



Appeal Decision

Site visit made on 8 November 2023

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th November 2023

Appeal Ref: APP/C1760/W/22/3312404

Land at Clanville, Weyhill, Andover SP11 9BY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs John Daniel against the decision of Test Valley Borough Council.
 - The application Ref 22/02082/FULLN, dated 12 August 2022, was refused by notice dated 1 November 2022.
 - The development proposed is for the provision of 5 safari tents, reception, and services unit within woodland at Clanville.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Although the appellants suggest that they were misled by the Council as to the acceptability of the proposal, this is a matter for the parties and not for my consideration as part of this appeal.

Main Issues

3. The main issues in this appeal are:
 - whether the proposal is appropriate development in the countryside for the purposes of Council policies,
 - the effect of the proposed development on the character and appearance of the area,
 - biodiversity; and,
 - the effect of the proposal on the Solent Maritime Special Area of Conservation (SAC), Solent and Southampton Water Special Protection Area (SPA) and Ramsar site, with particular reference to nutrient neutrality.

Reasons

Development in the countryside

4. The appeal site is an area of private woodland that is accessed via wooden gates at the end of a partially unmade track that opens onto the highway known as Rectory Lane. The track is lined by trees which runs parallel to the access road serving the farmhouse and outbuildings of Hill View Farm which is found to the front of the appeal site.

5. The woodland site also has a north-south footpath close to the western boundary, and the surrounding area is typified by agricultural type fields and scattered woodland. The nearby built form is loose knit and sporadic.
6. The main parties agree that the proposal would be located in the countryside. As such, to be acceptable, the proposal needs to meet the requirements of Policy LE18 of the Test Valley Revised Local Plan DPD 2016 (TVLP), which is clear that unless a proposed tourist development is located within a settlement it must utilise an existing building that accords with the aims of Policy LE16 of the TVLP. Further, it should form part of an existing tourist facility and be seasonal/temporary in nature.
7. The proposal would not be located within a recognised settlement boundary. Moreover, notwithstanding Paragraph 84 of the National Planning Policy Framework (the Framework), the proposal would not form part of an existing tourist or camping and touring caravan facility; and while the appellants would be willing to accept a condition related to seasonal usage and contend that the structures could be dismantled if required, to my mind this option is unlikely to be practical.
8. Indeed, the pods while mostly visually akin to tents, are nonetheless fixed and relatively robust structures, that would have cooking facilities such as a hob and a sink, a wood-burning stove, and dining areas, as well as fenestration, and a terrace area to the front. There would also be communal seating and permanent service connections to a communal building for electricity and water. The development would therefore be a permanent feature and not comparable to traditional camping.
9. Subsequently, I conclude that the proposal would be contrary to Policy LE18 as allowed under COM2 part a) and COM2 part b) of the TVLP which requires that tourist development is located within a settlement, and the Framework when read as a whole.

Character and appearance

10. I acknowledge that the proposal for the appeal site has fewer pods than previous schemes¹ which the Council found unacceptable. Moreover, given the tree lined track and relatively dense woodland, I noticed at my site inspection it is likely that the development would only be glimpsed from the surrounding fields at times of the year when leaf coverage is reduced.
11. However, the proposal would be located close to a public footway. Therefore, those using the footway would be in close proximity to the safari tents and communal elements of the development. As such, the eye would be drawn to the angular pods and the bulky communal building which materials and features include canvas, decking, fenestration, stairways and seating that would be seen across the breadth and depth of the relatively unfettered woodland site. This would be particularly the case for the communal building that would have a roof-terrace where people might choose to linger.
12. Furthermore, even if some of the occupants of the scheme were to use public transport to access local facilities as part of a Green Travel Plan, the development would introduce numerous areas of hard surfacing for car parking into this woodland area.

¹ 21/01935/FULLN and 22/00963/FULLN

13. Indeed, in addition to the headlights and comings and goings of motor vehicles associated with use of the scheme, there is substantial scope for the introduction of a range of domestic paraphernalia and related activities. For example, but not limited to, the use of waste and recycling facilities, bins, barbeques, the playing of music and games, the chatter of social or family gatherings, as well as regular trips by the occupants to the communal seating area and ablutions.
14. Therefore, the proposal would result in development and leisure activities where currently there is none and be an unnatural and urban type addition in this location that would be in sharp contrast to the simple and natural features of the woodland. Additional landscaping, even if enhanced and established, would not be adequate mitigation.
15. Overall, I conclude that the proposal would be an unexpected and intrusive form of development in this quiet woodland location and hence harm the character and appearance of the area.
16. It follows then that the proposal would be contrary to Policies E1 and E2 of the TVLP, which say that development should respect and complement the character of the area, and for similar reasons Paragraph 130 of the Framework.

Biodiversity

17. Paragraph 179 of the Framework requires that new developments should provide 'net gains' for biodiversity. The Council contends that the proposal would result in a reduction in biodiversity.
18. Nevertheless, as the presence of in-situ bats has not been found on the appeal site, and the fact that the existence of great crested newts in nearby ponds is highly unlikely, I am persuaded that the appellants submitted 'Ecological Mitigation and Enhancement Strategy', which incorporates a scheme of biodiversity enhancements, including amongst other things, tree and hedge planting, warm LED lighting bollards, bird and bat boxes and log-piles, would minimise the impacts of the proposal on invertebrates, mammals, reptiles and birds and also retain a bat foraging and commuting habitat and hence enhance biodiversity. This could be secured by a suitably worded condition that includes the requirement for regular monitoring.
19. I conclude therefore, that the proposal in respect of biodiversity meets the aims of Policy E5 of the TVLP, which says that development in the Borough that will conserve, and where possible restore and/or enhance, biodiversity will be permitted, and for similar reasons, Paragraph 170 of the Framework, which says that planning decisions should minimise impacts on and provide net gains for biodiversity.

SAC and SPA

20. Natural England's position statement makes clear that, given the requirements of the Conservation of Species and Habitats Regulations 2017 (CSHR), proposals for development must demonstrate water neutrality within the SAC and SPA.

21. I concur with the Council that as the proposed development is within the River Test catchment, the additional tourist accommodation proposed is likely to result in an increase in nitrates entering the catchment which would discharge into the SAC and SPA. Indeed, calculations submitted by the appellants indicate that, inclusive of the 20% buffer, there would be a net nitrogen increase of +1.89 KgTN/yr from the proposed development.
22. I also note that the appellants propose to mitigate the increase in nitrate levels by means of credits purchased via the 'Roke Manor' scheme that would be secured by a S106 agreement.
23. However, as I have found against the appellants on the first and second main issues, and therefore planning permission is to be refused, this matter need not be considered any further in this appeal.

Other Matters

24. My attention has been drawn by the appellants to the presence of a woodland store² on the appeal site. However, this building was found acceptable to the Council for the purposes of agricultural/forestry use, which is distinctly different to the proposal before me, and is therefore, of limited relevance to the appeal before me.
25. The appellants have also brought my attention to the fact that the appeal site could be used for up to five touring caravans as an alternative to the proposal before me. However, I have no substantiated evidence that an undeveloped site with no services would be attractive for this type of use, and it is far from certain as to whether this would be a viable alternative to the proposed development or not. Therefore, little weight can be given to this argument.
26. I acknowledge support for the proposal from the occupier of a neighbouring dwelling. However, as the occupancy of this dwelling is likely to change over time, I can only give this very limited weight.

Planning Balance

27. The proposal would provide some economic benefits such as the provision of tourist accommodation and the patronage of local businesses and services in nearby towns, such as pubs, restaurants, shops and local tourist attractions. There would also be short term employment opportunities during construction. However, as the extent of these benefits is likely to be small-scale, I attribute this limited weight.
28. The appellants contend that the proposal would offer a sustainable holiday option within the UK rather than abroad, and that local services and attractions could be reached by public transport. However, even if a Green Travel Plan was secured by condition, I have no convincing evidence before me to persuade me that this would be an attractive alternative to other forms of holidays. Therefore, I attribute this very little weight.
29. Consequently, I conclude that, even in combination, the benefits of the proposal do not outweigh the substantial harm I have found in the first and second main issues above.

² 20/01139/FULLN

Conclusions

30. Having considered all matters raised in support of the proposal, while I find in favour of the appellants on the third main issue, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Accordingly, the proposal is in conflict with the adopted development plan when considered as a whole and given the above would also conflict with Policies contained within the Framework, and as there are no other material considerations that indicate a decision other than in accordance with those Policies when considered as a whole, I conclude that the appeal should be dismissed.

J E Jolly

INSPECTOR