



Appeal Decision

Site visit made on 14 October 2025

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2025

Appeal Ref: APP/C1760/W/25/3363515

Manor Farm, Church Lane, Hampshire SO51 6EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Hector Hughes of Unplugged against the decision of Test Valley Borough Council.
 - The application Ref is 23/03195/FULLS.
 - The development proposed is described in the application as “retrospective planning application for the siting of 2 no. holiday cabins and the associated change of use of land and parking on land at Manor Farm, Church Lane, Plaitford, Hampshire, SO51 6EG.”
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application form states that the change of use began in November 2023 and at the time of my visit I saw that the cabins were in place. It is noted that the application has been submitted retrospectively. I have dealt with the appeal on that basis and the plans before me.

Main Issue

3. The main issue is the effect of the proposal on the integrity of European protected sites.

Reasons

4. The appeal site is located within the catchment area of the Solent and Southampton Water Special Protection Area (SPA). This is protected by the Habitats Directive, which is incorporated into domestic statute via the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). Special qualifying features include mudflats, shingle and saltmarshes that provide essential winter feeding and roosting grounds for birds that spend the winter here.
5. Natural England guidance on this matter says that high levels of nitrates from housing development results in waste water entering The Solent, which contributes towards its eutrophication. This results in dense mats of green algae impacting on the protected habitats and species. The conservation objective is to offset the increase in nitrogen load. The development adds to the number of people in the area, increasing waste water being discharged into the Solent. The effects of the proposal cannot, therefore, be screened out and in adopting a precautionary approach, the development would give rise to likely significant

effects on the SPA, such as to require an Appropriate Assessment under the Habitats Regulations. As the competent authority, I am required to take appropriate steps to conserve biodiversity.

6. To prevent any increase in nutrient loading on the SPA, Natural England advises that development proposals resulting in a net gain in residential units must be accompanied by a nitrogen budget. This budget should demonstrate that the proposal will not lead to a likely significant effect on the European designated sites. It is submitted that mitigation measures can be tailored to the specific processes used to separate solid from liquid waste. Natural England raises no objection in principle to this method of calculation, and I find no compelling reason to disagree. However, Natural England does emphasise that the competent authority must be satisfied that the treated waste is securely managed in perpetuity.
7. The appellant contends that Natural England advises a management plan would be an appropriate mechanism to ensure the ongoing removal of waste in perpetuity. However, Natural England's consultation response is more cautious, using the phrase "may be" rather than offering a definitive endorsement. While I acknowledge that other local authorities have adopted different approaches, I share this Council's concerns regarding the practical challenges of securing, monitoring, and enforcing the transportation of waste outside the SPA catchment area over the long term, even with a management plan condition in place. Given the requirement to be certain beyond reasonable scientific doubt that the necessary mitigation would be secured, I consider that a Grampian condition would be unlikely to meet the tests set out in paragraph 57 of the National Planning Policy Framework.
8. Irrespective of the number of credits required, the appellant refers to a retrospective scheme elsewhere, contending that a Grampian condition alone could be used to secure a mitigation package or credits to address additional nutrient inputs. The available evidence surrounding the Council's credit scheme at Roke Manor together with its Solent Nutrient Neutrality Mitigation Framework indicates that the payment of credits would require a more secure mechanism. This approach is also supported within the appellant's nutrient mitigation strategy report by Earthcare.
9. In that regard, a copy of an agreement under Section 111 of the Local Government Act 1972 is submitted with the appeal. However, the contribution is related to a recreation mitigation strategy rather than nutrient neutrality, which raises significant doubt as to its relevance. A condition on these grounds would not provide the necessary assurances and certainty as to how credits might be apportioned. Therefore, in the absence of a secure mechanism to ensure appropriate mitigation in perpetuity, I cannot be certain the favourable conservation status of the protected sites would be maintained, either alone, or in combination.
10. I therefore conclude that the proposal would have a harmful effect on the integrity of European protected sites. As such, there would be conflict with LP policies E5 and E8 which say, in part, that harm to habitats will not be permitted unless measures can be provided to mitigate against likely adverse effects.

Other Matters

11. There is the grade II listed Plaitford Manor Farmhouse near the appeal site entrance, with a significance derived from its historic architectural detailing. There is a statutory duty to pay special regard to the desirability of preserving its setting. The appeal cabins are some considerable distance away from the listed building and not in its setting. As such, the scheme has a neutral and thus preserving effect. Accordingly, I am satisfied the proposal meets the requirements set out in s.66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 (The Act).
12. The appellant asserts that the total cost of nutrient credits associated with all waste would be disproportionate, rendering the project unviable. However, little substantive evidence has been provided to support this claim regarding viability. Even if such financial concerns were valid, they would not outweigh the identified harm, which remains a decisive factor in this appeal.
13. The Council cites conflict with LP Policy COM2 which governs development in the countryside. This policy lists a number of other LP policies where development might be appropriate. One of those is LE18, which sets out the circumstances where tourism development in the countryside will be permitted. These include making use of existing buildings, extensions or new buildings that are part of an existing facility, temporary seasonal structures, and touring caravans and campsites that are not prominent in the landscape. The Council is satisfied that the proposal meets the 4th criterion, as the cabins would not be prominent in the landscape.
14. It is argued, however, that compliance with all four criteria is necessary for a proposal to accord with the policy. In my view, despite the word 'and' linking them, each criterion addresses distinctly different types of tourism accommodation. Accordingly, it is not clear how touring caravan proposals can also utilise existing buildings as required by criterion (i). As such, in this particular case, compliance with criterion (iv) thereby aligns with the overall objectives of LP Policy LE18. This, in turn, would avoid conflict with LP Policy COM2.
15. In that context, I have paid regard to the range of benefits associated with farm diversification and the local tourism industry. Even so, none of the advanced benefits or lack of harm to the landscape would outweigh that identified in respect of the main issue above.

Conclusion

16. For the reasons given, the appeal is dismissed.

J Hills

INSPECTOR