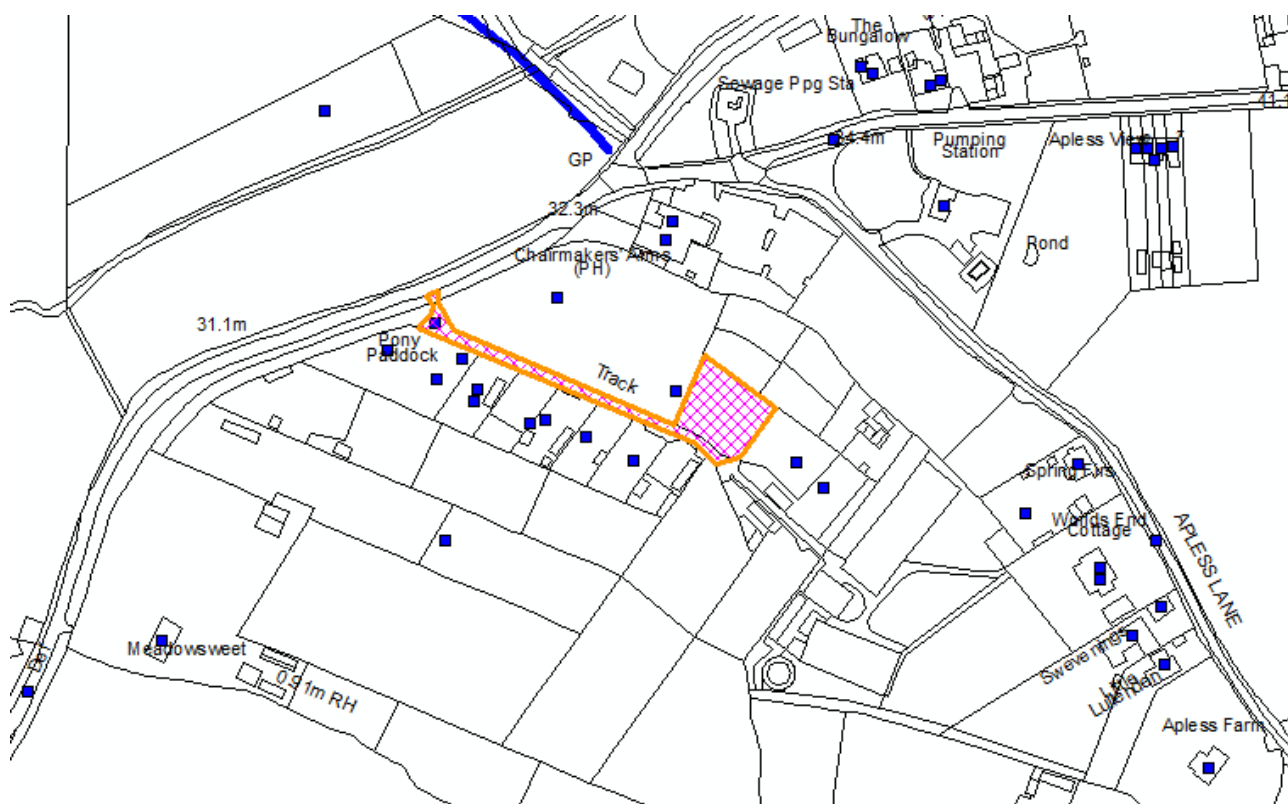


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**Case No:** 25/01078/FUL  
**Proposal Description:** Material Change of Use of Land to a 2 Pitch Gypsy/Traveller Site comprising the siting of 1 Mobile Home, 1 Touring Caravan, and 1 Utility Room per pitch. Retention of hardstanding and fencing. (amended description)  
**Address:** Land To The Rear Of The Chairmakers Arms Forest Road  
Worlds End Hambledon  
**Parish:** Denmead Parish Council  
**Applicants Name:** Mr & Mrs Hilden  
**Case Officer:** Rose Chapman  
**Date Valid:** 28 May 2025  
**Recommendation:** Permit  
**Pre Application Advice** No

**Link to Planning Documents**

25/01078/FUL:  
<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 it is considered that while the proposal would result in some harm in terms of landscape impact, this would be outweighed by the need for Gypsy and traveller pitches within the district.

### **General Comments**

The application is reported to the Planning Committee due to the number of Objections received, that are contrary to the Case Officer's recommendation.

Denmead Parish Council has requested for the application be determined by the Planning Committee, based upon material planning considerations as set out below.

### **Amendments to Plans Negotiated**

Additional information was requested in regard to the personal or cultural need to be within this area.

The applicant notified the Local Planning Authority that not all landowners had been notified of the application, and therefore proof of notification was submitted on the 14<sup>th</sup> July. The application was re-advertised for 21 days to allow additional comments to be submitted.

### **Site Description**

The application site is located off a private track off Fareham Road outside of Denmead. The site is located in the countryside on what is originally agricultural grazing land. The application site itself is subject to enforcement action for unauthorised works to cover the site in hardstanding and introduce a caravan. The neighbouring property has recently introduced closed boarded fencing to the northern side of the access track.

The area is subject to a number of unauthorised developments located along the southern side of the access track and to the west of the application site. Prior to the unauthorised development, the character of the immediate area was rural grazing land. The wider area is rural in character with sporadic dwellings, farms and the Chairmakers Arms pub is located to the north of the application site.

### **Proposal**

The proposal would see 2 gypsy pitches, both with a static caravan, day room and parking areas. The unauthorised hard standing and fencing would be retained.

By way of background, the application site is currently subject to an Enforcement Appeal. The Enforcement Notice was issued on the 15<sup>th</sup> May 2025 relating to the carrying out of operational works, comprising the creation of hardstanding and laying of services and drainage, enclosing the land with fencing, and the importation onto the land of hardcore, scalings or other materials used for the construction of hard standing.

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These elements are reflected within the plans as being retained as part of this application.

### **Relevant Planning History**

22/02061/FUL – Change of use of land for the formation of 4 Gypsy/Traveller Pitches comprising the siting of 1 no. Mobile Home, and 1 No. touring Caravan, alongside the erection of 1 no. Utility Building. – refused 29.02.2024

14/00180/FUL - Use of land to provide 8 no. plots for gypsy/traveller families, 8 no. mobile homes, 8 no. touring caravans and 8 no. day rooms - 17.06.2014 appeal dismissed

17/01191/FUL - Provide 4 no. gypsy/traveller pitches – application withdrawn 29.03.2018

17/01862/FUL - 2 residential mobile homes and 2 touring caravans – application withdrawn 29.03.2018

19/02469/FUL - Creation of two Gypsy/Traveller Pitches comprising 1 Mobile Home, 1 Touring Caravan and 1 Dayroom for each pitch, and associated works. . Temporary permission until 2024 – permitted 25.03.2020

20/00510/FUL - Creation of one Gypsy/Traveller Pitches comprising 1 Mobile Home, 1 Touring Caravan and 1 Dayroom, and associated works. – application refused 07.05.2020

20/01806/FUL - Creation of one Gypsy/Traveller Pitches comprising 1 Mobile Home, 1 Touring Caravan and 1 Dayroom, and associated works. – application refused 21.10.2020 appeal refused.

### **Relevant Enforcement Appeals**

enforcement appeal decision, (APP/L1765/C/18/3201565, App/L1765/C18/3201566, APP/L1765/C/18/3201567 and APP/L1765/C/18/3201570, 28<sup>th</sup> August 2019) regarding plots 3,4,7 and 8.

### **Consultations**

#### Service Lead – Built Environment (Strategic Planning) –

- Currently the Council has 3.2 years housing land supply for Gypsies and Travellers as set out in the 2024 Authority Monitoring Report. Through the Local Plan Examination Hearings, it was demonstrated that over the lifetime of the emerging Local Plan, the Council can meet the identified requirement. This is expected to be met through the retention of those sites with existing authorised use; a new site identified in the Plan (Policy H18), the intensification and expansion of existing sites where appropriate; and new windfall sites.

#### Service Lead – Engineering (Drainage) -

- No comment received

#### Service Lead – Sustainability and Natural Environment (Ecology) –

- Further information required

#### Service Lead – Sustainability and Natural Environment (Landscape) –

- Objection due to impact on the rural character of the area and cumulative impacts

#### Service Lead – New Homes

- No objection, may require a licence should the application be permitted. Recommend and informative.

#### Service Lead – Public Protection (Environmental Health) –

- No objection

#### Natural England -

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- None received.

**Representations:**

Denmead Parish Council

After discussion, Denmead Parish Council raised a Strong Unanimous Objection due to the objections that were raised by the neighbours and that the expiry date of the plots was five years, which has now expired. It was also decided to request that the application should be heard by WCC Committee should the officer be minded to approve the application.

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

- Unauthorized works
- contrary to policy
- lack of drainage
- fly tipping
- loss of tranquillity
- Increased traffic
- Intensified use
- residential clutter
- antisocial behaviour
- unsuitable location
- Impact on landscape
- light pollution
- lack of council action
- not suitable for habitation
- access is not in applicant ownership/trespass.

**Relevant Government Planning Policy and Guidance**

National Planning Policy Framework (December 2024)

- 2. Achieving sustainable development
- 4. Decision-making
- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport
- 11. Making effective use of land
- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment

National Planning Practice Guidance

- Appropriate assessment
- Biodiversity net gain
- Climate change
- Design: process and tools

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- Determining a planning application
- Effective use of land
- Enforcement and post-permission matters
- Flexible options for planning permissions
- Flood risk and coastal change
- Healthy and safe communities
- Housing needs of different groups
- Housing supply and delivery
- Light pollution
- Natural environment
- Neighbourhood planning
- Noise
- Rural housing
- Use of planning conditions
- Waste
- Water supply, wastewater and water quality

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

DS1 – Development Strategy and Principles

MTRA1 – Development Strategy Market Towns and Aural Area

MTRA4 – Development in the countryside

CP5 – Sites for Gypsies, Travellers and Travelling Showpeople

CP10 – transport

CP16 – Biodiversity

CP17 - Flooding, Flood risk and the water environment

CP20 – Heritage and Landscape Character

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

DM1 – Location of New Development

DM4 – Gypsies, Travellers and travelling Showpersons

DM15 – Local Distinctiveness

DM16 – Site design Criteria

DM17 – Site Development Principles

DM23 – Rural Character

Denmead Neighbourhood Plan

1 – Spatial Strategy

Annex 1, proposal 5 – Traveller Accommodation

Emerging Local Plan 2020-2040

- Strategic Policy SP2 - Spatial Strategy and Development Principles
- Strategic Policy SP3 - Development in the Countryside
- Strategic Policy D4 - Design Principles for Market Towns and Rural Villages
- Policy T2 - Parking for New Developments
- Policy NE5 - Biodiversity
- Policy NE6 - Flooding and Flood Risk
- Policy NE9 - Landscape Character
- Policy NE14 - Rural Character

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- Policy NE16 - Nutrient Neutrality Water Quality Effects on the Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar Sites of the Solent and The River Itchen
- Policy H12 - Provision for Gypsies, Travellers and Travelling Showpeople
- Policy H15 - Authorised New / Expanded Traveller Sites

Supplementary Planning Documents

National Design Guide 2019

High Quality Places 2015

Air Quality Supplementary Planning Document 2021

Residential Parking Standards 2009

Gypsy, Traveller and Travelling Showpeople Development Plan Document

Other relevant documents

Climate Emergency Declaration, Carbon Neutrality Action Plan 2020-2023.

Nature Emergency Declaration.

Statement of Community Involvement 2018 and 2020

Landscape Character Assessment March 2004 and emerging LCA December 2021

Biodiversity Action Plan 2021

Waste Management Guidelines and Bin Arrangements

Position Statement on Nitrate Neutral Development – February 2020

**Planning Considerations**

**Principle of development**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 48 of the National Planning Policy Framework (NPPF, 2024) require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The Regulation 19 Local Plan has been agreed by Full Council and the examination has now been completed. Therefore, the emerging policies can be given appropriate and increasing weight in the assessment of development proposals in advance of Adoption.

LPP1 Policy DS1 sets out the overarching Development Strategy for the District. Amongst various other requirements this policy states that development proposals will be expected to make efficient use of land within existing settlements and prioritise the use of previously developed land in accessible locations in accordance with the Development Strategy set out in Policies WT1, SH1 and MTRA1. This strategy is continued within the LPP2 by Policy DM1 which states that development that accords with the Development Plan will be permitted within the defined boundaries of the settlements it refers to (including Winchester). It states that outside of these areas, countryside policies will apply and only development appropriate to a countryside location will be permitted.

The application site is located outside of the settlement Boundary of Denmead where countryside policies apply.

The application site is located outside the settlement boundary of Denmead and therefore is covered by policy MTRA4. Policy MTRA4 of the LPP1 restricts development in the countryside subject to a number of justified cases. In terms of housing, this is restricted to

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affordable housing exemption sites and agricultural workers dwellings that have an operational need. The current proposal has not been promoted to meet any of these justified cases and is contrary to policy MTRA4.

The 'Traveller' Development Plan Document (DPD) was adopted in February 2019. Policy TR5 of this document allows for the intensification of existing sites to accommodate an identified need, in line with policy TR7 and DM4 of the Local Plan Part 2. It is noted that the site is in close proximity to a number of unauthorised sites, however, policy TR5 allows for the intensification of existing authorised sites. The red line plan as submitted, is completely separate from the existing unauthorised pitches, so Officers are of the view that this application cannot be considered as an intensification of the existing site.

Policy DM4 of LPP2 requires that new gypsy and traveller accommodation should meet the requirements of policy CP5 and applicants should meet the definition of gypsies or travellers under Annex 1 of the Planning Policy for Traveller Sites (PPTS).

Policy CP5 of the LPP1 sets out the criteria for new pitches including:

- sites being well related to existing communities and avoid being over concentrated in any one location or disproportionate to nearby communities.

The application site is located outside of Denmead village. It is considered that the site would be well related to the existing community.

- sites should be accessible to local services such as schools, health and community facilities.

Denmead facilities are available with access to schools, healthcare and community groups.

- Avoid harmful impacts on nearby residential properties.

This is explored further under the Impacts on Residential amenity heading.

- Sites not being visually intrusive

The application site is located within an area of paddocks that is set back from the road and therefore is not readily visible in the street scene. There is an existing hedge to the western boundary of the site that would be retained.

Policy TR6 addresses sites outside of those that have a permanent or temporary permission as identified within the DPD. The policy allows for new sites to be considered provided certain criteria are met. These include:

- applicants being identified as gypsies and travellers or travelling showpeople as identified through Annex 1 of Planning Policy for Traveller Sites 2015 or subsequent revision;

A statement has been provided detailing that the applicants/future occupiers meet the definition under Annex 1 of the PPTS. The PPTS definition of Gypsies and Travellers has also been updated (December 2023) to include settled status following the Smith Judgement. It is considered that the applicants/future occupiers would meet this definition.

- Can identify a personal or cultural need to be in the area;

The applicants have demonstrated that there is a personal need to be in the area to support nearby family members.

- There is a lack of other suitable accommodation.

The statement submitted with the application indicates that the applicants have been looking for a site for some time within the area and have not been successful.

Policy TR7 sets out the requirements of new pitches and plots in regard to Access and Parking, Environmental impacts and General provisions.

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The Winchester Gypsy and Traveller Accommodation Assessment (2022) has identified a need for gypsy and traveller and travelling showpeople accommodation for the period 2022-2038.

The 2024 Authority Monitoring Report (AMR) sets out the most recent 5 year position on gypsy and traveller and travelling showpeople needs and supply. It sets out a position as of 2024 and takes into account unmet needs remaining since the publication of the GTAA in 2022.

The position as of 2024 is as follows:

Calculation	Gypsy & Travellers	Travelling Showpeople
a. 2024-2029 requirement (2022-2026 requirement from table above + 3/5ths of 2027-2031 requirement)	60	25
b. Completions 2022-2024	0	0
c. Remaining 5 year requirement 2024-2029 (a-b)	60	25
d. Supply 2024 – 2029	38	15
e. Years pitch / plot supply	3.2	3.0

It is acknowledged that it is not currently possible for the Local Plan to demonstrate a deliverable 5-year supply of gypsy traveller pitches or showpersons' plots. As such, paragraph 11(d) of the NPPF is engaged. This paragraph requires that, where policy is out of date or silent, permission should be granted unless:

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

The policies referred to are those in the Framework (rather than those in development plans) relating to:

- a) habitats sites (and those sites listed in paragraph 189) and/or



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- b) designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast;
- c) irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 75); and
- d) areas at risk of flooding or coastal change.

These requirements are assessed in turn under the relevant headings below.

The Denmead Neighbourhood Plan Annex 1 proposal 5 states that development of two new sites for travellers accommodation would be supported provided that:

- I. Each pitch is a self-contained site of no more than two or three pitches or plots;
- II. Are located on land in close proximity to the settled traveller community in Old Mill Lane and adjacent to the existing site at West Fork in Bunns Lane and;
- III. Will accord with all the relevant policies of the Neighbourhood Plan and the Winchester Development Plan.

In this case, the application is for 2 pitches and would be self-contained. Therefore, part I of the policy is met. The application site is located approximately 800m from the existing lawful site at Bunns Lane, therefore criterion 2 is met. Criterion 3 is assessed under the headings below. However, it should be noted that this is not an adopted policy within the Neighbourhood Plan.

**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 the character and appearance of the area**

The wider area around the application site is considered to be rural with sporadic residential development and the Chairmakers Public House is located to the north. However, there are a number of unauthorised developments in the immediate vicinity of the site.

Policy DM23 requires that development within the countryside avoids visual and physical impacts, as well as the loss of tranquillity. Policy CP5 requires that development should not be unduly intrusive and avoids the introduction of incongruous features.

The proposal would retain the unauthorised hardstanding and fencing and would introduce 2 static caravans, travelling caravans and other associated development. In order to fully understand the harm generated by the application, it is considered appropriate to examine the previous assessments made by Planning Inspectors.

In July 2015, Appeal Decision (APP/L1765/A/14/2224363), which dismissed the principle of allowing 8 plots, the 9th October 2019 Appeal decision (APP/L1765/C/18/3201565), which granted a temporary 5 year permission for 3 separate plots on this site, and the most recent 30th September 2022 Appeal Decision (APP/L1765/W/20/3262560), which dismissed the proposal for a change of use to one gypsy/traveller pitch on Plot 2, all considered one of the main issues to be the effect of the proposals on the character and appearance of the surrounding countryside.

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In the 2015 Appeal, the Inspector concluded that the proposal for 8 plots would significantly detract from the tranquillity of the locality by reason of noise, general activity, vehicle movements and lighting.

In the 2019 Appeal, the Inspector dealt, at some length, with these impacts in paragraphs 19 to 34 and found significant harm on this issue. In particular, he made reference to the amount of vehicles and traffic, the impact of more noise from children and dogs, and the introduction of more lighting on the tranquil rural surroundings. Each development, he observed, both individually and collectively, has a significant adverse effect on the character and appearance of the surrounding area, contrary to LP Policy DM23.

In the 2022 Appeal, the Inspector found the effect on the character and appearance of the area of countryside to be a main issue and found that overall, on this issue “I find that even taking account of potential new landscaping and enhancement of the land to the north (previously known as plot 1) the proposed residential caravan pitch would harm the character and appearance of the surrounding area of countryside and would not accord with the provisions of Policy DM23. Moreover, it would be unduly intrusive in the general landscape and so conflict with the specific criterion set out in Policy CP5”.

In particular, on the question of impacts on tranquillity he said that “Although the proposed site would not make much difference to the comings and goings and light spillage associated with the other gypsy/traveller pitches, judged on its own and on a permanent basis I find that the trappings of the use proposed would be at odds with the characteristics of the relative remoteness of this rural area, taking account of the presence of The Chairmakers Arms which I noted at the site visit. This office is in total agreement with these findings and consider them to be as relevant to this particular application as to the historic ones.”

The wider site has been subject to a number of Appeals, all of which have highlighted the impact of development on the rural character of the area. Specifically, the impact on tranquillity has been highlighted, additional noise, vehicle movements, lighting and general residential activity that is incongruous to the rural character of the area.

The Winchester Landscape Character Assessment places the application site within the Mixed Farmland and Woodland Landscape type that is valued for its seclusion and tranquillity (page 42). The application site is located within the Forest of Bere Lowlands Landscape Character Area’ which has ‘an ancient character, retaining historic landscape features and a network of winding narrow lanes. Apart from at the access point along the relatively narrow and winding Fareham Road, the Appeal Site no longer displays those key characteristics, due to the unauthorised works that have taken place.

Overall, the associated noise, light and vehicle movements etc. will cumulatively add to the suburbanisation of this small hamlet and will unacceptably harm its secluded and tranquil rural character still further.

Therefore, the proposal fails to comply with policies CP5 and DM23.

Policy TR7 sets out the environmental requirements for potential new pitches:

- avoid boundary treatment that has a detrimental visual impact on the character of the site and locality

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- provide landscaping to reinforce the boundary of the site and to provide screening of views into/out of the site
- provide an area of open space within the site for safe children's play, located to avoid conflict with vehicles on the site
- contribute to the Solent Recreation Mitigation Strategy where required
- ensure that the site and the layout proposed on it would not cause harm to the significance or setting of heritage assets or biodiversity interests.

In addition to these criteria, the general provisions require minimal external lighting.

The application includes the retention of the fencing that has been erected. This is close-boarded fencing that would not normally be considered acceptable in a rural location, however, the neighbouring landowner has introduced 2m closed boarded fencing adjacent to the site under permitted development rights. It is therefore considered that the installed fencing is acceptable in this instance, given the immediate context.

There is existing hedge/tree planting along the north western boundary of the site that would be retained. No other planting has been proposed, however, it is considered that a condition can secure additional planting to provide additional screening, especially along the north eastern boundary.

The proposal does not include amenity areas for children. As such, the proposal would not meet this criteria of TR7. However, it is considered that a site development scheme could be conditioned to agree the final layout of the site to include amenity/child's play areas.

The application site is located outside of the 5.6km buffer for the Solent Recreation Mitigation Partnership.

The proposal includes two utility buildings separate to the proposed static caravans. No details of these buildings have been submitted, however, it is considered that details could be secured for these structures to be submitted prior to continued development of the site, and an appropriate condition is recommended.

### **Development affecting the South Downs National Park**

The application site is located 1.8km 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 2024. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 182 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.

In terms of the NPPF paragraph 189 (identified within paragraph 11(d)) specifies that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and

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cultural heritage are also important considerations in these areas and should be given great weight in National Parks. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Due to the distance and intervening features, an adverse impact on the National Park and its statutory purposes is not identified. As such, the proposal would comply with paragraph 189 of the NPPF.

### **Historic Environment**

The works do not affect a statutory Listed building or structure including setting; Conservation Areas, Archaeology or Non-designated Heritage Assets including setting.

The site is not located within a Heritage coastline, as per the NPPF. In addition, the site is not located in close proximity to any Non-designated Heritage Assets, as highlighted in footnote 75 of the NPPF.

As such, the proposal complies with relevant paragraphs of the NPPF, Policy DM29 & DM32 Local Plan Part 2 and Policy CP20 of the Winchester District Joint Core Strategy.

### **Neighbouring amenity**

The proposed development would be approximately 50m from the nearest residential neighbour. Given the limited form of development, it is not considered that the proposal would result in overlooking, overbearing or loss of light.

A number of concerns have been raised in regard to neighbouring amenities, specifically, noise. Though antisocial behaviour is not a material planning consideration. It is noted that the majority of these issues have been raised in regard to the unauthorised development in the immediate area of the application site rather than the application site itself. While it is noted that the proposal would result in a residential use, this is not considered to result in harmful noise levels.

Therefore, the proposal complies with policies DM15, DM16 and DM17.

### **Sustainable Transport**

Policy TR7 requires that potential new sites demonstrate the following:

- provide safe vehicle and pedestrian access from the site to the highway
- ensure that there is sufficient turning space within the site to allow for safe vehicular movement
- minimise conflict between pedestrians and vehicles on site
- no vehicle over 3.5 tonnes shall be stationed, parked or stored on site, unless necessary for the use of a travelling showpersons site.

The application site benefits from an existing private shared access. The site is large enough to accommodate a touring caravan and 2 cars off the road per pitch. There is sufficient space to manoeuvre these vehicles on the pitches. Conditions can be used to secure the size of the vehicles allowed on the pitches.

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Concerns have been raised in regard to the increased traffic that would be generated. It is considered that the proposal would generate 2 additional households and therefore the additional traffic generated would be minimal and therefore would not result in harm to highways users.

Therefore, the proposal complies with policy TR6, TR7, CP5, CP10 and DM18.

**Ecology and Biodiversity**

Paragraph 193 of the NPPF requires Local Authorities to apply the following principles when determining an application:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- 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<sup>70</sup> and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

The application site is located within an agricultural area, however, the application is partially retrospective and no ecological information has been submitted. As such, it is not possible to assess the impact of the removal of agricultural land in terms of ecological impacts. The site historically has been used for grazing horses and therefore it is unlikely that the site would be suitable for protected species.

As the application is partially retrospective, it is not subject to BNG, however it is considered that it should be demonstrated that additional enhancements should be provided and this is secured via condition.

Therefore, the proposal complies with policy CP16, TR7 and CP5 and Paragraph 193 of the NPPF.

**Appropriate Assessment.**

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 2.36 Kg/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.

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The Authority's Appropriate Assessment is that the application, coupled with a mitigation package secured by way of a Grampian condition (2), 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.

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 (2023).

Under Reg 63(4) of the Habitats Regulations, the Council considers that is not appropriate, to take the opinion of the general public, and have not therefore further advertised the Appropriate Assessment.

### **Sustainable Drainage**

The application site is located within Flood Zone 1 and therefore is at low risk of flooding from rivers and sea. No details have been submitted in regard to surface or foul drainage, and therefore a condition to secure details prior to further development has been recommended.

Therefore, the proposal complies with policy CP17, DM15 and DM17.

### **Trees**

There is a row of trees along the north west boundary of the site. These are proposed to be retained. The site plan indicates that the pitches would be located outside of the RPA of the trees. Due to the distance, it is not considered that there will be an adverse impact on the trees during construction or the long-term use of the development.

The proposal will therefore comply with policy DM24.

### **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.

### **Planning Balance and Conclusion**

The application would result in 2 gypsy pitches outside of the settlement boundary of Denmead. It is acknowledged that the Council cannot demonstrate a 5 year land supply for gypsy and traveller sites and therefore paragraph 11(d) of the NPPF is engaged.

As set out above, Officers consider that the proposals would not result in harm to neighbouring amenities, trees or highways users. Whilst no information has been included regarding ecology or drainage, it is considered that ecological benefits and drainage information can be secured via planning conditions.

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It is considered that the application would result in harm to the rural character of the area, particularly in regard to resultant noise levels, light pollution and vehicular movements, which would cumulatively add to the suburbanisation of this small hamlet and would harm its secluded and tranquil rural character. Furthermore, the site fails to meet policies TR7 and CP5 as a whole.

Notwithstanding the landscape harm identified, it is important to consider that the Council acknowledges the lack of supply of available gypsy and traveller sites at the present time, and that there is a need for windfall development to meet the identified need. On balance, Officers consider that the landscape harm identified is outweighed by the need to provide additional Gypsy and Traveller pitches, and the application is therefore recommended for approval.

### **Recommendation**

That the application be Granted subject to the following conditions:

### **Conditions**

1. Within 3 months of the date of this Decision, details shall be submitted to the Local Planning Authority for the approval of:
  - a) the internal layout of the site, hereafter referred to as the Site Development Scheme (SDS), including the siting of the approved caravans, utility buildings play area, vehicular parking and manoeuvring areas;
  - b) Elevations of the approved static caravans and utility buildings including finishing materials
  - c) fencing and other means of enclosure, hard and soft landscaping; any storage provision and its location;
  - d) foul and surface water drainage. The information shall include details of the design, storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; and provides a management and maintenance plan for the lifetime of the development to secure the operation of the scheme throughout its lifetime.

Prior to the occupation of the site the surface water drainage works shall be carried out and shall thereafter be managed and maintained in accordance with the agreed management and maintenance plan.

- e) Biodiversity enhancement plan.

The development shall be carried out in accordance with the approved details. The works shall be carried out before the first occupation of the development or in accordance with the programme agreed with the Local Planning Authority. If, within a period of five years after planting any tree, plant or specific biodiversity enhancement is removed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged, defective or diseased another tree, plant or biodiversity enhancement of the same specification as that originally approved shall be implemented at the same place, within the next planting

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season or breeding season, unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interest of the amenities of the area and to prevent flooding.

2. 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.

3. The site shall not be occupied by any person other than gypsies and travellers as defined in Annex 1 of the Planning Policy for Traveller Sites.

Reason: The site is situated outside of a defined settlement boundary within a countryside location where new residential development would not normally be permitted. This proposal is an exception to countryside policy having regard to the needs and circumstances of Gypsy & Travellers.

4. No more than 4 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (as amended) shall be stationed on the site at any time of which no more than 2 shall be static caravans/mobile homes.

Reason: To define the extent of this planning permission and to prevent more intensive use of the site.

5. No commercial activities shall take place on the land, including the storage of materials.

Reason: To protect neighbouring amenities and the character of the countryside

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6. No vehicle over 3.5 tonnes shall be stationed, parked or stored on this site.

Reason: To protect neighbouring amenities and the character of the countryside.

7. Details of any external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the extension hereby permitted. The information shall include a layout plan with beam orientation, and schedule of equipment in the design (lumen type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details. The lighting shall not be switched on between the hours of 10pm and 7am.

Reason: To protect the neighbouring amenities; and to ensure that the ecological value of the site is not adversely impacted upon by the development.

**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, MTRA3, MTRA4,

Local Plan Part 2: DM1, DM15, DM16, DM17, DM18, DM24

3. In accordance with paragraph 39 of the NPPF, Winchester City Council (WCC) takes a positive and proactive approach to development proposals focused on solutions. WCC works 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.