Places SPD
National Design Guide

Planning Considerations

Principle of development

Paragraph 47 of the NPPF requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The development is situated outside of a settlement, therefore countryside policies apply.

MTRA4 allows for low key tourist accommodation that is appropriate to the site, location and setting.

It is therefore considered that the principle of development is acceptable, provided that the development is in accordance with the policies of the Development Plan and unless material planning reasons indicate otherwise.

Design/layout

The proposal would see 2 units of tourist accommodation in the form of shepherd's huts. The design is in the style of a shepherds hut with basic facilities, a bed, small kitchenette, sitting area and W/C. The proposed units would be situated at the western end of the field close to the site entrance and close to the horse paddock area of the site.

The proposed units would be slightly raised off the ground with a maximum height to the ridge of approximately 3m. The units would be approximately 7m long and 2.7m wide. Each unit would be modest with an internal footprint of approximately 18sqm.

Impact on character of area and neighbouring property

The application site is located within the countryside on a small holding. The proposal is considered to be low key with 2 modest units. As the units are small concerns have been raised that future users would use outdoor space and create noise pollution. It is noted that the proposed units would be approximately 16m and 32m from the neighbouring property respectively. It is considered that while future occupiers could use the external

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space there would be an acceptable distance between the site and the neighbouring property to prevent unacceptable disturbance levels.

Concerns have also been raised in regard to future occupiers using the units as permanent accommodation. It is considered that an appropriately worded condition would prevent this and therefore has been included as condition 5.

In regard to overlooking and overbearing it is considered that the proposed units would not result in an unacceptable adverse impact on the residential amenities of the neighbours due to the distances between the site and the neighbouring property to the north.

Concerns have been raised in regard to external lighting. There is no external lighting proposed. The site is currently subject to a lighting restriction, where no lighting is to be used between 10pm and 7am. This considered to be adequate to serve the existing use and the proposed, however a condition restricting any further external lighting is recommended (condition 6).

Landscape/Trees

The original description included a tree house at the far eastern end of the site that is over hung by the trees of Long Copse ancient woodland. The proposal has been amended to remove this; it is therefore considered that the proposal would not impact the trees to the east of the site. As such an arboricultural report is not considered appropriate in this instance.

The site is located within the Shedfield Heathlands Character area. There is one foot path to the west that serves as the access to the site. The site access provides glimpsed views into the site, it is considered that the proposal would not be out of keeping with the buildings on the site as existing and would not have a harmful visual or physical impact on the views from the foot path.

The access to the site is a PROW (footpath 12). Concerns have been raised regarding the use of the footpath as the access. The applicant has supplied copies of their deeds that allow vehicle access to the site over the footpath. It is considered that other properties also use the track for access including businesses, therefore the increase in traffic is not considered to be detrimental to the footpaths users.

Concerns have been raised regarding the lack of bridle way in the area. It is considered that while there are facilities on the site for horses to be housed the application would not change the use to include equestrian uses. Should future users bring horses to the site for recreational uses this would require further planning consent and would be assessed at that time.

Highways/Parking

The site benefits from an existing access with a right of way over the foot path for vehicles to access. Concerns have been raised in regard to the accesses that have been addressed above. Further concerns have been raised in regard to parking on the site. It is considered that the site can accommodate 6 vehicles to park and turn on the site. This is considered to be an acceptable level of parking for the two units and the existing small holding.

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Concerns have been raised in regard to the access road being single track and in bad condition. It is considered that the level of traffic generated would not create a significant increase in traffic. As the access track is privately owned it would be the responsibility of the owner to maintain the track.

The Highways Officer raised no objection. Therefore the proposed access is considered acceptable.

Drainage

The proposal indicates a package treatment plant and soakaways to remove waste water. This is considered to be acceptable however further information regarding infiltration rates is required. It is considered appropriate to include this as condition 4.

Other Matters

Equality

Due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the process of decision-making. The weight given to the Equality Duty, compared to the other factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed. The Local Planning Authority has given due regard to this duty and the considerations do not outweigh any matters in the exercise of our duty.

Nitrates

The proposed development is within Winchester District where foul water is distributed into the European designated areas Solent SPAs/Ramsar sites via water treatment plants. In accordance with advice from Natural England and as detailed in Policy CP16 of the Winchester City Council Local Plan Part 1 Joint Core Strategy a net increase in housing development within Winchester District is likely to result in impacts to the integrity of those sites through a consequent increase in Nitrates. A nitrate calculation has been conducted in relation to this. It has been demonstrated that the proposal would generate a surplus of nitrates and therefore mitigation is required. As such a Grampian condition (condition 3) in line with the Winchester City Council Position Statement on Nitrate Neutral Development has been agreed to secure appropriate mitigation prior to occupation.

Recreational Disturbance on the Solent Special Protection Areas

The Solent coastline provides feeding grounds for internationally protected populations for overwintering waders and wildfowl, and is also extensively used for recreation. Natural England has concluded that the likelihood of a significant effect in combination arising from new housing around the Solent cannot be ruled out. Applications for residential development within 5.6 km of the Solent SPAs will need to propose measures to mitigate the direct impacts of their development on the Solent SPA. This can be done by the provision of a financial contribution either before planning permission is granted or by entering into a s106 agreement before planning permission is granted with an undertaking that the payment will be made before the development is implemented. The proposal would provide 2, 1 bed units requiring a payment of £712 to comply with policy CP16 as it has failed to mitigate the recreational harm to the Solent SPAs.

Conclusion

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The proposal is for 2 tourist accommodation units. The access is acceptable and the proposals would not be highly visible in the countryside. The proposal would not have a detrimental impact on the residential amenities of the neighbours. Therefore the proposal accords with development plan policies MTRA4, CP11, CP13, CP16, DM15, DM16, DM17, DM18, DM23.

Recommendation

Permit subject to the following condition(s):

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).
2. The development hereby approved shall be constructed in accordance with the following plans:
Reason: For the avoidance of doubt, to ensure that the proposed development is carried out in accordance with the plans and documents from which the permission relates to comply with Section 91 of the Town and Country Planning Act 1990.
3. The development hereby permitted shall NOT BE OCCUPIED until:
 - a) A water efficiency calculation which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to and approved in writing by the Local Planning Authority
 - b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European sites by the development and be implemented in full prior to first occupation and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and
 - c) All measures forming part of that mitigation have been secured and submitted to the Local Planning Authority.Reason: To accord with the Conservation of Habitats and Species Regulations 2017, and Policy CP11, CP16 and CP21 of the Winchester District Local Plan Part 1.
4. Detailed proposals for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved details shall be fully implemented before occupation of the building.
Reason: To ensure satisfactory provision of foul and surface water drainage.
5. The tourist accommodation hereby permitted shall be used for holiday accommodation only which shall be limited to any one occupier occupying any unit

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for a maximum period of 4 weeks and for no more than 3 times per year, with a break between each occupation, by the same occupier, of 4 weeks. A register of the names of the occupiers of the unit and their arrival and departure dates shall be kept by the developer and shall be produced to the Local Planning Authority upon reasonable notice.

Reason: To accord with the terms of the application since the site lies within an area where residential properties would not normally be permitted.

6. No lighting, whether free standing or affixed to a structure shall be installed on the site.

Reason: To protect the character and appearance of the countryside.

7. Prior to the commencement of the development hereby permitted detailed information (in the form of SAP design stage data and a BRE water calculator) demonstrating that all homes meet the equivalent of Code 4 standard for energy and water (as defined by the ENE1 and WAT 1 in the Code for Sustainable Homes) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with these findings.

Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2018 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

8. Prior to the occupation of the dwelling hereby permitted detailed information (in the form of SAP "as built" stage data and a BRE water calculator) demonstrating that all homes meet the equivalent of Code 4 standard for energy and water (as defined by the ENE1 and WAT 1 in the Code for Sustainable Homes) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be occupied in accordance with these findings.

Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2018 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

Informatives:

1. This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

2. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Local Plan Part 1 Joint Core Strategy: DS1, CP11, CP13, CP16,
Local Plan Part 2: DM1, DM15, DM16, DM17, DM23

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3. In accordance with paragraph 38 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service and,
- updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

4. Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and noise pollution and minimising the impact of deliveries, parking and working on public or private roads. Any damage to these areas should be remediated as soon as is practically possible.

> For further advice on this please refer the Construction Code of Practice
<http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>

5. The applicant is advised that one or more of the Conditions attached to this permission need to be formally discharged by the Local Planning Authority before works can commence on site. Details, plans or samples required by Conditions should be submitted to the Council at least 8 weeks in advance of the start date of works to give adequate time for these to be dealt with. If works commence on site before all of the pre-commencement Conditions are discharged then this would constitute commencement of development without the benefit of planning permission and could result in Enforcement action being taken by the Council.

6. During Construction, no materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Protection Team, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under The Clean Air Act 1993.

7. All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

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Appendix 1

Please return this form to the Case Officer: Rose Lister

From: Shedfield Parish Council

Case No: 20/00883/FUL

Closing Date for comments: 24 June 2020

Proposal: Erection of small scale holiday let accommodation consisting of 2 x Shepherd huts and 1 x Treehouse

Location: Land Adjacent To Kestrel Rise Pricketts Hill Shedfield SO32 2JW

LISTED BUILDING GRADE:

Comments:

Shedfield Parish Council object to this application as follows:-

MTRA 4 states that small scale sites for low key tourist accommodation appropriate to the site, location and the setting may be permitted. Development proposed in accordance with this policy should not cause harm to the character and landscape of the area or neighbouring uses or create inappropriate noise/light and traffic generation. Shedfield Parish Council believe this development is not appropriate to the site, location and setting and would cause harm through additional noise, light and traffic.

It is alleged that the conditions of the previous planning permission (19/01918/FUL) have been breached and that the mobile home has been used as residential accommodation.

There are many local precedents where employers have obtained permission for tourism but subsequently used the accommodation for employees.

The above permission was only granted for a limited period due to expire in 2024 and the development deemed unsuitable for permanent retention.

The site has been identified as being in an area where new dwellings are not normally permitted

Shedfield Common is a significant area for wildlife and is currently being restored. The treehouse which is being constructed is not suitable so close to this environment

The site should be subject to a tree survey before any application is considered

The only access is via a well-used footpath which is a scheduled right of way, there but is no bridleway. The track becomes flooded in winter and is unsuitable for additional traffic.

Upgrading the access route from an unmade track is not within the power of the applicant

There is no suitable provision for drainage and the siting of a compost toilet is likely to

pollute the nearby stream

Request for application to be considered by Committee:

(NB: Case Officer to forward form to Head of Planning Control if this section completed)

If minded to accept this proposal, Shedfield Parish Council would like to request that it is considered by committee

Signed: T S Daniels

Planning and Projects Officer

Date: 22 June 2020

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