

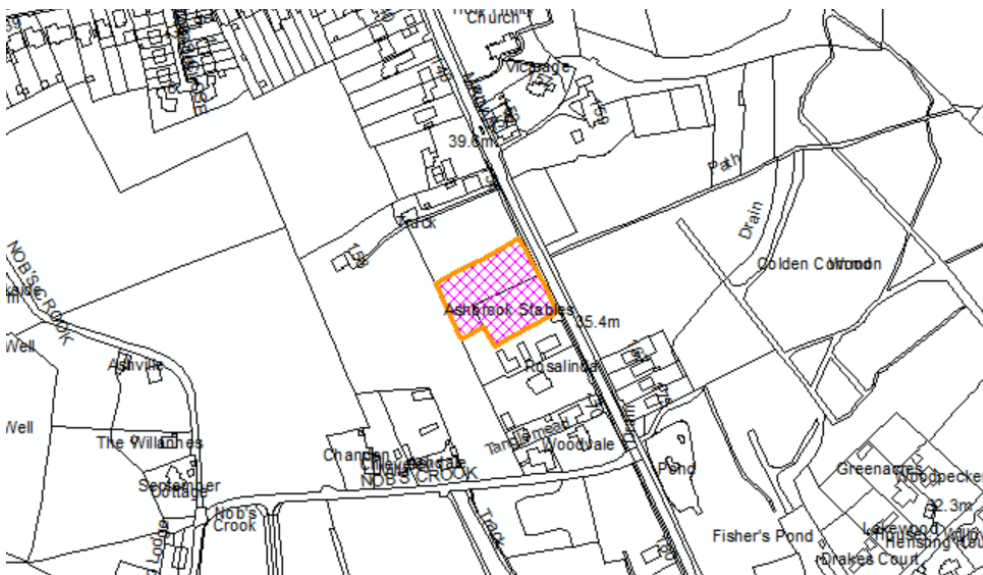
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**Case No:** 21/03271/FUL  
**Proposal Description:** Change of use of land for the formation of 1 Gypsy/Traveller Pitch comprising the siting of 1 no. Mobile Home, and 1 No. touring Caravan, alongside the erection of 1 no. Utility Building  
**Address:** Land Adjacent Ashbrook Stables Main Road Colden Common Hampshire  
**Parish, or Ward if within Winchester City:** Colden Common PC  
**Applicants Name:** Mr. D. Barney  
**Case Officer:** Nicola Martin  
**Date Valid:** 24 December 2021  
**Recommendation:** Application Permitted  
**Pre Application Advice** No

### Link to Planning Documents

Link to page – enter in reference number 21/03271/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 the proposal meets the requirements of LPP1 policies CP5, CP10, CP15, CP16, CP17, LPP2 policies DM4, DM15, DM16, DM17, DM18, DM23, policies TR6, TR7 of the GTTS DPD and policies T2, NE9, NE14, NE16, H12, H15 of the Regulation 19 Local Plan.

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## **General Comments**

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

## **Amendments to Plans Negotiated**

None

## **Site Description**

The application site lies within the parish of Colden Common but outside of the Colden Common Settlement Boundary. The site is 0.45ha, flat, and was previously a paddock used for grazing comprising improved grassland.

The site is situated alongside Main Road (B3354) which runs along the western site boundary being separated from the road by a hedgerow which includes some native species. Immediately to the east and north are areas of broadleaved, mixed and yew woodland and immediately to the south is another gypsy site, Ashbrook Stable. Outside of the Colden Common Settlement Boundary, Main Road is lined with a ribbon of residential development, generally comprising detached dwellings set in moderately substantial plots.

The closest listed building to the site is the Grade II listed Church of the Holy Trinity located 125 m to the north-west. There are no other heritage assets within 500m of the site. Similarly, there are no nationally designated nature conservation sites within 500m of the site. There are a number of locally designated Sites of Importance for Nature Conservation (SINCS) in the vicinity of the site, the closest being Blacknell's Copse Paddock situated 10m from the site on the opposite side of Main Road (B3354), and Finches Copse situated 66m to the north-west of the site.

The site is situated in Environment Agency Flood Zone 1 (low risk of fluvial flooding), although some areas of the southern part of the site are identified as being at medium (1 in 100 year) of surface water flooding.

## **Proposal**

The proposal would see 1 gypsy pitch with a day room, boundary treatment and other associated development.

The application is partially retrospective and includes the following elements:

- the mobile home (with brick base) is in-situ (20m length x 9 m width) which is currently occupied by the applicant;
- an area of patio has been laid to the rear of the mobile home;
- a large area of gravel has been laid in the northern half of the site. This extends to create access to the stables to the south. The stables are outside of the red line area and do not form part of this application.
- A turfed amenity area has been created at the north-eastern part of the site (alongside the B3354); on which some children's play equipment has been erected.
- Day Room – brick built single storey structure 11.7m width, 6.1m depth, 4.05m height (not yet constructed)

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The storage sheds to the rear of the mobile home along the northern site boundary, and the dog kennel within the middle part of the site are not proposed to be retained.

It is noted that a close boarded fence has been constructed around the site and an electric gate installed. The fence is situated behind the existing mature hedge and set back from the highway boundary by approximately 2m. Neither are included within this application.

### **Relevant Planning History**

None

### **Consultations**

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

- The most recent assessment of need is set out in the 2022 Gypsy and Traveller Accommodation Assessment. This assessment was subsequently refined in a Gypsy and Traveller Topic Paper produced in 2024 for the emerging Local Plan, which is currently at Examination. The Topic Paper identifies a revised level of need and sets out how that level of need will be met. In brief, the approach is to retain those sites with existing authorised use; support the intensification and expansion of existing sites where appropriate; and deliver the remaining need on new windfall provision.

The most recent assessment of 5-year supply is set out in the 2024 Authority Monitoring Report. The assessment concludes that as of 2024 the Council has 3.2 years' supply of gypsy and traveller accommodation, and 3.0 years' supply of sites for travelling showpeople. Therefore, the Council cannot demonstrate an up-to-date 5-year supply of deliverable sites for these uses in accordance with paragraph 28 of the Planning Policy for Traveller Sites, and that paragraph 11d of the National Planning Policy Framework applies to planning applications for gypsy and traveller or travelling showpeople's accommodation, though these should still be suitable in planning terms.

In addition, the Strategic Planning team has confirmed that the information submitted by the applicant to address policy TR6 of the Gypsy, Traveller and Travelling Showpeople Development Plan Document, 6 is acceptable.

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

- No objection subject to conditions

#### Hampshire County Council (Highway Authority)

- No objection subject to conditions and informatives.

#### Natural England

- None received

#### Service Lead - Ecology

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- None received

**Representations:**

Colden Common Parish Council

Comment: The site is located outside the settlement boundary of Colden Common. Traveller needs have been identified and addressed through the Gypsy and Traveller development planning document. Through this document the City Council has demonstrated that adequate suitable and available sites have been provided to exceed the identified need for gypsies and traveller.

The Village Design Statement (2022) places a high value on the rural views from roads and page 15 refers to the rural character outside of the development boundary and retaining the semi-rural nature of the village. This section of the B3354 is shown as an important view on page 10-11.

This site is adjacent to a site which is already long-stay caravan pitches for two gypsy families. Further approvals will not comply with paragraph 13 of Planning Policy for Travellers Sites because two sites on this prominent entrance to the settlement will dominate and negatively affect the rural feel of the village. Colden Common already provides another pitch (reference W011) on Highbridge Road, and a pitch (W084) very close to the Parish Boundary at Little Ranch, Fishers Pond. An application in Nobs Crooks is currently being determined which is less than 400 metres from this application site 21/00888/FUL) and the planning status of Ashdale, Nobs Crooks is unclear.

This application will have a cumulative effect to make sites over concentrated in our Parish and as there is no outstanding requirement for sites this application should be refused.

If the officer is minded to approve this application, the Parish Council requests that it should be determined by the Winchester City Council Planning Committee.

12 Objecting Representations received from different people at 10 addresses within the Winchester District citing the following material planning reasons:

- Countryside location outside settlement boundary
- Increase in traffic
- No dropped kerb at access
- Applicants do not meet Annex 1 of PPTS
- Retrospective application
- Flooding/drainage
- No lighting of pedestrian paths in the area
- No need for more sites in this area
- Inefficient use of land
- Utility building unnecessary for one family
- Neighbour amenity
- Impact to South Downs National Park
- Impact to local services
- The site is not allocated for development

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- Brownfield sites should be developed before green field sites
- Loss of agricultural land
- Impact to landscape character

## **Relevant Government Planning Policy and Guidance**

### National Planning Policy Framework (December 2024)

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

### National Planning Practice Guidance

- Appropriate Assessment
- Consultation and pre-decision matters
- Design: process and tools
- Determining a planning application
- Effective use of land
- Natural environment
- Transport evidence bases in plan making and decision taking
- Use of planning conditions
- 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 Rural Area
- MTRA4 – Development in the Countryside
- CP5 – Sites for Gypsies, Travellers and Travelling Showpeople
- CP10 – Transport
- CP15 – Green Infrastructure
- 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

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- DM17 – Site Design Principles
- DM18 – Access and Parking
- DM23 – Rural Character

Regulation 19 Local Plan

The Regulation 19 Local Plan has been agreed by Full Council and the examination is now subject to public consultation on the Proposed Main Modifications. Therefore, the emerging policies can be given moderate to significant weight in the assessment of development proposals in advance of Adoption.

- Policy T2 - Parking for New Developments
- Policy NE5 - Biodiversity
- Policy NE6 - Flooding and Flood Risk
- Policy NE9 - Landscape Character
- Policy NE14 - Rural Character
- 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 Document

National Design Guide 2019

High Quality Places 2015

Residential Parking Standards 2009

Gypsy, Traveller and Travelling Showpeople Development Plan Document 2019

Colden Common Village Design Statement 2022

Other relevant documents

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

Nature Emergency Declaration.

Winchester Gypsy and Traveller Accommodation Assessment (2022)

Statement of Community Involvement 2018 and 2020

Landscape Character Assessment March 2004 and emerging LCA December 2021

Biodiversity Action Plan 2021

Position Statement on Nitrate Neutral Development – February 2020

Waste Management Guidelines and Bin Arrangements

**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) requires that applications for

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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 is now subject to public consultation on the Proposed Main Modifications. Therefore, the emerging policies can be given moderate to significant 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 LPP1 development strategy focuses substantial growth in three strategic allocations whilst setting targets for more limited growth in the market towns and larger villages. Policy MTRA2 provides for development within defined settlements, including Colden Common, but as this site is situated outside any settlement boundary or area of infilling (as defined by MTRA3) it is therefore subject to the countryside policy LPP1 policy MTRA4 which sets out the types of development that is considered acceptable in a countryside location.

Officers are satisfied that the development defined by this application does not fall into any of the categories defined by LPP1 policy MTRA4.

LPP2 includes a number of policies relating to new gypsy and traveller accommodation. Policy DM4 requires that new gypsy and traveller accommodation should meet the requirements of policy CP5 of LPP1.

Policy CP5 sets out a number of criteria for the assessment of planning applications for new gypsy, travellers and travelling showperson sites, including that they should avoid being over-concentrated in any one location or disproportionate in size to nearby communities; be accessible to local services such as schools, health and community services but avoid placing an unreasonable burden on local facilities and services; and avoid harmful impacts on nearby residential properties by noise and light, vehicle movements and other activities. In addition, policy CP5 also sets out requirements including (*inter alia*) relating to landscaping, visual amenity, privacy, provision of play space for children, and safe access from the highway. Proposals should also be acceptable in terms of transport, design, biodiversity, the landscape and infrastructure provision (Policies CP10, CP13, CP20 and CP21).

Local Plan policies are supported by the Gypsy, Traveller and Travelling Showpeople DPD (GTTS DPD) adopted in 2019. Policy TR6 of the GTTS DPD addresses sites other than those that have a permanent or temporary permission and allows for new sites to be considered provided they are within settlement boundaries defined by LPP2 policy DM1 or through infilling in accordance with policy MTRA3. These will only be permitted where they

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are for occupation by persons who meet the definition of gypsies and travellers or travelling showpeople, can demonstrate a personal or cultural need to be located in the area, and there is a lack of other suitable accommodation. Policy TR6 goes on to state that sites must be in sustainable locations well related to existing communities, as defined by Policy CP5, and comply with the requirements of Policy TR7. It is noted that the provisions of GTTS DPD policy TR6 are similar to those set out within policy H15 of the Regulation 19 Local Plan, and which may be given moderate to substantial weight.

As previously described, the application site falls outside of any defined settlement boundary, nor is it located within an area of infilling as defined by LPP1 policy MTRA3.

The current definition of gypsies and travellers, as set out within Appendix 1 of the above mentioned document is as follows: *“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.”*

Officers are satisfied that the information submitted by the applicant is sufficient to demonstrate that the above definition is met.

With regard to the sustainability of the site, Colden Common has access to schools, shops and other amenities and is within close proximity to both Winchester and Eastleigh, therefore the site is considered to be sustainable. In addition, a pavement runs along Main Road (B3345) enabling pedestrian access from the application site to the main settlement of Colden Common.

In terms of the concentration of Gypsy, Traveller and Travelling Showperson sites within Colden Common parish, it is noted that the site is adjacent to an existing Gypsy & Traveller site at Ashbrook Stables (2 pitches) and there is a further planning application for a site for 2 mobile homes at Tanglewood Stables, Nobs Crook, (21/00888/FUL, pending consideration), located approximately 220m to the south-west, separated from the application site by woodland, dwellings and local roads.. One additional pitch is located at Little Ranch, near Fishers Pond 1.8km to the south-east. Given the relatively low number of sites, and low numbers of pitches at each of these sites, Officers are satisfied that the development would not result in an over concentration of pitches in the area and would not appreciably alter the character of the local area.

Policy TR7 of the DPD sets out the requirements of new pitches and plots with regard to Access and Parking, Environmental impacts and General provisions. These aspects of the proposals are assessed in subsequent paragraphs.

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 account of unmet needs remaining since the publication of the GTAA in 2022.

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Calculations	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
- 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.

Therefore, as paragraph 11(d) of the NPPF is engaged, the application should be approved unless it can be demonstrated that the benefit of providing an additional Gypsy & Traveller pitch is outweighed by adverse impacts when assessed against the policies in the NPPF as a whole and would not result in adverse impacts to highways/transport; ecology; residential amenity; flood risk; heritage; or landscape character and visual impact. These requirements are assessed in turn under the relevant headings below.

#### **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**

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The proposal would see a new pitch to the west of Main Road just outside the boundary of Colden Common. There is an existing site adjacent to the south as well as other residential development to the south and further away to the north. There is a woodland to the rear of the site.

The site is located within the Landscape Character Area of Durley Claylands. The Winchester Landscape Character Area Assessment report describes this area as being a relatively low lying, gently undulating and varied landscape of arable and pasture agriculture, copses (including ancient woodland) and scattered settlements. Key issues include (*inter alia*) the loss of hedgerows and woodlands; suburbanisation and urban fringe encroachment; intrusive vertical elements such as communication masts, flues and pylons; impact of pony paddock fencing on historic field patterns; increased artificial light on tranquil rural quality; and intrusive agricultural and industrial buildings and untidy peripheral areas.

The Parish Council has raised concern regarding the impact to local views, highlighting the high value placed on the rural views from roads. The Colden Common Village Design Statement (2022) identifies a number of key views including, of most relevance to this application, the roadside views from the B3345 north from Crowd Hill to the woodland bordering the southern part of the parish.

The development is screened from Main Road (B3354) behind the existing mature hedge and the fence which was erected during the course of this planning application. The single storey form of the mobile home and utility building, together with the degree of set-back from the highway, would limit the visibility of the site from the road, and the overall impact of the buildings would be similar to the existing ribbon residential development along this stretch of the B3345. It is noted that the fence and gate is not included within this planning application.

Other than the footpath on the opposite side of Main Road (054/16/1), which passes east/west between Woodland and Blacknell's Copse Paddock SINC, there are no public footpaths in the immediate vicinity from which public views of the site could be gained. Officers therefore consider that the development will not result in visual impact or harm to the character of the area.

Although the site is in the vicinity of other residential development, it is located outside of the settlement boundary and therefore located within the countryside for planning purposes. As such, an assessment against LPP2 policy DM23 is appropriate. Policy DM23 requires that development does not result in an unacceptable effect on the rural character of the area by means of (*inter alia*) visual intrusion or by impacts on the tranquillity of the environment. As highlighted above the development is screened from the road by hedging and fencing therefore there is very limited visual harm generated by the application. In addition, the proposal would not exacerbate the key issues of the Durley Claylands Landscape Character Area. While the proposal would create permanent structures it is considered that these would be sufficiently screened and would not be out of keeping with the character of the area. The site is also in close proximity to Main Road, which links Winchester to Eastleigh and has relatively high levels of traffic. Officers consider that the proposal would not result in noise levels that would be heard much over the traffic noise and therefore would not result in a loss of tranquillity.

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The development is therefore in accordance with LPP1 policies CP5, LPP2 policies DM4, DM15, DM16, DM17 and DM23, and Regulation 19 policies SP3, H15, D1, NE9

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

The application site is located 0.5 km 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 189 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 addition, Section 245 of the Levelling Up and Regeneration Act (2023) amended the founding legislation for National Parks and National Landscapes, placing a duty on all public bodies to “seek to further” the purposes of Protected Landscapes. The purposes of National Parks are: to conserve and enhance the natural beauty, wildlife and cultural heritage; and to promote opportunities for the public understanding and enjoyment of the special qualities of the Parks

Due to the scale of the development; the distance from the application site to the boundary of the South Downs National Park; and the intervening landscape and man-made features, Officers are satisfied that no adverse impact to the National Park would result and there would be no conflict with the statutory purposes.

### **Historic Environment**

The closest designated or non-designated heritage asset is the Grade II listed building Holy Trinity Church which is located 160m to the north-east of the application site, and separated by dwellings, woodland and Main Road (B3354).

The development would not result in direct impact, or effects on the setting of any listed buildings, Scheduled Ancient Monuments, Conservation Areas, archaeological sites or Non-designated Heritage Assets. No impact to the historic environment, would therefore result.

### **Neighbouring amenity**

The application is partially retrospective as the majority of structures have been constructed, with the exception of the day room, and the site is occupied.

As previously described, the nearest neighbour is the adjoining GTTS pitch to the south-west. There are no other immediate neighbours. The proposal would be single storey and surrounded by fencing and as such would not result in overbearing effects, loss of daylight or, loss of privacy to neighbours. Given the proposed residential nature of the development, and the distance from other residential neighbours, and the existing noise from the B3334, Officers are satisfied that the development would not result in unacceptable noise impacts.

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No external lighting is proposed and could be controlled through an appropriate condition.

Officers are therefore satisfied that the development complies with LPP1 policy NE14, LPP2 policy DM16, DM17 and DM23, Regulation 19 Local Plan policies D1 and H12 and paragraph 135 of the NPPF.

### **Sustainable Transport**

The application site benefits from an existing access onto Main Road, although it is noted that this access does not include a dropped kerb.

Hampshire County Council as Local Highway Authority (LHA) has been consulted on this application and has advised that due to the scale of the development and as it utilises an existing access, the development is deemed to have a minimal impact on the local highway network. The LHA therefore recommended no objection subject to a condition that the new gate be located 10m from the carriageway edge to ensure that caravans can wait safely off the highway.

The submitted plans demonstrated that this can be achieved. In addition, in the time since the application was submitted, the access has been constructed, with the gate set back approximately 12m from the boundary with the public highway. Good visibility in both directions is achieved due to the existing pavement along Main Road, and the fact that the hedgerow is set a little way back from the edge of the pavement.

Officers are therefore satisfied that the development complies with LPP1 policy CP10, LPP2 policy DM18, Regulation 19 Local Plan policy T2 and paragraph 115 of the NPPF.

### **Ecology**

The application site is located in what was previously a paddock used for horse grazing and falls outside any sites designated for conservation interest. No information relating to Biodiversity Net Gain (BNG) has been provided, however the planning application was submitted prior to the date on which statutory BNG was required.

The proposal is for a use which provides for overnight accommodation and is also located within the catchments for the River Itchen and the Solent catchments. Foul drainage from the development would discharge to the main sewer system. 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.

The potentially affected protected sites include the River Itchen SAC, The Solent SPA, SAC and Ramsar sites. These sites are protected under the Conservation of Habitats and Species Regulations 2017. Consideration of the Ramsar sites is a matter of government policy set out in the NPPF.

In accordance with advice from Natural England, a net increase in housing development within Winchester District is likely to result in impacts to the integrity of the Solent SACs and the River Itchen SAC (Special Areas of Conservation) due to a consequent increase in nitrate and phosphates.

All plans and projects (including planning applications) which are not directly connected with, or necessary for, the conservation management of a habitat site (previously sites

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known as European sites), require consideration of whether the plan or project is likely to have significant effects on that site. Where the potential for likely significant effects cannot be excluded, a 'competent authority' must make an Appropriate Assessment of the implications of the plan or project for that site, in view the site's conservation objectives. The competent authority may agree to the plan or project only after having ruled out adverse effects on the integrity of the habitats site. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.

Winchester City Council, as Competent Authority, is thus required to undertake an Appropriate Assessment of this proposed development.

Appropriate Assessment.

The applicant has undertaken a nutrient calculation which has demonstrated that the proposal would generate a surplus of both nitrogen (0.23 Kg/N/year) and phosphorus (0.19 Kg/N/year). Therefore, in the absence of avoidance or mitigation measures, the development would therefore have a likely significant effect on habitat sites. 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 nutrients 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 nutrient neutral development. It can therefore be concluded that there will be no adverse impact on the integrity of the designated sites identified above in this regard.

This represents the authorities 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.

For this development, the mitigation proposed is the purchase of nutrient credits. The applicant has advised that sufficient credits for both Total Nitrogen and Total Phosphorus have been reserved with Eastleigh Borough Council, however at the time of writing, the evidence of this has not yet been provided. However, given that the site is now occupied, Officers consider that the matter can be satisfactorily addressed by the Council's nutrient Grampian condition in line with the Winchester City Council Position Statement on Nitrate Neutral Development has been agreed to secure appropriate mitigation. As the applicant has already moved onto the site and occupied the site, the Grampian Condition would require that evidence of the full purchase of relevant nutrient credits would be submitted to the Council within 3 months of the date of permission.

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.

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Officers are therefore satisfied that the development complies with LPP1 policies CP15 and CP16, Regulation 19 Local Plan policies NE5 and H12 and paragraphs 187, 193, 194 and 195 of the NPPF.

### **Sustainable Drainage**

The proposal would provide a new pitch however little detail has been provided in relation to drainage. The site is within flood zone 1 and therefore is at low risk of flooding by rivers or sea. As such a condition for details of foul and surface water disposal is proposed, with full details to be submitted within three (3) months of the date of a decision notice. The development would therefore comply with LPP1 policy CP17, LPP2 policies DM15 and DM17, Regulation 19 Local Plan policy NE6 and H12 and paragraph 182 of the NPPF.

### **Trees**

Policy DM24 of the LPP2 allows development which does not result in the loss or deterioration of ancient woodlands, important hedgerows, special trees, ground flora and the space required to support them in the long term.

There is a mature woodland to the north and west of the application site. The proposed site plan shows that the proposed mobile home would be located away from the trees and therefore 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 proposed perimeter fencing has now been erected, and this would protect the trees within the adjacent woodland during the construction of the dayroom.

The proposal will therefore comply with policy LPP2 policy DM24, Regulation 19 policy NE5, and paragraph 187 of the NPPF

### **Other Topics**

#### **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 is for the use of a site within the countryside for 1 Gypsy/Traveller Pitch comprising the siting of 1 no. Mobile Home, and 1 No. touring Caravan, alongside the erection of 1 no. Utility Building.

Details have been submitted to indicate that the applicant has a need to be in this area and that no other sites are available in accordance with policy TR6.

As the Council is unable to demonstrate that it can deliver a 5-year supply of gypsy traveller pitches or showpersons' plots, paragraph 11(d) of the NPPF is engaged which requires that where policy is out of date or silent, permission should be granted unless:

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- 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 above assessment has demonstrated that, with appropriate mitigation, the development would not result in adverse impacts to habitats sites; the South Downs National Park; irreplaceable habitats; designated heritage assets; undesignated heritage assets; archaeological interests; or areas at risk of flooding or coastal change.

The assessment above has demonstrated that the benefit of providing an additional Gypsy & Traveller pitch is not outweighed by adverse impacts when assessed against the policies in the NPPF as a whole and would not result in adverse impacts to highways/transport; ecology; residential amenity; flood risk; heritage; or landscape character and visual impact.

The development is therefore recommended for approval, subject to conditions.

### **Recommendation**

Permit subject to the following conditions:

### **Conditions**

1. The development hereby approved shall be constructed in accordance with the following plans:

J004078-DD -01 – Location plan

Drawing Number: J004078-DD -02B –As existing site plan

Drawing number: J004078-D D -03B – Proposed site plan

J004078-DD-04-B – Proposed utility building plans and elevations

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.

2. 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.

3. Within three (3) months of the date of this permission, details of the external materials to be used in the construction of the utility building shall be submitted to, and approved in

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writing by, the Local Planning Authority. The utility building shall be constructed as approved.

Reason: To ensure a satisfactory visual relationship between the new development and the existing.

4. Within three (3) months of the date of this permission the following documents shall be submitted to the Local Planning Authority for approval in writing:

- 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
- 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 habitats 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 habitats Sites, having regard to the conservation objectives for those sites; and
- c) Evidence to demonstrate that 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.

5. Within three (3) months of the date of this permission, detailed proposals for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority. The surface water disposal details shall include a management and maintenance plan for the lifetime of the development to secure the operation of the scheme for surface water drainage throughout its lifetime. The approved details shall be implemented in full within six (6) months of the date of this permission.

Reason: To ensure satisfactory provision of surface and foul water drainage in a sustainable way.

6. Within three (3) months of the date of this permission, detailed information related to access to the following shall be submitted to, and approved in writing by, the Local Planning Authority.

- drinking water
- power supply
- disposal of household refuse



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Reason: To protect the amenities of the occupiers of nearby properties.

7. Details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to its installation. 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.

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

8. Any gates shall be set back at least ten (10) metres from the edge of the carriageway of the adjoining highway and the access shall be splayed at an angle of 45 degrees from this point to the edge of the carriageway

Reason: In the interests of highway safety.

9. Visibility splays of 2.4m x 60m shall be implemented and retained in perpetuity. Nothing within the visibility splay shall be above 0.6m in height.

Reason: In the interests of highway safety.

10. No more than 2 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 1 shall be static caravans/mobile homes.

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

11. No commercial activities shall take place on the land, including the storage of goods or materials or other items not ancillary to residential use.

Reason: To protect the amenities of the occupiers of nearby properties.

12. 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.

**Informatives:**

1. This permission is granted for the following reasons:

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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  
Regulation 19 Local Plan: SP3, D1, T2, NE5, NE6, NE9 H12, H15.

3. An agreement will need to be granted by Hampshire County council as Highway Authority to undertake the drop kerb works on the Highway. Details of this procedure can be found via the following link: <https://www.hants.gov.uk/transport/parking/droppedkerbs>

4. 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.

5. 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>

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. Flexibility of hours may be acceptable due to the Covid-19 emergency in line with the

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Business and Planning Bill 2019-21 <https://services.parliament.uk/Bills/2019-21/businessandplanning.html>

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. Where construction site working hours are limited by a planning condition you can apply under Section 74B of the Town and Country Planning Act 1990 which provides a temporary fast track to vary existing conditions.

<https://www.gov.uk/government/publications/construction-working-hours-draft-guidance/draft-guidance-construction-site-hours-deemed-consent>

## **Appendix 1**

Colden Common Parish Council

Comment: The site is located outside the settlement boundary of Colden Common. Traveller needs have been identified and addressed through the Gypsy and Traveller development planning document. Through this document the City Council has demonstrated that adequate suitable and available sites have been provided to exceed the identified need for gypsies and traveller.

The Village Design Statement (2022) places a high value on the rural views from roads and page 15 refers to the rural character outside of the development boundary and retaining the semi-rural nature of the village. This section of the B3354 is shown as an important view on page 10-11.

This site is adjacent to a site which is already long-stay caravan pitches for two gypsy families. Further approvals will not comply with paragraph 13 of Planning Policy for Travellers Sites because two sites on this prominent entrance to the settlement will dominate and negatively affect the rural feel of the village. Colden Common already provides another pitch (reference W011) on Highbridge Road, and a pitch (W084) very close to the Parish Boundary at Little Ranch, Fishers Pond. An application in Nobs Crooks is currently being determined which is less than 400 metres from this application site 21/00888/FUL) and the planning status of Ashdale, Nobs Crooks is unclear.

This application will have a cumulative effect to make sites over concentrated in our Parish and as there is no outstanding requirement for sites this application should be refused.

If the officer is minded to approve this application, the Parish Council requests that it should be determined by the Winchester City Council Planning Committee.