



APPLICANT: Mr J Wilson

PROPERTY: Merriemeade Farm, Church Lane, Braishfield SO51 0QH

PROPOSAL: Use of site for stationing a mobile home for seasonal tourist occupation (01 April to 31 October)

1.0 Introduction

- 1.1 This application is submitted on behalf of Mr John Wilson, owner and occupier of Merriemeade Farm. This represents a resubmission of an earlier application and seeks to address the issues that arose therein.
- 1.2 Planning permission was refused on 08 August 2023 (22/00817/FULLS) for the same proposal but on a permanent use basis. This application seeks a use that will only take place seasonally from April to October (inclusive).
- 1.3 Planning permission is sought for use of land for stationing a mobile home for tourist accommodation on a seasonal basis.

2.0 The Property

- 2.1 Merriemeade Farm is situated at the end of a track at the northern end of Church Lane on the outskirts of Braishfield. It comprises a residential dwelling, various agricultural and former agricultural buildings and approximately 15 acres of farmland.
- 2.2 To the west of Merriemeade Farm is a public footpath (Braishfield: 12).
- 2.3 Church Lane is a rural single car width lane with residential properties along its length. These are largely defined detached dwellings on substantial plots with outbuildings of various scales, designs and materials.

3.0 Proposal

- 3.1 This application seeks planning permission for continued use of land at Merriemeade Farm for stationing a mobile home for tourist accommodation on a seasonal basis from April to October inclusive.



- 3.2 The mobile home, which the applicant refers to as a glamping pod known as The Cozy Cub, is sited on land immediately to the south of the house, on the eastern side of the entrance drive.
- 3.3 The mobile home is relatively small measuring 6.95m by 4.1m, falling well within the definition of a caravan as defined by the Caravan Sites and Control of Development Act 1960 (1).
- 3.4 The applicant is happy to accept a condition preventing the Cozy Cub being used as a holiday let outside the months of April to October.
- 3.5 This application is accompanied by a nitrate budget calculation to demonstrate how much nitrates are likely to be generated and will need mitigating.

4.0 Planning History

- 4.1 22/00817/FULLS planning permission was refused for use of the site for stationing of mobile home for tourist accommodation. Permission was refused for the following reasons:

The proposal represents unjustified development in the countryside for which there is no overriding need. The proposal is therefore contrary to policy COM2 of the Test Valley Borough Local Plan (2106) and guidance in the MPPF (2021).

The site lies within close proximity to the New Forest SPA which is designated for its conservation importance. In the absence of a legal agreement, the application has failed to secure the required mitigation measures, in accordance with the Council's adopted 'New Forest SPA Mitigation - Interim Framework'. As such, it is not possible to conclude that the development would not have an in-combination likely significant effect on the interest features of this designated site, as a result of increased recreational pressure. The proposed development is therefore contrary to the Council's adopted 'New Forest SPA Mitigation - Interim Framework', Policy E5 of the adopted Test Valley Borough Revised Local Plan (2016) and the Conservation of Habitats and Species Regulations 2017 (as amended).

The proposed development by means of its nature, location and scale could have likely significant effects upon the nearby Solent and Southampton Water European Designated Site which is designated for its conservation importance. In the absence of a completed legal agreement securing the proposed off site mitigation, the applicant has failed to satisfy the Council that the proposal would not adversely affect the special interest of the Solent and Southampton Water European Designated Site, therefore the application is contrary to Policies COM2 and E5 of the adopted Test Valley Borough Revised Local Plan (2016) and the Conservation of Habitats and Species Regulations 2017 (as amended).

- 4.2 13/01269/FULLS – Planning permission was granted for Tennis court and change of use from agricultural to residential.
- 4.3 11/00635/FULLS – Planning permission was granted for erection of a detached 3 bay garage with accommodation in roof space and front facing former windows, incidental to main dwelling.
- 4.4 11/00160/FULLS – Planning permission was granted for conversion of existing detached gatehouse into residential annex, ancillary to the main dwelling, to include the provision of a raised deck area and alterations to fenestration.

- 4.5 10/00164/FULLS - Planning permission was granted for a two storey front extension with new bay window, first floor side extension north elevation, single storey rear Orangery extension to replace existing conservatory, rear balcony addition, single storey side extension between dwelling and detached garage, alterations to fenestration and facing materials.

5.0 Planning Policy

- 5.1 Paragraph 2 of the National Planning Policy Framework states that “Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise”.

- 5.2 The most relevant planning policies to the consideration of these proposals are contained in the adopted Test Valley Revised Local Plan DPD 2011-2029.

- 4.3 The property is situated in the countryside, outside the settlement boundary, and is not subject to any other Local Plan designations.

- 4.4 The most relevant Local Plan policies to consideration of this application are as follows:

COM2: Settlement Hierarchy – This policy permit development within the boundaries of settlements. Development outside the boundaries of settlements in the hierarchy will only be permitted if:

- (a) It is appropriate in the countryside as set out in policies COM8 – COM14, LE10, LE16-LE18; or
- (b) It is essential for the proposal to be located in the countryside.

LE18: Tourism – This policy permits proposals for tourist development provided that:

- (a) The proposal is located within a settlement boundary; or
- (b) Where the proposal is located within the countryside:
 - (i) It utilises an existing building and meets the requirements of policy LE16; and
 - (ii) Any extension or new buildings form part of an existing tourist facility; and
 - (iii) In the case of seasonal structures these are temporary in nature and do not have an adverse impact on the landscape; and
 - (iv) In the case of touring caravans and camping sites these are not prominent in the landscape.

E5: Biodiversity – This policy seeks to conserve, and where possible restore and / or enhance, the biodiversity in the Borough. Development likely to result in a significant effect, either alone or in combination, on international or European nature conservation designations, will need to satisfy the Habitat Regulations.

LHW4: Amenity – This policy permits development provided that it provides for the privacy and amenity of its occupants and neighbouring properties and does not reduce levels of daylight and sunlight reaching new and existing properties.

T2: Parking Standards – This policy requires parking to be provided in accordance with the parking standards.

E1: High Quality Development in the Borough

E2: Protec, Conserve and Enhance the landscape character of the Borough. This policy requires new development to protect, conserve and enhance the landscape of the Borough

- 4.5 Paragraph 84 of the National Planning Policy Framework (NPPF) states that planning policies and decision should enable (c) sustainable rural tourism and leisure developments which respect the character of the countryside, amongst other things.

5.0 Assessment of application

- 5.1 Principle of development - The application site is situated in the countryside where the starting point for the assessment of proposals is Local Plan policy COM2. As detailed above, policy COM2 permits development that is appropriate in the countryside as set out in policies COM8 – COM14, LE10, LE16-LE18; or it is essential for the proposal to be located in the countryside.
- 5.2 Policy LE18, as referenced in COM2, is relevant to tourism proposals and considers the criteria whereby tourism development is acceptable in the countryside. This policy details 4 criteria against which tourism development should be assessed. In the case of seasonal structures criterion (b)(iii) states that these need to be temporary in nature and not have an adverse impact on the landscape.
- 5.3 Tourist facility - This mobile home is temporary in nature, falling within the definition of a caravan (1). This same mobile home was assessed by the planning officer at the time of the previous application (22/00817/FULLS) being considered. When considering the temporary nature of this structure it was noted that it was apparent that the structure was raised with the apron/skirt of the structure having the appearance of providing the necessary cover/screening to the wheeled area below. In addition to this, towing facilities were clearly visible on the front of the structure.
- 5.4 However, when considering the seasonality of the structure at the time of the previous application, it was noted in the officer's report (para. 8.8) that the scheme does not propose a seasonal use of the unit, with year round occupancy opportunities available (although on a short-term basis). It was noted that although the unit is mobile and not permanently fixed to the ground, its proposed use is not seasonal. The applicant's supporting statement was not considered to provide any evidence or clear information as to how the scheme accords with Policy LE18.
- 5.5 This supporting statement and application submissions, seek to address the requirements of policy LE18. At the time of the previous application, the applicant was not familiar with the implications of policy LE18 and the need for the tourist accommodation to be seasonal in order to comply.
- 5.6 The holiday use has already been ongoing for approximately 1 year and during that period the applicant has been able to establish that the majority of bookings take place seasonally, between April and October. They are happy to accept a condition limiting the use to these months.
- 5.7 There is no definition in the Local Plan for "seasonal structures".

- 5.8 It is noted that when considering the previous application for permanent/fulltime holiday accommodation, the officer's report states that conditions were considered to restrict the ability of the accommodation to be occupied on a more permanent basis. The use of conditions was ruled out "due to the siting of the building, within a privately owned facility, and its being in use year round, it is likely that those conditions would not be enforceable by the Council, and therefore would not meet the six tests of the NPPF".
- 5.9 It is the applicant's contention that a suitable worded condition can reasonably be imposed on the grant of any planning permission to limit the occupancy of the mobile home to a seasonal use. The reasons previously given for not doing so are not understood.
- 5.10 It is commonplace for change of use to take place "within a privately owned facility" and being privately owned does not prevent conditions from being enforced.
- 5.11 Whilst the mobile has been available to rent year-round it has been demonstrated that demand is only there seasonally and as such it would not have a significant impact on the business to be limited to a seasonal use. This application, unlike the previous one, seeks a seasonal use with the use of the mobile home being limited with a condition which would pass the tests for planning conditions detailed in Paragraph: 003 Reference ID: 21a-003-20190723 of the NPPG.
- 5.12 Such a condition might be worded as follows, for example –
- The mobile home hereby permitted shall be used as holiday accommodation only, and shall not be occupied as a person's sole or main place of residence or outside the months of April to October (inclusive) on an annual basis. The owners/operators shall maintain an up-to-date register of the names of all occupiers, dates they stayed and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.***
- 5.13 Six test for use of planning conditions – A condition of this nature would be:
- (1) Necessary – to satisfy the local planning authority that the mobile home constitutes a "seasonal structure"
 - (2) Relevant to planning – to would control the period of use where a change of use is sought
 - (3) Relevant to the development to be permitted – to ensure compliance with policy LE18
 - (4) Enforceable – temporary use conditions are commonly used and enforced
 - (5) Precise – as drafted above such a condition is believed to be precise
 - (6) Reasonable in all other respects – there is no suggestion in the officer's previous report that the use of such a condition would be unreasonable.
- 5.14 In light of the six tests applied for imposing planning conditions it is clear that such a condition could be enforced and would ensure the mobile home's use would remain seasonal.
- 5.15 Support for tourist facilities - Policy LE18 seeks "to encourage visitors to the Borough" as the tourism industry represents expenditure of approximately £155m (in 2010). Paragraph 6.93 of the Local Plan recognises that "the tourism industry represents expenditure in the Borough".

- 5.16 Paragraph 6.96 notes that “seasonal structures related to tourism, such as marquees, can provide additional support to the local economy. Proposals of this type should be temporary in nature and not have an adverse impact on the landscape”. Paragraph 6.99 “recognises that visitors who stay will contribute more to the local economy in terms of expenditure than day visitors. In order to sustain Test Valley as a visitor destination and to encourage long stay visitors, it is necessary to protect visitor accommodation”.
- 5.17 The Council has in recent years commissioned studies as part of the evidence base for the next Local Plan which are considered relevant to the proposal, including the Test Valley Hotel Market Fact File 2019, Hotel Solutions and Test Valley Hotel Development Opportunities 2019, Hotel Solutions. These indicate the potential in Southern Test Valley for additional budget tourist accommodation. To meet this demand Fuller Smith & Turner has extended the number of letting bedrooms at the Cromwell Arms and are looking at the viability of adding rooms at the Bear and Ragged Staff. The Dog & Crook at Braishfield has also added a small number of letting bedrooms. Most recently, The Duke on the Test, to the north of Romsey town centre has re-opened providing a further 12 guest bedrooms.
- 5.18 Clearly, there is also a wider economic benefit to the area as overnight visitors are likely to spend money in nearby visitor attractions, shopping, local transport and in other cafes and restaurants.
- 5.19 Character – The impact from this proposal on the character of the area was not a previous reason for refusal.
- 5.20 The National Planning Policy Framework (NPPF) states that planning policies and decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.
- 5.21 This proposal is for a small scale, low key, single and seasonal holiday rental for up to 2 people. It is situated within a private property at the end of a rural lane. Whilst there are public rights of way in the immediate area the mobile structure is not highly visible or prominent. It is located within a group of existing buildings and not conspicuous in the landscape.
- 5.22 When considering the impact on the character and appearance of the area when this proposal was previously considered, the planning officer noted in para. 8.12 “views of the glamping pod are visible along the access track, but the unit is not a dominant feature. As the surrounding vegetation/trees dominate the site and view of the house and various outbuildings on site to the rear are the dominant feature, in terms of built form”. Para. 8.13 notes “when viewed from Fernhill Lane (Braishfield:13) to the south, again the glamping pod is screened heavily by existing vegetation on the boundary, and the Case Officer noticed upon site visit and from walking along the lane that the pod was only visible in long-distanced, brief glimpsed views interspersed throughout the hedgerow”.
- 5.23 The officer’s report concludes that “it can therefore be considered that the glamping pod has a minimal impact upon the character of the area or the landscape setting of the area, and that the proposal would accord with policies E1 and E2 of the Revised Local Plan.
- 5.24 Impact on neighbour amenity – Neighbour amenity was not a reason for refusal in the previous application. The officer’s report noted that the proposal “would not result in a loss of privacy or amenity to the occupants of Meade Hill. It goes on to say “the separation

distance of 40m is considered sufficient and the occupants of the glamping pod are not considered to impede upon the amenity of the occupants at Meade Hill and the scheme therefore accords with Policy LHW4 of the Revised Local Plan.

- 5.25 Highway Safety – Highway safety was not a reason for refusal in the previous application. It was noted that the holiday accommodation would only generate one additional vehicle which would not result in a material change in the use of the access track. Ample parking is also available on site and it was considered that the proposal accorded with policy T2 of the Local Plan.
- 5.26 New Forest SPA - The development would result in a net increase in residential accommodation within 13.6km of the New Forest SPA. It has been demonstrated, and agreed by Natural England, that any new increase (even single dwellings) would have a likely significant effect on the SPA when considered in combination. To address this issue, TVBC has adopted an interim mitigation strategy whereby a scale of developer contributions of £1,300 per new dwelling has been agreed, that would fund the delivery of a new strategic area of alternative recreational open space that would offer the same sort of recreational opportunities as those offered by the New Forest.
- 5.27 The applicant is happy to make a financial contribution towards the mitigation strategy to help reduce the impact of this seasonal accommodation on the New Forest SPA.
- 5.28 Nitrate Neutrality – This application is accompanied by a nitrate budget calculation to demonstrate the level of nitrates likely to be generated as a result of this proposal with a view to agreeing mitigation, as required, to reduce the potential impact from increased nutrients in the Southampton and Solent SPA and reduce the impact from eutrophication on the designated nature conservation sites.
- 5.29 The calculation, which is based on a possible 2 person occupancy for max. 7 months a year, has calculated that the development will be nitrate neutral.
- 5.30 This budget has taken a precautionary approach, as required by Natural England’s Guidance, and does not make any allowance for the fact the mobile home will not, realistically, be occupied on a fulltime basis during the 7 month long season proposed.

6.0 Conclusions

- 6.1 This application is identical to the previous one that was refused permission in August 2023 (22/00817/FULLS) apart from one significant fact. The proposed use of this small tourist accommodation mobile home would be on a seasonal basis, operating only from 01 April to 31 October.
- 6.2 It was previously suggested that a seasonal use cannot be controlled by condition. This submission suggests otherwise and is accompanied by a sample condition that would not only control the months during which the mobile home can be rented out, but also place a requirement on the applicant to keep record of the occupiers and present it to the Council if/when requested, thereby allowing full insight into the use and enforceability of the condition/use.

- 6.3 In response to the second reason for refusal the applicant is happy to make a financial contribution towards the new Forest SPA mitigation strategy in place with TVBC.
- 6.4 The third reason for refusal is no longer applicable as the new nitrate budget calculation reflects the seasonality of the use and confirms that the development will be nitrate neutral.
- 6.5 In light of the recognised need for additional tourist accommodation in Test Valley and support for temporary seasonal accommodation in Local Plan policy LE18, the absence of any harm to residential amenity, landscape character or highways, it is considered that this revised application should be supported and planning permission granted.
- 6.6 I trust this application contains all the information required to allow officer's to support this proposal but please contact this office if any clarification or additional information is required.

1. Definition of a caravan

Section 29 (1) of the Caravan Sites and Control of Development Act 1960 defined a caravan as:

"... Any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted but does not include: (A) Any railway rolling stock which is for the time being on rails forming part of a system, or (B) Any tent"

Section 13 (1) of the Caravan Sites Act 1968, which deals with twin-unit caravans. Section 13 (1) provides that: "A structure designed or adapted for human habitation which:

- Is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps and other devices; and
- Is, when assembled, physically capable of being moved by road from one place to another (whether being towed, or by being transported on a motor vehicle or trailer), shall not be treated as not being (or have been) a caravan within the means of Part 1 of the Caravan Sites Control of Development Act 1960 by reason only that it cannot lawfully be moved on a highway when assembled".

Amendment of the definition of caravan 2006

- Length (exclusive of any drawbar) 20m (65.6FT)
- Width: 6.8m (22.3ft)
- Overall height (measured internally from the floor at the lowest level to the ceiling at the highest level) 3.05m (10ft)