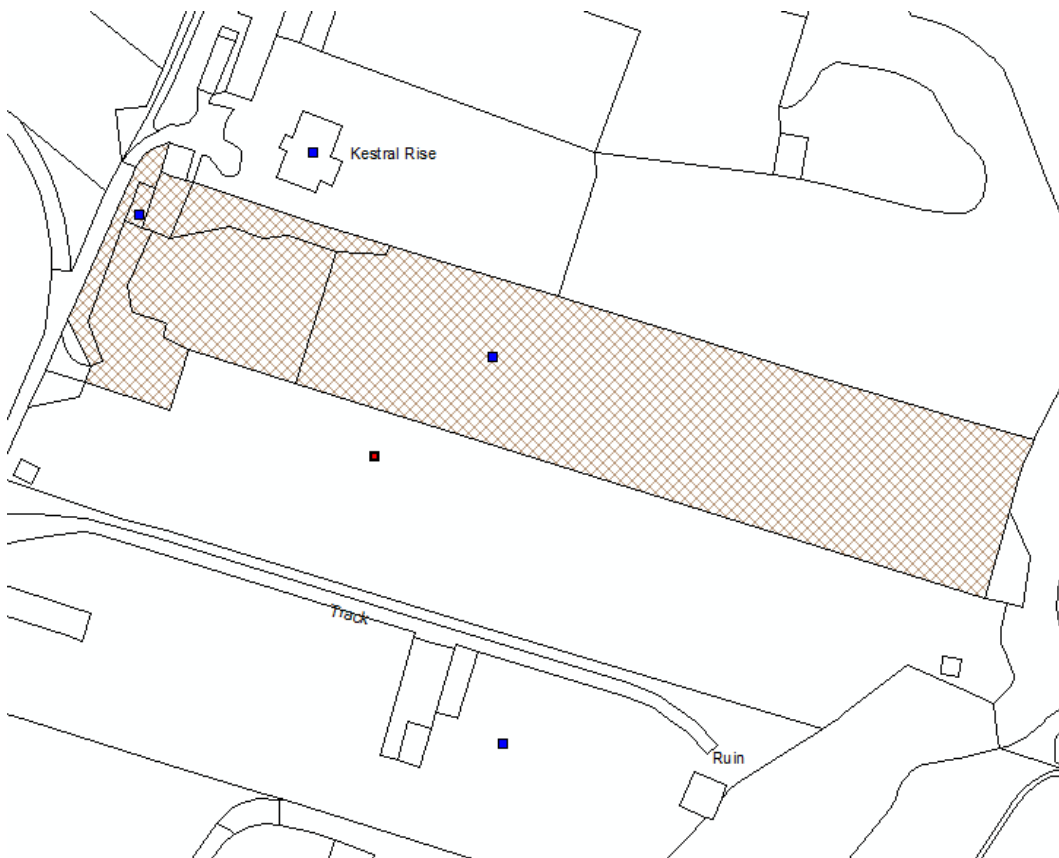


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**Case No:** 22/01262/FUL  
**Proposal Description:** Converting an existing mobile home currently used as storage and wash room facility into a short term holiday let.  
**Address:** Land Adjacent To Kestrel Rise, Pricketts Hill, Shedfield, Hampshire, SO32 2JW  
**Parish, or Ward if within Winchester City:** Shedfield Parish Council  
**Applicants Name:** Mr Cochran  
**Case Officer:** Jordan Wiseman  
**Date Valid:** 13 July 2022  
**Recommendation:** Permit  
**Pre Application Advice** No

**Link to Planning Documents**

[Link to page – enter in reference number 22/01262/FUL](https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple)  
<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



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**Reasons for Recommendation**

The development is recommended for permission as the development does not result in significant adverse impact upon the character and appearance of the existing site and surrounding area. No adverse impact is demonstrated on access, parking, ecology, biodiversity, drainage and material planning considerations do not indicate an alternative approach should be taken.

**General Comments**

The application is reported to Committee due to the number of objections received contrary to the officer recommendation.

**Amendments to Plans Negotiated**

None

**Site Description**

The field in which the mobile home is located is towards the end of a narrow access track (also a public right of way) from Pricketts Hill and serves only one further property (Kestrel Rise) beyond the site. The site is approximately 1 hectare in size and has a gentle slope to the east. There is a SINC (Shedfield Common) to the west approximately 95m from the site. To the east immediately adjacent the end of the site is Ancient Woodland,

**Proposal**

The proposal seeks to convert the existing mobile home which is currently used for storage purposes as per the permission under planning application reference number 19/01918/FUL, into a short term holiday let.

**Relevant Planning History**

20/00883/FUL - Erection of small scale holiday let accommodation consisting of 2 x Shepherd huts – Permitted 20.08.2020

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 Community and Wellbeing

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Landscape: No objection

Hampshire County Council (Highway Authority): No objection

Natural England: No objection subject to Grampian condition

**Representations:**

Shedfield Parish Council:

*“The objections submitted in response to application 20/00883/FUL remains valid. ”*

7 Objecting Representations received from different addresses citing the following material planning reasons:

- Holiday Lets already approved on the site
- Attempt to expand unlawful business on the site
- Trip generation
- Mobile home will be used as a permanent dwelling

**Relevant Government Planning Policy and Guidance**

National Planning Policy Framework

Section 2 Achieving Sustainable development

Section 4 Decision Making

Section 8 Promoting healthy and safe communities

Section 12 Achieving well designed places

Section 14 Meeting the challenge of climate change, flooding and coastal change

Section 16 of the National Planning Policy Framework 2021

National Planning Practice Guidance

Climate Change

Consultation and pre-decision matters

Design: process and tools

Environmental Impact Assessment

Flood risk and coastal change

Planning Obligations

Use of planning conditions

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1).

Policy DS1 – Development Strategy and Principles

Policy MTRA1 – Development Strategy Market Towns and Rural Areas

Policy MTRA2 – Market Towns and Larger Villages

Policy MTRA3 – Other Settlements in the Market Towns and Rural Area

Policy MTRA4 – Development in the Countryside

Policy CP10 – Transport

Policy CP11 – Sustainable Low and Zero Carbon Built Development

Policy CP13 – High Quality Design

Policy CP14 – The Effective Use of Land

Policy CP15 – Green Infrastructure

Policy CP16 - Biodiversity

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Policy CP20 – Heritage and Landscape Character

Winchester District Local Plan Part 2 – Development Management and Site Allocations

Policy DM1 – Location of new development  
Policy DM15 – Local Distinctiveness  
Policy DM16 – Site Design Criteria  
Policy DM17 – Site Development Principles  
Policy DM18 – Access and Parking  
Policy DM23 – Rural Character

Supplementary Planning Document

National Design Guide 2019  
High Quality Places 2015  
Air Quality SPD September 2021  
Residential Parking Standards December 2009

Other relevant documents

Climate emergency declaration carbon neutrality action plan 2020-2030  
Statement of Community Involvement 2018 and 2020  
Biodiversity Action Plan 2021

**Principle of development**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the National Planning Policy Framework (NPPF, 2021) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

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

Policy MTRA4 allows for low key tourist accommodation that is appropriate to the site, location and setting. In this instance due to the small scale, low density nature of the proposed development, the proposal can be considered low key for the purposes of policy MTRA4.

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.

**Assessment under 2017 EIA Regulations.**

The development does not fall under Schedule I or Schedule II of the 2017 Environmental Impact Assessment Regulations, therefore an Environmental Impact Assessment is not required.

**Impact on character and appearance of area**

The mobile home is already existing within the application site, situated at the north western end of the field closest to the road. The current mobile home structure on the site  
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was approved for storage purposes under planning application reference number 19/01918/FUL, and as per condition 1 of this existing permission, the structure would be removed by the 23<sup>rd</sup> of October 2024.

The mobile home structure is screened from the track and along the length of the boundary with Kestrel Rise by a fence and a tall, dense Leylandii hedge which effectively screens the structures from the lane. The mobile home structure is not visible from the public realm. Apart from a reconfiguration of the mobile home structures internal layout, there are no external alterations or extensions proposed to the existing mobile home structure and therefore its external appearance along with its prominence within the locality will remain unchanged from the existing situation. The proposal is not visible from the adjacent public right of way and does not harm the enjoyment of the countryside from this right of way, in compliance with policy DM23.

It is a material planning consideration in this instance that planning permission for two shepherds huts, also to be used as short term holiday lets, have been approved on this site under planning application reference number 20/00883/FUL. Whilst this development has not yet been implemented, it does remain an extant permission and does not expire until August 20<sup>th</sup> 2023. This carries some weight in the decision making therefore the current proposal has been assessed in terms of the potential cumulative impact that the current proposal and extant permission could have on the existing site and the surrounding area. In this instance, the current proposal and the extant permission under 20/00883/FUL, would see a development of the site which is localised to the north western end of the overall site, with very limited visibility from the public realm; there is a potential that should both the current proposal and the extant permission be implemented a total of three short term holiday let units would be situated on the site. It is considered however that this could still be considered low key tourist accommodation that is appropriate to the site, location and setting for the purposes of policy MTRA4.

Concern has been raised in regard to the unit being used as permanent accommodation. It is considered that an appropriately worded condition 03 would prevent this, and therefore has been included within the list of recommended conditions. Such a condition ensures that only one individual may occupy the unit 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 for a minimum of 4 weeks. The condition also requires the applicant to keep a register of the names of the occupiers of the unit as well as their arrival and departure dates and the council can request that this is produced for review at any given time in order to ensure that the unit is being used in line with the terms of the permission. An example of a time where the council may request this register to be produced is if a report is made to the council's planning enforcement team with allegations that the unit is being occupied permanently by one occupant. This condition is therefore enforceable.

The rural nature of the area is such that any light has the potential to create some light pollution. The site is currently subject to a lighting restriction as per planning permission 19/01918/FUL, where no lighting is to be used between 10pm and 7am. A further condition is included in the list of recommended conditions preventing the installation of any further external lighting without the prior consent of the LPA.

Based upon the above assessment it is not considered that any additional significant adverse impact is demonstrated upon the character and appearance of the existing site and surrounding area. The development is therefore in accordance with polices DS1,  
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## **Development affecting the South Downs National Park**

The application site is located 0.55km from the South Downs National Park

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) updated 2021. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

Due to the intervening distance and built form there is no harm to the National Park, its statutory purposes or status as a Dark Skies reserve. Condition no.4 is also included which restricts external lighting on the site.

In conclusion therefore the development will not affect any land within the National Park and is in accordance with Section 11a of the National Parks and Access to the Countryside Act 1949.

## **Historic Environment**

### Relevant Legislation

The preservation of the special architectural/historic interest of the listed building and its setting (S.66 P(LBCA) Act 1990; Policy DM29 & DM30 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP20 Winchester District Joint Core Strategy; NPPF (2021) Section 16.

The preservation or enhancement of the character or appearance of the conservation area (S.72 P(LBCA) Act 1990; Policies DM27 & DM28 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP20 Winchester District Joint Core Strategy; NPPF (2021) Section 16.

The proposed development does not affect nor is it near to a statutory listed building or structure including setting, a Conservation Areas, Archaeology or Non-designated Heritage Assets including their setting. Therefore no impact is demonstrated.

## **Neighbouring amenity**

The nearest residential property is Kestrel Rise, to the north of the site. The dwelling is set around 30m from the site of the mobile home from which it is effectively screened by the mature evergreen hedge. The retention of the mobile home, for the purposes stated in this application, does not have an adverse impact on the amenities of the occupants of that property by way of overlooking, overbearing, overshadowing and noise.

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The development therefore accords with policy DM17 of the WD LPP2.

### **Sustainable Transport**

The site benefits from an existing access with a right of way over the foot path for Vehicles to access. The proposal does not seek to alter the existing situation.

The application site provides ample parking for the nature of the proposed development.

It is not considered that the proposed development/use of the site would result in a significant adverse impact upon the local highway network in terms of trip generation.

Therefore the proposal complies with policy DM18 of the WD LPP2.

### **Ecology and Biodiversity**

The proposal is for Development within, bordering or in close proximity to a National Protected Site (i.e. River Itchen SAC, The Solent SAC, SPAs, Ramsar Sites) and is for overnight accommodation affecting Nitrates.

The development site is outside of the River Itchen Catchment Area and Phosphate mitigation is not required.

The application will have a likely significant effect in the absence of avoidance and mitigation measures on European and internationally protected sites as a positive contribution of 3.84Kg/N/year is made.

The authority has concluded that the adverse effects arising from the proposal are wholly consistent with, and inclusive of the effects detailed in the Winchester City Council Position Statement on nitrate neutral development and the guidance on Nitrates from Natural England. The authority's appropriate assessment is that the application coupled with a mitigation package secured by way of a Grampian condition complies with this strategy and would result in nitrate neutral development. It can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above in this regard.

The development therefore complies with The EU Habitats Directive and Conservation of Habitats & Species (Amendment) Regulations 2011 and contains an Appropriate Assessment as Competent Authority (if required).

This site is within 5.6 km of the Solent coastline. Tens of thousands of birds come to the Solent coast for the winter and there are three Special Protection Areas (Chichester & Langstone Harbours; Portsmouth Harbour; and Solent & Southampton Water) to safeguard them. The protection afforded by the SPA designations has particular consequences. Under the Habitats Regulations, any plan or project can only lawfully go ahead if it can be shown that the development, either on its own or in combination with other plans or projects, will have no adverse effect on the integrity of the SPAs.

New housing around the Solent will lead to more people visiting the coast for leisure with the potential to cause more disturbance to the birds. Research shows that additional

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disturbance will affect the birds' survival unless mitigation measures are put in place. Bird Aware Solent provides a means to deal with the potential impacts along the coastline resulting from housing developments. The initiative is run by the Solent Recreation Mitigation Partnership (SRMP), which is made up of 19 organisations (local authorities and conservation bodies) including Winchester City Council, and is funded by financial contributions from new dwellings and other forms of residential developments within 5.6km of the SPAs. The measures implemented by the Partnership provide a means for developers to mitigate the effects of their schemes so that obligations under the Habitat Regulations can be met and planning permission granted.

The Council's Supplementary Planning Document relating to the SRMP states that Developments of one or more dwellings within a 5.6km radius of the SPA will be required to provide financial contributions towards the SRMP in order to prevent additional disturbance to the SPA/ Ramsar site. In this instance the requisite contribution to mitigate the harm caused to biodiversity in the affected area as set out above has been paid.

An Appropriate Assessment has been completed and is available on the public file. This represents the authority's Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework 2018.

There are no other site issues in respect of Nationally or Locally designated sites. Therefore the proposal complies with policy CP11 of the WD LPP1.

### **Sustainability**

Developments should achieve the lowest level of carbon emissions and water consumption which is practical and viable. Policy CP11 expects new residential developments to achieve Level 5 for the Energy aspect of the Code for Sustainable Homes and Level 4 for the water aspect. It is not feasible to apply this condition to the mobile home as it is existing and it is the use that needs planning permission

### **Sustainable Drainage**

The site is in an area which is at very low risk from surface water flooding. No information has been provided with regard to the proposed arrangements for foul and surface water drainage and as a result condition 5 requests this information prior to the use of the proposed holiday let.

Therefore proposal complies with policy CP17 of the WD LPP1.

### **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

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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.

### **Planning Balance and Conclusion**

The proposal is for 1 tourist accommodation unit. 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:

Location Plan  
Site/Block Plan – CO0001  
Floor Plan

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 tourist accommodation hereby permitted shall be used for holiday accommodation only which shall be limited to any one occupier occupying any unit 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.

4. Prior to installation, details of any external lighting must be submitted to and approved in writing by the Local Planning Authority. The details must include specifications and location of the lighting including orientation. Development must then continue in accordance with the approved details.

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Reason: To protect the character and appearance of the countryside

5. 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.

6. 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.

**Informative:**

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:-

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1).

Policy DS1 – Development Strategy and Principles

Policy MTRA1 – Development Strategy Market Towns and Rural Areas

Policy MTRA2 – Market Towns and Larger Villages

Policy MTRA3 – Other Settlements in the Market Towns and Rural Area

Policy MTRA4 – Development in the Countryside

Policy CP10 – Transport

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Policy CP11 – Sustainable Low and Zero Carbon Built Development  
Policy CP13 – High Quality Design  
Policy CP14 – The Effective Use of Land  
Policy CP15 – Green Infrastructure  
Policy CP16 - Biodiversity  
Policy CP20 – Heritage and Landscape Character

Winchester District Local Plan Part 2 – Development Management and Site Allocations

Policy DM1 – Location of new development  
Policy DM15 – Local Distinctiveness  
Policy DM16 – Site Design Criteria  
Policy DM17 – Site Development Principles  
Policy DM18 – Access and Parking  
Policy DM23 – Rural Character

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](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  
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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.

8. In order to promote biodiversity, please consider the installation of avian wildlife roosting/nesting provisions (for swifts, hedge sparrows, and bats) during and after completion of the proposal.