

## NOTICE OF MEETING

**Meeting:** PLANNING COMMITTEE

**Date and Time:** WEDNESDAY, 12 JUNE 2024, AT 9.00 AM

**Place:** COUNCIL CHAMBER - APPLETREE COURT, BEAULIEU ROAD, LYNDHURST, SO43 7PA

**Enquiries to:** Email: [joe.tyler@nfdc.gov.uk](mailto:joe.tyler@nfdc.gov.uk)  
Tel: 023 8028 5982

### **PUBLIC INFORMATION:**

This agenda can be viewed online (<https://democracy.newforest.gov.uk>). It can also be made available on audio tape, in Braille and large print.

Members of the public are welcome to attend this meeting. The seating capacity of our Council Chamber public gallery is limited under fire regulations to 22.

Members of the public can watch this meeting live, or the subsequent recording, on the [Council's website](#). Live-streaming and recording of meetings is not a statutory requirement and whilst every endeavour will be made to broadcast our meetings, this cannot be guaranteed. Recordings remain available to view for a minimum of 12 months.

### **PUBLIC PARTICIPATION:**

Members of the public are entitled to speak on individual items on the public agenda in accordance with the Council's [public participation scheme](#). To register to speak please contact Planning Administration on Tel: 023 8028 5345 or E-mail: [PlanningCommitteeSpeakers@nfdc.gov.uk](mailto:PlanningCommitteeSpeakers@nfdc.gov.uk)

**Kate Ryan**  
Chief Executive

Appletree Court, Lyndhurst, Hampshire. SO43 7PA  
[www.newforest.gov.uk](http://www.newforest.gov.uk)

---

# AGENDA

## Apologies

### 1. MINUTES

To confirm the minutes of the meetings held on 8 and 13 May 2024 as a correct record.

### 2. DECLARATIONS OF INTEREST

To note any declarations of interest made by members in connection with an agenda item. The nature of the interest must also be specified.

Members are asked to discuss any possible interests with Democratic Services prior to the meeting.

### 3. PLANNING APPLICATIONS FOR COMMITTEE DECISION

To determine the applications set out below:

(a) **Courtvale Farm, Court Hill, Damerham (Application 24/10176) (Pages 5 - 12)**

Storage container and fuel tanks (Retrospective)

**RECOMMENDED:**

Grant subject to conditions.

(b) **Oakhaven Hospice, Lower Pennington Lane, Pennington, Lymington (Application 23/11094) (Pages 13 - 28)**

Redevelopment of the single-storey in-patient unit (IPU) building to form a new two-and-a-half storey IPU building with ancillary staff facilities and office space; construct two-storey education pavilion to replace the existing sheds.

**RECOMMENDED:**

Grant subject to conditions.

(c) **Avon Farm, Ringwood Road, Avon, Sopley (Application 23/10037) (Pages 29 - 42)**

Conversion of West Range Barn to single dwelling and The Stable to Annex associated with the function of the main Farmhouse Building; External alterations to replace existing windows and doors.

**RECOMMENDED:**

Grant subject to conditions.

(d) **Avon Farm, Ringwood Road, Avon, Sopley (Application 23/10038) (Pages 43 - 50)**

Conversion of West Range Barn to single dwelling and The Stable to Annex associated with the function of the main Farmhouse Building; Internal Alterations; External alterations to replace existing windows and doors (Application for Listed Building Consent).

**RECOMMENDED:**

Grant Listed Building consent.

**Please note, that the planning applications listed above may be considered in a different order at the meeting.**

**Please note that all planning applications give due consideration to the following matters:**

Human Rights

In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights.

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, marriage and civic partnership, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

**To: Councillors:**

Christine Ward (Chairman)  
Barry Rickman (Vice-Chairman)  
Hilary Brand  
Kate Crisell  
Philip Dowd  
Allan Glass  
Matthew Hartmann

**Councillors:**

David Hawkins  
Joe Reilly  
Janet Richards  
John Sleep  
Malcolm Wade  
Phil Woods

This page is intentionally left blank

Planning Committee 12 June 2024

<b>Application Number:</b>	<b>24/10176</b> Full Planning Permission
<b>Site:</b>	COURTVALE FARM, COURT HILL, DAMERHAM SP6 3HL
<b>Development:</b>	Storage container and fuel tanks (Retrospective)
<b>Applicant:</b>	D R Smith Properties Ltd
<b>Agent:</b>	Jerry Davies Planning Consultancy
<b>Target Date:</b>	08/05/2024
<b>Case Officer:</b>	Vivienne Baxter
<b>Officer Recommendation:</b>	Grant Subject to Conditions
<b>Reason for Referral to Committee:</b>	Parish Council contrary view

---

## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the development
- 2) Impact on the character and appearance of the area
- 3) Impact on residential amenity
- 4) Impact on the SINC and trees

## 2 SITE DESCRIPTION

The site lies within the countryside outside the New Forest National Park between the villages of Sandleheath and Damerham. It is an established commercial use lying between two large detached houses. Part of the blue land is within the Higher Court Wood Site of Interest for Nature Conservation (SINC) and is also covered by a woodland Tree Preservation Order, which have been damaged through encroachment of the business in recent years.

The application site is comprised of two areas - one to the north-eastern boundary around an existing metal container and the other around diesel and ancillary additive tanks. Both red edged areas are surrounded by the land edged blue.

## 3 PROPOSED DEVELOPMENT

### Background

An area of land at Courtvale Farm has had a lawful use for civil engineering purposes since 1993. More recently, planning permission was refused for the retrospective extension of the site, under application 21/11036 (May 2022 Planning Committee).

An Enforcement Notice was subsequently served on 23 August 2022 requiring the following steps to be taken within 3 months of the Notice taking effect:

- i) remove all vehicles and materials from the unauthorised areas of the site
- ii) following compliance with step i) above, cease the use of the land in connection with a contractor's yard.

The Notice was due to take effect on 30 September 2022, but an appeal was submitted, resulting in the time for compliance (29 December 2022) being put in abeyance. Further to the appeal being withdrawn, the Enforcement Notice became effective on January 31st 2024. A site visit took place in late January 2024 to check that the requirements of the Notice had been complied with, and at that time it was determined that the Notice had indeed been complied with.

However, during the site visit, the installation of the diesel tanks and retention of the metal container were noted. Whilst the comments made by the Parish Council in respect of non-compliance with enforcement orders and previous breaches being regularised are noted, the diesel tanks did not form part of the Enforcement Notice.

The Council's Enforcement team are satisfied that the metal container which partly falls within the site area of the Enforcement Notice and part outside has been in situ in excess of 10 years and that the Local Planning Authority is unable to enforce against its presence as a building. The Enforcement Notice required the cessation of the use of that part of the container within the Enforcement Notice plan area, meaning that essentially half the container can be used and one half cannot.

The Enforcement Notice did not require any new planting to take place.

The proposal

Therefore, the application is, firstly, for the retention of the diesel tanks which have not formed part of any previous application or been the subject of any Enforcement Notice; and, secondly, for the continuation of use for that part of the container within the Enforcement Notice site area, thus allowing continued use of the whole of the container to the boundary of the site.

**4 PLANNING HISTORY**

Proposal	Decision Date	Decision Description	Status
21/11036 Proposed erection of a 2m high close boarded fence; part change of use of land to civil engineering depot; landscaping	18/05/2022	Refused	Decided
17/10510 Removal of Condition 1 of Planning Permission 92/50671 to allow use for civil engineering business including ancillary office, covered stores, open storage and vehicle parking, workshop without any personal restriction	26/05/2017	Granted Subject to Conditions	Decided
14/10517 Retention of single-storey office extension	28/05/2014	Granted	Decided
92/NFDC/50671 Use of land & bldgs as head office/workshop/storage/parking:	20/04/1993	Granted Subject to Conditions	Decided

**5 PLANNING POLICY AND GUIDANCE**

**Local Plan 2016-2036 Part 1: Planning Strategy**

- Policy STR4: The settlement hierarchy
- Policy ENV3: Design quality and local distinctiveness
- Policy ECON1: Employment land and development

## **Local Plan Part 2: Sites and Development Management 2014**

DM2: Nature conservation, biodiversity and geodiversity

### **Core Strategy**

CS21: Rural economy

### **Supplementary Planning Guidance And Documents**

#### **Neighbourhood Plan**

N/A

#### **National Planning Policy Framework**

NPPF Ch.12 - Achieving well-designed places

NPPF Ch.15 - Conserving and enhancing the natural environment

#### **National Planning Policy Guidance**

## **6 PARISH / TOWN COUNCIL COMMENTS**

### **Damerham Parish Council:**

At the parish council meeting on 15th April, the council voted all in favour of recommending refusal for the following reasons:

- Previous enforcement orders have not been complied with
- The items are moveable and not buildings. Therefore, they do not qualify under time limits.
- There seems to be an attempt to regularise previous planning breaches
- The container is visible from the road
- This would not be approved if it was a new application as it is in an area that is part of National Landscapes, SINC and a designated ancient woodland that has already been noticeably decimated over a number of years

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

### **Environmental Health (contaminated land)**

No concerns

### **Ecology**

No objections

## **9 REPRESENTATIONS RECEIVED**

2 letters of objection received from local residents:

- diesel tanks do not appear to be bunded and lie at the top of a slope in a designated groundwater zone

- no spillage capture for tanks while being filled
- the container can be moved
- the Enforcement Notice has not been complied with
- previous planning consents have not been adhered to
- the ecologist appears unaware of the history

## 10 PLANNING ASSESSMENT

### Principle of Development

Policy ECON1 supports development of existing employment sites and new employment development outside of built-up areas subject to consideration of the following criteria:

- Safe and suitable access can be provided for pedestrians, cyclists and for the types of vehicles likely to visit the site;* In this case, there are no alterations proposed to the existing site access (shared with the adjacent residential property), parking or turning facilities which can be accessed by all relevant vehicles.
- The proposal would not unacceptably impact on the environment, the landscape, or on the amenity of nearby residents;* This is discussed below.
- The proposal would not have a significant detrimental impact on the operation of other businesses in the locality;* It is not considered that the retention of a container which has been in situ for many years or retention of the diesel tanks required for the business' vehicles would have any impact on other businesses in the area.

(Parts d and e of the policy are not relevant here.)

- The proposal is in accordance with Saved Policy CS21 Rural Economy; or*
- To enable the establishment or growth of a high value-added or knowledge-based business proposal that can demonstrate a specific need for the location and that it would have a low environmental impact.*

Policy CS21 allows improvements and redevelopments of existing employment sites where they help to maintain and enhance the environment and contribute to local distinctiveness. As with part b, this is discussed in more detail below. Part g is not considered to apply to this particular site because the use does not fall within either category.

Having regard to the above points, the proposal is considered to comply with policy and to be acceptable in principle, subject to there being no material adverse impact on the environment, or on visual or residential amenity; matters which are assessed further below.

### Impact on the character and appearance of the area (including National Landscape)

Policy ENV3 of the Local Plan seeks to ensure that new developments are of a high quality design and appropriate to the local context.

The site is within a National Landscape (formerly known as Areas of Outstanding Natural Beauty) and a Dark Sky Reserve. As a small addition to the main use of the site, it is not considered that the diesel tanks would adversely affect the landscape



character of the area. They are not visible from the public highway and there are no public rights of way which would offer views into this part of the site.

The Parish Council has noted that the container is visible from the road. In this location, the road is approximately 17m from the site's boundary which is largely defined with a close-boarded fence. The container forms part of that front boundary, albeit that it is slightly taller than the close boarded fence. Between the container and road is a grass verge with roadside ditch and several trees. In the area immediately adjacent to the container there is also a substantial amount of vegetation which exceeds the height of the container. It is not considered that the retention of the container, a light buff colour, would be harmful to the character or appearance of the National Landscape. Its use would have a limited impact on the character and appearance of the area given the uses within the wider civil engineering site.

The proposal does not include any lighting and, as such, would not adversely impact on the Dark Sky Reserve.

Overall, the retention and use of the container and diesel tanks would not have a harmful impact on the area and would comply with policy ENV3 of the Local Plan Part 1.

#### Residential amenity

Although there are residential properties either side of the site, Yafflewood to the north is some 17m from the blue edged land area, with the diesel tanks a further 27m away from the residential boundary, with the woodland TPO/SINC between. Whilst an objection received advises that the tanks can be seen from an adjoining property, it is not considered that a distance in excess of 40m between a residential property and a structure 2.5m wide and tall would cause significant harm to amenity.

To the south, Court Vale is around 20m from the site boundary, with workshop/office buildings between the residential curtilage and tanks.

The container is in excess of 65m from either dwelling. As such, it is considered that the proposal would comply with policy ENV3 of the Local Plan Part 1 in that it would not adversely affect residential amenity.

#### Impact on the SINC and protected trees

Although the siting of the structures is within the area covered by a woodland TPO, the proposal does not include the removal of any further trees and the retention of the structures would not put future pressure on the safe retention of nearby trees.

The siting is also within the area designated as a SINC. The applicant advises that this location was chosen in order that tankers could pull up adjacent to the tank in order to fuel without obstructing other operatives within the site. The type of tank installed does not require any additional bunding and, having regard to the representations received, the proposal would not have any adverse impact on the groundwater. The tank is also fitted with a valve to prevent accidents with filling/fuelling. The Council's Environmental Health Officer dealing with Contamination has not raised any concerns with the proposal.

From an ecological point of view, although the tanks are located within the SINC, designated as ancient woodland, the installation of the structures has not resulted in the further loss or degradation of the surrounding habitat or the loss of trees, and therefore, there are no objections from an ecological perspective.

The comments made by the Parish Council suggesting the application 'would not be approved if it was a new application' due to its sensitive location are noted. However, through the Enforcement Notice, measures have been taken to address the harm caused previously and a barrier erected in order to prevent further degradation of the environment through encroachment. Since the barrier has been placed on the land, vegetation cover in the cleared area has increased. Whilst it is unfortunate that harm occurred in the first instance, the retention of the proposed structures within the sensitive area does not cause further harm.

The proposal is not considered to have further adverse impact on the SINC or Woodland TPO and as such, complies with policy DM2 of the Local Plan Part 2.

## **11 OTHER MATTERS**

N/A

## **12 CONCLUSION / PLANNING BALANCE**

The application seeks to retain modest structures with a limited site area. It is recognised that the fuel tanks do encroach marginally outside the lawful employment area of the site and into an area affected by the recent enforcement notice. The metal container is also partly within the area affected by the recent enforcement notice. However, every proposal must be judged on its individual merits. In this case, noting the size and specific location of development, it is considered that the retrospective application complies with relevant employment policies (ECON1 and CS21) and does not give rise to unacceptable impacts on the environment, the character and appearance of the area or residential amenity (policies DM2 and ENV3). Permission is therefore recommended.

## **13 RECOMMENDATION**

### **Grant Subject to Conditions**

#### **Proposed Conditions:**

1. The development permitted shall be carried out in accordance with the following approved plans:

- Location plan
- Block plan
- JDPC.01 - container plans
- JDPC.02 - diesel tank plans

Reason: To ensure satisfactory provision of the development.

#### **Further Information:**

Vivienne Baxter  
Telephone: 023 8028 5442



# New Forest

DISTRICT COUNCIL

Tel: 023 8028 5000  
www.newforest.gov.uk

Mark Wyatt  
Service Manager  
Development Management  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

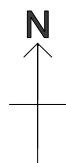
## PLANNING COMMITTEE

June 2024

Courtvale Farm  
Court Hill  
Damerham  
24/10176

Scale 1:2000

N.B. If printing this plan from  
the internet, it will not be to  
scale.



NFDC

0.91m BS

Yafflewood

Pond

Court Vale

Ruin

Ruin

NFDC

This page is intentionally left blank

Planning Committee 12 June 2024

**Application Number:** 23/11094 Full Planning Permission

**Site:** OAKHAVEN HOSPICE, LOWER PENNINGTON LANE,  
PENNINGTON, LYMINGTON SO41 8ZZ

**Development:** Redevelopment of the single-storey in-patient unit (IPU) building to form a new two-and-a-half storey IPU building with ancillary staff facilities and office space; construct two-storey education pavilion to replace the existing sheds

**Applicant:** The Oakhaven Trust

**Agent:** Savills

**Target Date:** 03/01/2024

**Case Officer:** John Fanning

**Officer Recommendation:** Grant Subject to Conditions

**Reason for Referral to Committee:** Green Belt Policy interpretation.

---

## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of development
- 2) Green belt
- 3) Character and amenity
- 4) Highways and access
- 5) Trees
- 6) Ecology
- 7) Habitat mitigation

## 2 SITE DESCRIPTION

The Oakhaven Hospice is located just outside of the defined built-up area and within the designated Green Belt. The site is accessed off Lower Pennington Lane. The site comprises a number of buildings and has been extended and altered a number of times over the years, increasing the intensity of built form within the plot.

The site is bounded to the west by Lower Pennington Lane, with the Green Belt designation extending in that direction. To the south there is an area of open countryside that lies within the remit of the New Forest National Park Authority. The land to the north and west is currently open or in use as a commercial nursery but has been allocated under Policy Strategic Site 6 for residential redevelopment and is currently subject to an application for 82 dwellings (application reference 22/11424).

There are two vehicular access points to the site off Lower Pennington Lane: one to the north solely serving the application site and one to the south providing shared access to the nursery.

### **3 PROPOSED DEVELOPMENT**

The application proposes the redevelopment of the existing in-patient unit (IPU) building with a new, larger in-patient unit building that would provide additional care and ancillary staff facilities. The proposed new building has been described as a 'two and a half' storey structure in the description of development. In practice, the new building would have three floors, with the floor space at second-floor level being facilitated by dormers and an additional link element between gables within the roof space.

Additionally, it is proposed to demolish a set of existing single-storey buildings and construct a new two-storey detached building to provide additional staff and education facilities.

### **4 PLANNING HISTORY**

22/11424 - Erection of up to 82 No. Dwellings, including Access, Highways Works, Public Open Space (POS), Alternative Natural Recreational Greenspace (ANRG), Landscaping and Drainage Attenuation (Outline Application with details of Access and Layout only) - under consideration

20/10924 - Extension to existing hospice building - granted - 10/11/2020

16/11466 - Additional parking - granted - 08/02/2017

13/11000 - 2 double stacked portable cabins; external staircase - granted temporary planning permission - 23/10/2013

13/10647 - Single-storey extension - granted - 25/07/2013

13/10161 - Two-storey building used as wellness/resource centre; demolition of house & bungalow - 21/05/2013

11/97213 - Temporary siting of a portable cabin - granted temporary planning permission - 02/08/2011

11/97118 - Gravel parking & turning area - granted - 01/11/2011

10/95825 - Single-storey extension to inpatient unit; single-storey extension to existing patient unit; glazed enclosed walk way - granted - 10/09/2010

09/94162 - 27 lighting bollards to carpark - granted - 24/09/2009

09/93884 - Temporary siting of 8 portacabins - granted temporary planning permission - 21/05/2009

08/91929 - Single-storey in-patient unit; two-storey education building; single-storey extension to existing in-patient unit; glazed enclosed walkway; demolition of existing building; additional parking & associated external works - granted - 20/05/2008

05/83736 - External fire escape - granted - 14/03/2005

03/77028 - Covered link between buildings - granted - 09/07/2003

00/68311 - Part change of use to hospice day centre with offices (retain existing residential unit) - granted - 24/03/2000

99/68078 - Additions, alterations and roof alterations to provide additional accommodation - granted 16/02/2000

97/62521 - Ground floor extn/roof alts to form rooms in roof/int'l alts - granted - 09/03/1998

96/59772 - Construct dormer & addn of external staircase to first floor - granted - 07/10/1996

93/53268 - Single-storey addition - granted 17/06/94

89/41670 - Erect 5-bed day centre hospice for short stay relief care - granted 30/10/89

## **5 PLANNING POLICY AND GUIDANCE**

### **Local Plan 2016-2036 Part 1: Planning Strategy**

Policy CCC1: Safe and healthy communities

Policy CCC2: Safe and sustainable travel

Policy ECON1: Employment land and development

Policy ECON2: Retention of employment sites and consideration of alternative uses

Policy ENV2: The South West Hampshire Green Belt

Policy ENV3: Design quality and local distinctiveness

Policy ENV4: Landscape character and quality

Policy HOU1: Housing type, size, tenure and choice

Policy HOU3: Residential accommodation for older people

Policy STR1: Achieving Sustainable Development

Policy STR2: Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park

Policy STR3: The strategy for locating new development

Policy STR4: The settlement hierarchy

Policy STR5: Meeting our housing needs

Policy STR8: Community services, Infrastructure and facilities

*Adjacent: Strategic Site 6: Land to the east of Lower Pennington Lane, Lymington*

### **Local Plan Part 2: Sites and Development Management 2014**

DM2: Nature conservation, biodiversity and geodiversity

DM9: Green Infrastructure linkages

DM20: Residential development in the countryside

DM22: Employment development in the countryside

DM23: Shops, services and community facilities in rural areas

### **Supplementary Planning Guidance And Documents**

SPD - Parking Standards

SPD - Lymington Local Distinctiveness

### **National Planning Policy Framework**

### **National Planning Policy Guidance**

## **Plan Policy Designations**

Green Belt

### **6 PARISH / TOWN COUNCIL COMMENTS**

#### **Lymington & Pennington Town Council:**

Recommend Permission but would accept a delegated decision

### **7 COUNCILLOR COMMENTS**

No comments received

### **8 CONSULTEE COMMENTS**

#### **HCC Rights of Way**

No objection subject to a condition to ensure footpath is protected and kept clear during construction

#### **Ecologist**

No objection subject to condition to secure mitigation and enhancement measures recommended by ecology report.

#### **HCC Highways**

No objection subject to a condition to secure a Construction Traffic Management Plan to control vehicular activity during construction.

#### **NFDC Tree Team**

No objection subject to a suitable condition to protect trees during construction.

#### **Natural England**

No objection

### **9 REPRESENTATIONS RECEIVED**

One letter of representation was received.

- Supportive of development at hospice
- Should ensure appropriate travel planning is in place to minimise additional traffic generation in surrounding area.

### **10 PLANNING ASSESSMENT**

#### Principle of development

The site is located in a sensitive countryside area outside the settlement boundary of Lymington, where planning policies are typically much more restrictive than within the built-up area.

Policies STR1 and STR3 of the Local Plan encourage the provision of sustainable development and identify that new development opportunities should typically be identified within the existing built-up area, both as a means of protecting existing countryside locations and to ensure that development has the necessary supporting infrastructure to ensure its successful integration within the local area and community.



The application consists of two main elements – a three-storey redevelopment of the existing in-patient unit (IPU) building (replacing an existing single-storey building) in the south-eastern corner of the site; and the demolition of a single-storey storage structure on the eastern boundary of the site and its replacement with a new two-storey building.

The three-storey building would include replacement care accommodation at ground floor level, providing 6 bed spaces (a net gain of 2 from 4 rooms in the existing building), with the first and second floors providing additional office space and staffing facilities. The building would link into an existing building on its north side.

The proposed two-storey building would largely provide storage space at ground floor level, to replace the existing storage space to be demolished, and educational/training facilities would be provided at first floor level to provide on-site training capacity for staff.

Policy HOU3 of the Local Plan is supportive of care home development (Use Class C2) on sites in existing care home use where there is an identifiable local need. It is considered that this policy is applicable to Oakhaven Hospice and that the proposed additional accommodation would meet an identified care need that would be consistent with this policy. Policy DM20 provides more specific guidance for the provision for more general residential accommodation within rural settings, seeking to limit additional residential accommodation within rural areas outside of certain specific exemptions. However, hospice care is considered to represent a very particular type of residential care accommodation, with the site having been historically established in this location specifically to take advantage of the surrounding tranquil environment. As such, Policy DM20 is considered to have only limited relevance to the proposed development.

Policy STR8 is considered to be more relevant. This is supportive of the provision of education, health, social and other community services that are located to be accessible to all sectors of the community. It is considered the proposed development would be fully consistent with this policy.

The existing use also functions as an important employer within the local area. The proposal primarily supports the expansion of the existing secondary staff facilities within the site, designed to support and enhance the existing staffing facilities which act as an ancillary element of the care function of the site. Policies ECON1, ECON2 and DM22 support the provision and retention of employment uses within the district, although with caveats in relation to rural sites to ensure there is no harm to the rural character of the area.

In applying these various policies to Oakhaven Hospice, it is considered that the different elements of the proposed development would be acceptable in principle, given the established nature and character of the site. However, this is subject to a consideration of the impact of the development on the wider landscape (which is assessed in more detail below). Furthermore, it is noted that the site is situated within the defined Green Belt which offers a higher degree of protection in this regard, and this must therefore be considered separately.

### Green Belt

The site lies within the defined Green Belt. Policy ENV2 of the Local Plan stresses the importance of protecting Green Belt designated land against further encroachment of built form in order to protect the wider countryside and prevent sprawl of development into open areas of countryside.

Chapter 13 of the NPPF explores the relevant Green Belt protections and provisions in more detail, outlining the importance of restricting development within defined Green Belt areas, which have been identified for their long-term protection. Paragraphs 152-156 outline how proposals within a Green Belt should be considered and assessed. Specifically, it is noted that the normal presumption in favour of sustainable development should be applied differently within Green Belt designated land, where 'inappropriate development' is noted as being harmful to the Green Belt. Generally speaking, the construction of new buildings within the Green Belt is considered to be inappropriate development outside of certain specific exemptions, which include:

- A) Buildings for agriculture or forestry
- B) The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it
- C) The extension or alteration of a building provided it does not result in disproportionate additions over and above the size of the original building
- D) The replacement of a building provided the new building is in the same use and not materially larger than the one it replaces
- E) Limited infilling in villages
- F) Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites)
- G) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would:
  - Not have a greater impact on the openness of the Green Belt than the existing development
  - Not cause substantial harm to the openness of the Green Belt, where development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority

In terms of the current application, it is considered that c), d) and g) are the potentially relevant criteria.

With regard to exemption c) it is noted that the proposed redevelopment of the existing IPU building would see the replacement of an existing single-storey structure with a three-storey building with an increased footprint. It is not considered that the proposal could be considered to represent a minor extension to an existing building, indeed, it is considered that the significant size of the proposed building would go well beyond what would potentially be appropriate development on this ground - i.e. a proportionate extension to the original building. It is not considered that exemption c) would be relevant to the education building as it represents the demolition and construction of a new building rather than the extension or alteration of a new building.

With regard to exemption d), the existing outbuilding to be replaced is a smaller single-storey storage structure and the replacement education building is a much larger two-storey structure. It is considered that the replacement education building would be materially larger than the existing buildings and, as such, this exemption would not apply. The IPU building would replace an existing single-storey building with a new three-storey structure, which again would be materially larger.

With regard to exemption g), while the site does feature a number of separate buildings and previously extended building form, it is considered that the proposed development would still be substantial in scale and would have a greater impact on the visual openness of the site within the context of the Green Belt designation. On this basis, it is not considered that this exemption would apply.

With regard to the considerations laid out above, it is considered that the proposal would represent inappropriate development within the Green Belt. Paragraph 152 of the NPPF identifies that inappropriate development should not be approved 'except in very special circumstances'.

In this case, it is important to recognise that the existing hospice facility is a valuable community facility which provides an important care function within the local area for which there are limited alternative facilities. The extended 'IPU' building would provide additional staffing and care facilities as part of an increase in the existing facilities and function of the site, which is considered to be fully justified. Meanwhile, the proposed 'educational' building would provide additional on-site training capacity. Previous permissions on the site have allowed for training capacity elsewhere on the site, and the applicant has advised these services will be rationalised into the new building to allow for more flexible use elsewhere on site. The applicant has stressed the importance of providing a flexible on-site training service, given they need to provide a wider range of palliative care functions, including for staff based out of the site who offer care at home.

While the additional training facilities would fall somewhat outside of the original scope of the hospice function of the site, it is recognised that the site provides an important function within the local community and that it needs to be able to evolve to meet modern-day needs. The hospice needs to operate (increasingly) as part of a more holistic service providing a wider variety of functions outside of immediate primary care.

As such, the proposed development would be an important element in the continuation of the existing hospice use, which is recognised as a unique and essential facility within the local area. On this basis, it is considered that there do exist 'very special circumstances' which justify the development in terms of the specific nature of the existing use of the site and its continued operation. Therefore, the proposal is considered to be consistent with paragraphs 152-154 of the NPPF.

### Character and amenity

Policy ENV3 of the Local Plan seeks to ensure that new developments are of a high quality design and appropriate to the local context.

The site as a whole currently features a relatively open and verdant character. Policy ENV4 seeks to ensure that developments retain or enhance existing landscape features in order to protect green infrastructure within the district. The site has undergone a number of developments over the years and currently features a number of buildings within the north-eastern section of the site around a central open area, with the south-western side of the site and the Lower Pennington Lane frontage remaining primarily undeveloped. The proposal broadly continues

this trend, with the new two-storey building partially enclosing one side of the open courtyard area, while the three-storey IPU building would increase the overall massing and projection of development to the south.

The three-storey IPU building would represent an increase in the massing of development in this part of the site, given the existing building here is only single-storey in scale. Specifically, the existing building has an eaves height of 2.8m which is set between 7m and 11m off the boundary to the site to the east, rising to a maximum height of 5.4m set 10-15m off the boundary (increasing in set back towards the southern end of the building). In contrast, the new IPU building would have an eaves height of 6.85m with a similar proximity to the site boundary, with a maximum height of 10.25m, set 9.5m-14.5m off the boundary to the east. The built form of the proposed new IPU building would include twin gable ends to the north and south and would include a flat roofed section between the gables, in addition to a dormer and lift shaft element projecting from the roof form.

As such, the new IPU building would be greater in scale than existing buildings on the site and of a somewhat different design. However, on balance, and with reference to the policies outlined above, it is not considered that this would be harmful within the existing site context. The site already contains a mix of differing built forms and has been substantially developed from the original buildings on the plot. While the proposed IPU building would result in a substantial increase in massing, the building itself would remain set back from the boundaries of the site within a mature landscaped setting. As such, it is considered the building would integrate acceptably with existing buildings on site.

There is some visual screening of the main part of the site from the south by existing trees, but given the size of the buildings and the gap in screening to provide vehicular access to the parking area, there would be visibility of the new proposed structures from parts of the land to the south. The site is predominantly open to the east and the structures would be clearly visible from this aspect.

Consequently, the new IPU building would be visible from some viewpoints within the New Forest National Park which flanks the southern boundary of the site. However, the building would only be appreciated from a fairly limited range of viewpoints, and given that a predominantly verdant frontage onto the National Park would be retained, it is not felt the new IPU building, which would be viewed within a context of the other hospice buildings, would cause material harm to the special qualities of the New Forest National Park.

Overall, it is considered that the site is large enough to accommodate the proposed new IPU building, and that this part of the proposal would not have a harmful impact on the appearance of the site and its rural surroundings.

The new IPU building has been designed to limit the outlook there would be at first floor level and above on the eastern elevation to restrict potential overlooking of the neighbouring site. It is considered that this, combined with the set back, would be sufficient to mitigate potential concerns regarding overlooking. While the proposal would increase the massing of development, it is considered that the set back would be sufficient to ensure there would be no adverse impact on the amenities of adjacent development.

The proposed new two-storey education building would be lower than the new IPU building, and would integrate comfortably with the surrounding scale of development within the plot. The building has been designed with only high-level windows on its eastern elevation (without any direct outlook) and would primarily feature a blank elevation at two-storey level in close proximity to the site's boundary. The building

would be 5.9m high in immediate proximity to the boundary, rising to a height of 7.8m set back by an additional 1.4m. This would impact on the visual character of the site when viewed from the east, but the screening provided by the building would assist in maintaining the privacy of the hospice from this aspect. The impact on the existing adjacent nursery is considered to be relatively minor. As outlined above, the adjacent site is being considered for redevelopment. However, it is considered that the adjacent site is large enough that the proposed new education building would not be prejudicial to the development of the neighbouring plot, which retains capacity and sufficient set back to ensure a satisfactory visual relationship between the 2 sites.

Overall, subject to suitable conditions to control the materials and final appearance of the new buildings, it is not considered that the proposal would result in a harmful impact upon the character of the surrounding area or the amenities of neighbouring occupiers. While the proposed development would be visible in the context of the adjacent National Park landscape, it is considered that the proposal represents a good quality of design and would not be materially harmful to the special character and qualities of the National Park. With regard to the issues outlined above, it is considered that the proposal complies with the requirements outlined in Policies ENV3, ENV4, and DM22.

#### Highways and access

With regard to policies ECON1, DM22, ENV3 and CCC2, it is considered important that the site retains suitable transport capacity to meet the access needs of the proposed development.

The existing site has two separate accesses, one to the north serving solely the hospice with some associated parking. A separate access to the south provides access to both the hospice and existing nursery, with further associated parking for the hospice. The two accesses are not linked for vehicular traffic.

The applicant has provided a breakdown of the existing parking provision on the site, with an identified 90 spaces. As part of a proposed reconfiguration of the site associated with the development, the applicant is proposing to lose some spaces and re-provide elsewhere within the site to maintain the existing parking provision. The application form identifies 150 full time equivalent staff employed. The applicant has advised there are typically 55 staff and 11 volunteers working on-site at any given time (66 total), with levels fluctuating based on fundraising or educational events or externally based staff attending on-site meetings, with other staff being based off site. The Council does not have a defined parking standard for hospice uses, and it is accepted that the specific nature of the use is likely to result in a more bespoke site specific assessment of appropriate provision. It is noted that public access to the site by foot or public transport is poor, given the lack of a pedestrian footpath along Lower Pennington Lane and the position of the site outside of the defined built-up area without immediate proximity to a bus stop. It is therefore expected that the majority of visitors to the site will come by car.

The proposed development would provide an improvement in supporting services and facilities associated with the existing use, with a more limited intensification of the care use associated with the site. However, in terms of transportation impacts, the greatest additional impact / pressure on existing site capacity would likely be as a result of the provision of two dedicated 'teaching spaces' providing 2x20 seated rooms. It is considered that the addition of 40 additional vehicles attending the site would have the potential to cause issues given the existing parking capacity on site. In principle, though, it is considered that the hospice should be in a position to manage this impact given that training events will take place on an organised basis,

with an opportunity to control and manage how participants access the site. On this basis, a condition should be imposed to secure an appropriate management plan to control this aspect of the development.

A public footpath runs across the southern boundary of the site, and a condition is recommended to ensure that this access is retained and protected during any construction works.

Subject to the above considerations and recommended conditions, it is considered that the proposed development complies with the restrictions and criteria laid out in policies ECON1, DM22, ENV3 and CCC2.

### Trees

Policy ENV4 of the Local Plan seeks to protect landscape character and features. In this case, the site as a whole includes extensive tree cover. Specifically, there are a number of protected trees, mostly to the southern and northern sections of the site and along the western boundary fronting onto Lower Pennington Lane. With regard to the comments of the Council's Tree Officer, it is considered that the scheme of protection laid out by the applicant is sufficient to mitigate the potential harm to protected trees and, subject to a suitable condition, it is not considered that the proposed works would be harmful to the on-site trees. The proposal is therefore considered to be consistent with Policy ENV4 of the Local Plan.

### Ecology

It is noted that the application was submitted with a Biodiversity Net Gain metric which identified a net gain of 10.48%. Central government has introduced a mandatory biodiversity net gain requirement which requires developers to secure a 10% net gain for all applications submitted after 2<sup>nd</sup> April 2024. In the case of the current application, it was submitted prior to the specific mandatory requirement to comply with the net gain. As such, it is not considered reasonable to impose further conditions in this regard.

While the proposal does not trigger the mandatory Biodiversity Net Gain requirements, policies ENV3 and ENV4 seek to secure an integrated approach to ecological gain as part of wider features of development within sites to provide a balanced approach to development within the district. The application was submitted with a suite of other biodiversity enhancement measures which have been considered and accepted by the Council's Ecologist, and a condition is recommended to secure those elements.

## **Habitat Mitigation and off-site recreational impact**

### a) Recreational impact

An Appropriate Assessment has been undertaken as to whether granting permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of the Habitat Regulations and conservation objectives arising from recreational impacts on the European sites. The written justification to Policy ENV1 states that institutional care uses are not considered likely to generate recreational impacts on international nature conservation sites; consequently, no mitigation is sought in this respect.

## b) Air Quality

Following adoption of the Local Plan in July 2020 an air quality monitoring contribution is required by Policy ENV1, to be secured via S.106 or unilateral undertaking for residential development resulting in a net gain of self-contained accommodation. However, the proposal is not for self-contained accommodation and the written justification to Policy ENV1 states that institutional care uses are not considered likely to generate impacts on international nature conservation sites; consequently, no mitigation is sought in this respect.

## c) Nitrate neutrality and impact on Solent SAC and SPAs

The written justification to Policy ENV1 identifies that care uses may generate water quality impacts. In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been undertaken in such cases as to the impact of additional overnight accommodation on protected sites within the wider Solent area. Typically, if such an assessment finds there to be harm, a condition would be required to secure appropriate mitigation of this impact.

However, In this case, the applicant has presented an argument that the occupiers of the hospice are drawn from within the nutrient catchment area and that their existing residences would not typically be reoccupied during their stay within the hospice, resulting in no net gain in impact. The existing hospice use is unique within the context of the nearby area, and there is only a minor increase in bed space capacity within the context of the existing use. Natural England have been consulted on the proposal and have not identified a harmful impact associated with the use.

On the basis of the above, it is not considered that the proposal would have a harmful impact on designated sites in the Solent through additional nutrient impacts. As such, no mitigation is sought in this respect.

## **11 CONCLUSION / PLANNING BALANCE**

The site falls within the identified Green Belt which is protected both by national policy (Chapter 13 of the NPPF) and local plan policy (ENV2). For the reasons outlined above, it is considered that a set of very special circumstances do exist which justify what would otherwise be inappropriate development within the Green Belt.

The proposed development lies outside of the defined built-up area, but it is considered that the proposal would be beneficial in providing improved facilities for an important and unique care facility within the district, which is considered to be consistent with the Council's policies on community facilities within the district (STR8).

It is considered that the proposed development would integrate acceptably into the existing site and the wider surroundings and could be provided without adversely affecting residential amenities, highway safety, trees, ecological interests or the special qualities of the adjacent New Forest National Park. In these respects, the proposal would comply with policies ENV3, ENV4 and CCC2 of the Local Plan.

On the basis of the above, it is considered that subject to suitable conditions the proposal would comply with relevant local and national policies. As such, it is recommended that the application be granted subject to conditions.

## 13 RECOMMENDATION

### Grant Subject to Conditions

#### Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the following approved plans:

(Design & Access Statement) Dated: September 2023, Received: 08.11.23

Drg No: 6157-WLA-ZZ-XX-DR-A-0310 Rev B (Existing location and block plan) Dated: 08.11.23, Received: 08.11.23

Drg No: 6157-WLA-ZZ-XX-DR-A-0311 Rev B (Existing site plan) Dated: 08.11.23, Received: 08.11.23

Drg No: 6157-WLA-ZZ-XX-DR-A-0510 Rev B (Proposed location and block plan) Dated: 08.11.23, Received: 08.11.23

Drg No: 6157-WLA-ZZ-XX-DR-A-0511 Rev B (Proposed site plan) Dated: 08.11.23, Received: 08.11.23

Drg No: 6157-WLA-B1-XX-DR-A-0731 Rev C (Proposed elevation - Education building East) Dated: 09.01.24, Received: 17.01.24

Drg No: 6157-WLA-02-XX-DR-A-0722 Rev A (Proposed roof plan - Education building) Dated: 30.10.23, Received: 08.11.23

Drg No: 6157-WLA-B1-XX-DR-A-0730 (Proposed elevation - Education building North) Received: 08.11.23

Drg No: 6157-WLA-B1-XX-DR-A-0732 Rev A (Proposed elevation - Education building South) Dated: 30.10.23, Received: 08.11.23

Drg No: 6157-WLA-B1-XX-DR-A-0733 Rev A (Proposed elevation - Education building West) Dated: 30.10.23, Received: 08.11.23

Drg No: 15228-6 (Tree protection plan) Received: 08.11.23

Drg No: 6157-WLA-IP-GF-DR-A-0420 Rev A (Existing floor plan and elevation) Received: 08.11.23

Drg No: 6157-WLA-IP-GF-DR-A-0520 Rev A (Proposed ground floor plan - IPU building) Received: 08.11.23

Drg No: 6157-WLA-IP-01-DR-A-0521 Rev A (Proposed first floor plan - IPU building) Received: 08.11.23

Drg No: 6157-WLA-ZZ-02-DR-A-0522 Rev A (Proposed second floor plan - IPU building) Received: 08.11.23

Drg No: 6157-WLA-ZZ-03-DR-A-0523 Rev A (Proposed roof plan - IPU building) Received: 08.11.23

Drg No: 6157-WLA-ZZ-00-DR-A-0530 Rev A (Proposed elevation - IPU building North) Received: 08.11.23

Drg No: 6157-WLA-ZZ-00-DR-A-0531 Rev A (Proposed elevation - IPU building East) Received: 08.11.23

Drg No: 6157-WLA-ZZ-00-DR-A-0532 Rev A (Proposed elevation - IPU building South) Received: 08.11.23



Drg No: 6157-WLA-ZZ-00-DR-A-0533 Rev A (Proposed elevation - IPU building West) Received: 08.11.23  
 Drg No: 6157-WLA-ZZ-00-DR-A-0534 Rev A (Proposed wide elevations) Received: 08.11.23  
 Drg No: 6157-WLA-ZZ-00-DR-A-0540 Rev A (Sectional drawing - IPU building) Received: 08.11.23  
 Drg No: 6157-WLA-ZZ-00-DR-A-0541 Rev A (Sectional drawing - IPU building) Received: 08.11.23  
 Drg No: 6157-WLA-IP-GF-DR-A-0620 Rev A (Existing floor plans and elevations) Received: 08.11.23  
 Drg No: 6157-WLA-02-XX-DR-A-0720 (Proposed ground floor plan - Education building) Received: 08.11.23  
 Drg No: 6157-WLA-02-XX-DR-A-0721 (Proposed first floor plan - Education building) Received: 08.11.23  
 Drg No: 6157-WLA-B1-XX-DR-A-0740 (Sections - Education building) Received: 08.11.23  
 Drg No: 200 (Drainage) Received: 08.11.23  
 Drg No: 15228-AIA-051023-LF (Arboricultural Impact Appraisal and Method Statement) Dated: 05.10.23, Received: 08.11.23  
 (Ecology and biodiversity net gain assessment (BNGA) report) Dated: 13.09.23, Received: 08.11.23  
 Drg No: 6157-WLA-ZZ-XX-DR-A-0312 (Existing and proposed parking layout) Received: 17.01.24

Reason: To ensure satisfactory provision of the development.

3. No development hereby permitted shall commence until a Construction Traffic Management Plan, to include details of number of construction vehicles visiting the site; provision to be made for contractors' parking, construction traffic access, the turning of delivery vehicles and lorry routing, as well as provisions for removing mud from vehicles and a programme or works have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development hereby permitted commences and retained and complied with throughout the duration of construction.

Reason: In the interest of highways safety.

4. Before development commences above damp proof course level, samples of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the development within the surrounding rural context and adjacent National Park.

5. Prior to the occupation of the education building hereby approved, a site specific transport management plan shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall include a management strategy in relation to transport associated with the use of the staff training element of the proposed use and shall include details of on-site staff and visitor management on training days and procedures to encourage car sharing. The development shall thereafter operate in full accordance with the approved details.

Reason: To ensure that the proposal does not prove harmful to the amenity of the surrounding area and surrounding occupiers in terms of disruptive vehicle parking.

6. The development hereby permitted shall not be occupied until the spaces shown on Drg No. 6157-WLA-ZZ-XX-DR-A-0312 for the parking of motor vehicles have been provided. These spaces shall thereafter be retained for their intended purpose at all times.

Reason: To ensure adequate parking provision is provided.

7. No vehicles, machinery, equipment, materials, spoil, skips, scaffolding or anything else associated with the works, use or operation of the development shall be left on or adjacent to Lymington and Pennington Footpath 82 as to cause obstruction, hindrance or hazard to its legitimate users.

Reason: To ensure the public right of way is maintained during development.

8. The development shall be implemented in accordance with the details outlined in section 5 of the 'Ecology & Biodiversity Net Gain Assessment (BNGA) Report' (dated 13.09.2023) unless otherwise first agreed in writing with the Local Planning Authority; and the biodiversity enhancements described in Paragraph 5.12 of the BNGA Report shall be provided before the extended IPU building is first occupied.

Reason: To safeguard biodiversity and protected species in the interests of the wider character and amenity of the site and surrounding area.

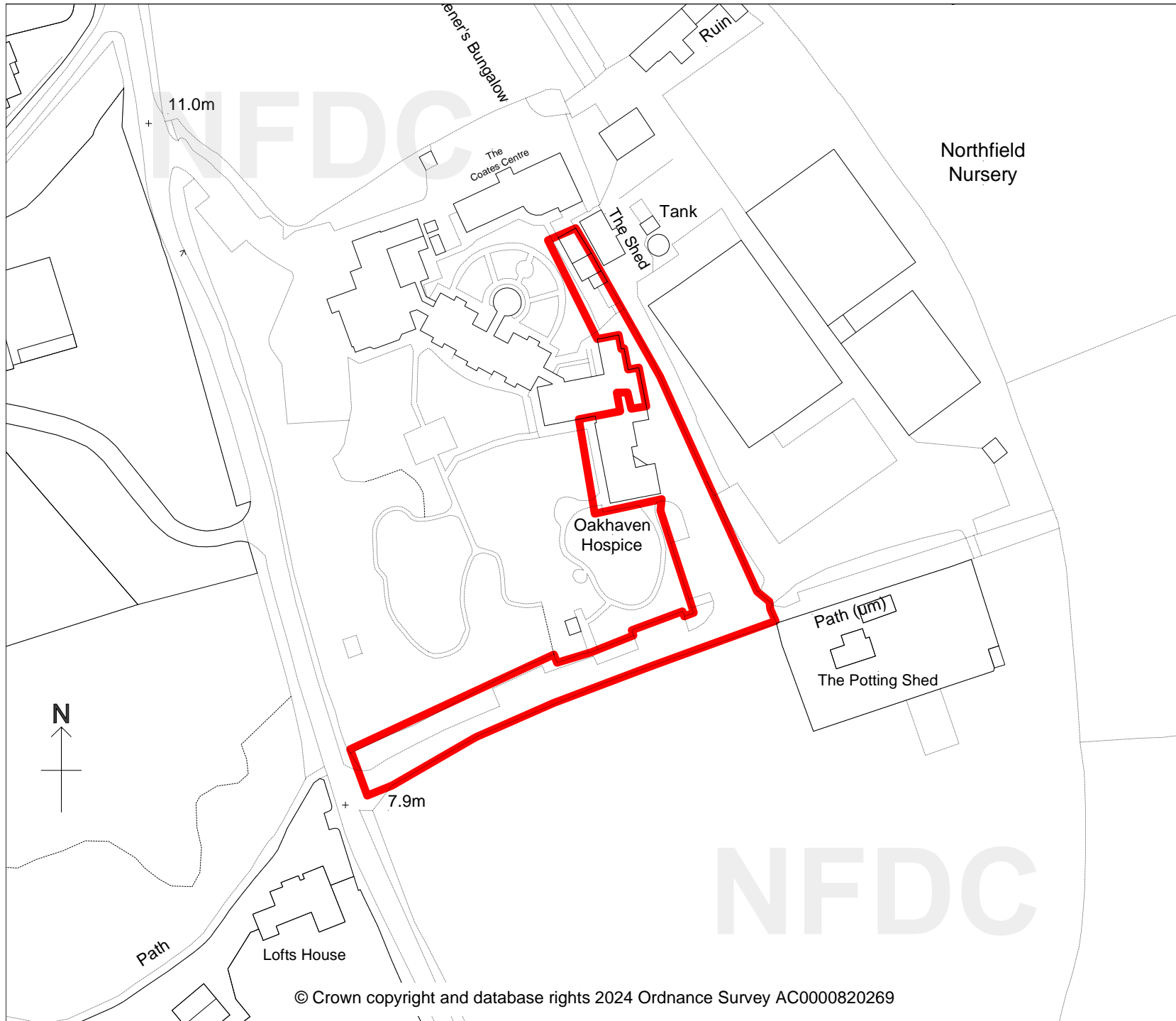
9. The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the measures set out in the submitted Arboricultural Impact Assessment and Method Statement (dated 05.10.23) reference 15228-AIA-051023-LF and Tree Protection Plan 15228-6.

Reason: To safeguard trees and natural features which are important to the visual amenities of the area.

**Further Information:**

John Fanning

Telephone: 023 8028 5962



**New Forest**  
DISTRICT COUNCIL

Tel: 023 8028 5000  
www.newforest.gov.uk

Mark Wyatt  
Service Manager  
Development Management  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

**PLANNING COMMITTEE**

**June 2024**

Oakhaven Hospice  
Lower Pennington Lane  
Penington  
23/11094

Scale 1:1363

N.B. If printing this plan from the internet, it will not be to scale.

This page is intentionally left blank

Planning Committee 12 June 2024

**Application Number:** 23/10037 Full Planning Permission  
**Site:** AVON FARM, RINGWOOD ROAD, AVON, SOPLEY  
BH23 7BQ  
**Development:** Conversion of West Range Barn to single dwelling and The  
Stable to Annex associated with the function of the main  
Farmhouse Building; External alterations to replace existing  
windows and doors  
**Applicant:** Messers Bath  
**Agent:** Evans & Traves LLP  
**Target Date:** 21/04/2023  
**Case Officer:** Jessica Cooke  
**Officer Recommendation:** Grant Subject to Conditions  
**Reason for Referral  
to Committee:** Contrary to Policy DM20

---

## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of Development
- 2) Impact on the Green Belt
- 3) Design, site layout and impact on local character and appearance of area
- 4) Listed Buildings and Heritage
- 5) Highway Safety
- 6) Residential amenity
- 7) Impacts on Ecology
- 8) Air Quality
- 9) Habitat Mitigation

## 2 SITE DESCRIPTION

The application site relates to an attractive group of outbuildings associated with Avon Farm, and occupies a prominent location situated along the main road between Sopley and Ringwood. This complex of buildings including Avon Farmhouse are arranged around a rectangular courtyard, sitting alongside the main road. The buildings are individually and curtilage Grade II listed buildings and comprise the principle farmhouse, which is divided into two elements, one of which is being rented out as a dwelling known as 'Dairy House'. The outbuildings are currently in ancillary use to the farmhouse, including workshop, domestic storage and office use. A large garden area serving the farmhouse lies to the west, with the River Avon just beyond.

Historically, the buildings were used for agricultural activities, but the farming use ceased many years ago. There are two accesses into the site from main road, and car parking is currently provided within the existing courtyard.

The site lies within a rural context. A terrace of 5 cottages lie to the north of the site, and there are some scattered dwellings in the locality. Directly opposite the site are agricultural buildings and fields currently. The site lies within the countryside and designated Green Belt. To the west of the application site, within 200m, is the River Avon Special Protection Area and Ramsar site, and the River Avon SAC. The application is also within 200m of the River Avon System (Bickton to Christchurch) SSSI.

### 3 PROPOSED DEVELOPMENT

The proposal seeks to convert the West Range Barn to a single dwelling. In addition, the existing stable is proposed to be converted to an annexe associated with the main farmhouse building. Internal and external alterations are proposed to replace existing windows.

This application is effectively a resubmission of application 18/11595 which the Council approved on 24 January 2020. However, this was not implemented and the permission expired. There is a separate associated application for Listed Building Consent.

### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
23/10037 Conversion of West Range Barn to single dwelling and The Stable to Annex associated with the function of the main Farm House Building; internal Alterations; external alterations to replace existing windows and doors (renewal of planning permission ref: 18/11595)			Under consideration
20/10617 Emergency repair works to rebuild wall and remedial works to the Dairy House (Application for Listed Building Consent)	02/03/2021	Granted Subject to Conditions	Decided
18/11595 Conversion of West Range Barn to single dwelling and The Stable to Annex associated with the function of the main Farm House Building. External alterations to replace existing windows and doors	24/01/2020	Granted Subject to Conditions	Decided
18/11596 Conversion of West Range Barn to single dwelling and The Stable to Annex associated with the function of the main Farm House Building; Internal alterations; External alterations to replace existing windows and doors (Application for Listed Building Consent)	24/01/2020	Granted Subject to Conditions	Decided
18/10155 Re-build north-west elevation of The Coach House Barn (Application for Listed Building Consent)	19/03/2018	Granted Subject to Conditions	Decided

### 5 PLANNING POLICY AND GUIDANCE

#### Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites

Policy ENV2: The South West Hampshire Green Belt  
Policy ENV3: Design quality and local distinctiveness  
Policy HOU1: Housing type, size, tenure and choice  
Policy IMPL1: Developer Contributions  
Policy IMPL2: Development standards  
Policy STR1: Achieving Sustainable Development  
Policy STR5: Meeting our housing needs  
Policy IMPL1: Developer Contributions  
Policy IMPL2: Development standards

#### **Local Plan Part 2: Sites and Development Management 2014**

DM1: Heritage and Conservation  
DM20: Residential development in the countryside

#### **Supplementary Planning Guidance And Documents**

SPD - Air Quality in New Development. Adopted June 2022  
SPD - Parking Standards

#### **Relevant Advice**

NPPF 2023

#### **Constraints**

Listed Building Grade: Grade II

#### **Plan Policy Designations**

Green Belt  
Countryside

### **6 PARISH COUNCIL COMMENTS**

**Sopley Parish Council:** happy to accept a decision under delegated officer powers.

### **7 COUNCILLOR COMMENTS**

No comments received.

### **8 CONSULTEE COMMENTS**

#### **Environment Agency**

Comment only - initially raised an objection and withdrew their objection following the submission of a Flood Risk Assessment.

#### **NFDC Ecologist**

Comment only - no objection.

#### **NFDC Conservation Officer**

Comment only - no objection subject to conditions.

### **9 REPRESENTATIONS RECEIVED**

No representations received.

## 10 PLANNING ASSESSMENT

### Principle of Development

The site lies outside any established settlement boundary and within a sensitive area of open countryside designated as part of the South West Hampshire Green Belt. Policies STR1 and STR3 of the Local Plan seek to protect such areas from inappropriate and harmful development.

Local Plan Part 2 Policy DM20 states that residential development in the countryside will only be permitted where it is for a replacement dwelling, affordable housing or an agricultural worker's dwelling. The policy goes on to state that in all cases, development should be of an appropriate design, scale and appearance, in keeping with the rural character of the area.

In assessing the proposal against this policy, the proposal is not a replacement dwelling, nor is it for an agricultural worker or for affordable housing. On this basis, this proposal for a new dwelling in the countryside does not accord with policy. While there is nothing in the policy which specifically relates to the conversion of existing buildings into new separate residential uses, it is clear that the proposal for new residential development in the countryside is only in accordance with policy DM20 if it is a replacement dwelling, or for affordable housing or an agricultural worker - which this proposal is not.

Paragraph 84 of the NPPF however, acknowledges a set of circumstances whereby isolated homes in the countryside may be acceptable. Part b) allows for the development whereby it represents the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets. Part c) then sets out that a development that would "re-use redundant or disused buildings and enhance its immediate setting" can be acceptable. As such the conversion of the building could be acceptable under the terms of the NPPF. This assessment is carried out further below.

### 5 year Housing Land Supply

In light of the recently published NPPF (December 2023), planning applications registered before 19 December 2023 remain subject to the policies of the previous NPPF in relation to the requirement to demonstrate a five-year housing land supply.

NFDC cannot currently demonstrate a five-year supply of deliverable housing land. In such circumstances, para. 11d of the NPPF indicates that the 'tilted balance' is engaged, whereby the presumption in favour of sustainable development is to be applied. In such circumstances even greater weight should be afforded in the overall planning balance to the provision of new housing when weighed against any identified harm.

The remainder of the report will consider the proposal against the policies of the development plan and consider all other material considerations. The report concludes with a balancing exercise being undertaken and consideration of the benefits of the scheme against any identified harm as required by paragraph 11d) of the NPPF.

### The South West Hampshire Green Belt

Guidance in relation to development within the Green Belt is contained within Chapter 13 of the NPPF, the advice of which is broadly echoed within Policy ENV2 of the Local Plan Part 1 which attaches great importance to protecting the Green



Belt. NPPF Paragraph 142 advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the essential characteristics of Green Belts being their openness and permanence.

The application site lies outside of the defined built-up area and within the Green Belt where NPPF Paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except if it can be demonstrated that very special circumstances exist (paragraph 154 of the NPPF). National policy further requires local planning authorities to ensure substantial weight is given to any harm to the Green Belt.

However, NPPF Paragraph 155 sets out other forms of development which are not inappropriate within the Green Belt provided they preserve openness. Para 155 subparagraph (d) includes the re-use of buildings provided that the buildings are of permanent and substantial construction. In this instance, the proposal comprises the re-use of existing permanent buildings within the Green Belt which are considered to be of substantial construction and capable of conversion. As such, the proposal is not considered to constitute inappropriate development.

The proposal is therefore considered to comply with Local Plan Part 1 Policies ENV2: The South West Hampshire Green Belt, STR1 Achieving Sustainable Development and NPPF Paragraphs 152-156. In summary, the strong emphasis of government policy to encourage new housing through the conversion of existing buildings (NPPF para 157) and the general need for new housing, weighs materially in favour of the proposal.

#### Design, site layout and impact on local character and appearance of area and impact on Listed Buildings

S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the LPA to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Local Plan Part 2 Policy DM1 states that development proposals should conserve and seek to enhance the historic environment and heritage assets, with particular regard to local character, setting, management and the historic significance and context of heritage assets. This includes a balancing exercise between impact on Heritage Assets against public benefits which is also referred to in the National Planning Policy Framework (NPPF) 2023.

Local Plan Policy ENV3 (Design quality and local distinctiveness) is relevant to this application and requires that all development should achieve high quality design that contributes positively to local distinctiveness, quality of life and enhances the character and identity of the locality. In particular, development should be:

- Functional: well connected to surrounding uses, and logically laid out so that different elements work well together in a manner that is safe to access, easy to navigate, convenient to use and that makes effective use of both developed land and open spaces;
- Appropriate: sympathetic to its environment and context, respecting and enhancing local distinctiveness, character and identity; and
- Attractive: visually appealing and enjoyable to be in.

NPPF Chapter 16 relates to conserving and enhancing the historic environment. Para 203 sets out that in determining applications, LPAs should take account of the desirability of sustaining and enhancing the significance of the heritage asset. Para

205 states that in considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm or loss of the significance of the heritage asset should require clear and convincing justification (Para 206).

The proposal (alongside the related application for Listed Building Consent) is effectively a resubmission of applications 18/11595 and 18/11596 (Listed Building Consent) which were approved in 2020 but lapsed as they were not implemented in time. The proposal remains the same as the previously approved scheme and the principle of converting the West Range Barn to a new dwelling and converting the stable building to an annexe is acceptable in light of these decisions. In reaching the previous decisions to approve the proposal, the Council's Conservation Officer found that the proposal would equate to less than substantial harm to the Listed Buildings and their setting because the creation of a new dwelling on the site would result in the 'breaking up' of Heritage Assets, and the subdivision of the outbuilding would erode the existing group setting of a farmhouse and its ancillary buildings. In accordance with paragraph 208 of the NPPF, this less than substantial harm to a heritage asset therefore needs to be weighed against the public benefits of the proposal.

In the previously approved applications, a balancing exercise took place in relation to the proposal securing the repair and renovation of the Cob building, which is a Building at Risk within the existing garden of the farmhouse. It was stated the proposed conversion would be tantamount to 'enabling development' and would accord with the criteria set out under Paragraph 84 (b) of the NPPF, which states that 'decisions should avoid the development of isolated homes in the countryside' unless it accords with the criteria of the subparagraphs, including that the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets. It was subsequently considered that this would provide an overriding benefit in respect of the long term interests of the heritage assets. The proposal remains as submitted previously and therefore this benefit is applicable to the current scheme. In addition, there would be material benefits in that the redundant Listed Buildings would be brought back into viable use and the alterations to the Listed Buildings would include some sensitive and beneficial works (as described in more detail in the assessment of the related application for Listed Building Consent). The benefits of the proposal as a whole, are therefore considered to outweigh the less than substantial harm identified by the Conservation Officer in the previous proposal. Importantly, the Conservation Officer was consulted on the current application and raised no objection to the proposal.

With regard to the above planning assessment and the proposal remaining the same as the previously approved scheme, it is concluded that the proposed conversion of the Listed Buildings to a dwelling and annexe has been designed sympathetically by virtue of the design, positioning and orientation on the plot. The proposed development is not considered to be out of keeping with the context or the streetscene and the proposed use would, through the re-use of the vacant buildings, also enhance the setting of the buildings. The proposal is considered to accord with Policy DM, Policy ENV3 and the NPPF.

#### Highway safety, access and parking

The proposal would retain the existing access into the site and therefore Hampshire County Council's Standing Advice applies. The site benefits from a large internal courtyard serving both the proposed new dwelling and the converted annexe building.

The proposal comprises one 3no. bedroom new dwelling and one 2no. bedroom annexe. NFDC Parking Standards require 2.5 spaces per 3-bedroom dwelling and 2 spaces per 2-bedroom dwelling. The grounds of Avon Farm and the internal courtyard provide a number of parking spaces for the existing and proposed residential accommodation and sufficient turning space is provided on the plot. As such, the proposal raises no concerns in respect of parking.

One additional dwelling would not create significant traffic generation and any additional vehicular movements would be readily absorbed into the existing highway network.

In terms of cycle storage, a store is proposed within The Barn for use by the West Range Barn and a store for the annexe is proposed in the eastern former stables, which both provide sufficient space to store the requisite cycles in accordance with the NFDC Parking Standards SPD.

As such, the proposal is considered to have no adverse impacts upon highway safety.

### Residential amenity

The application site is currently in residential use, and the proposed conversion to an annexe and 1no. new dwelling would be a modest provision of housing, and it would not be expected that the proposal would result in an unacceptable increase in noise and activity levels associated within residential accommodation.

The level of accommodation and room sizes proposed is acceptable and all habitable rooms have access to natural light and the proposal is therefore acceptable in terms of impacts on the amenities of future occupiers.

As such, the proposal would have no adverse impacts upon neighbouring properties in respect of noise, light, visual intrusion and privacy due to the orientation, positioning of the buildings on the plot and the level of separation from neighbouring residential properties.

### Ecology and On Site Biodiversity and protected species

As of 2nd April 2024, developers must deliver achievement of Biodiversity Net Gain (BNG) on 'smaller' sites such as this as a requirement of planning permission. However, as the application was submitted before this date, the requirement for BNG is not legally mandatory in this instance.

The Council's Ecologist was consulted on the application and raised concerns that the submitted surveys were out of date. A subsequent ecological impact assessment by KP Ecology was submitted by the applicant and the West Range Barn was identified as supporting summer day roosts for Serotine, Soprano Pipistrelle and Common Pipistrelle bats. The Council is required to consider the likelihood of a licence being granted by Natural England. The three derogation tests are:

- The activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
- There must be no satisfactory alternative; and
- Favourable conservation status of the species must be maintained.

In relation to the first two derogation points, the overriding public benefits of the proposal relate to the conservation of the Cob building, which is the Building at Risk and the conservation of the heritage assets which are to be converted, and there is

not considered to be a satisfactory alternative to enable these works. The Council's Ecologist advised the third test of maintaining a favourable conservation status is achievable.

A planning condition is recommended accordingly to secure the works as set out in the submitted Ecological Impact Assessment and the provision of ecological enhancements and their future retention.

### Habitat Mitigation

#### a) Recreational Impacts

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest European sites, in view of those sites' conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that such adverse impacts would be avoided if the applicant were to enter into a Section 106 legal agreement to secure a habitat mitigation contribution in accordance with the Council's Mitigation Strategy. This contribution was secured by Legal Agreement dated 4 April 2024 and a subsequent Deed of Variation was completed 13 May 2024.

#### b) Air quality monitoring

Since July 2020 the Council is required to ensure that impacts on international nature conservation sites are adequately mitigated in respect of traffic-related nitrogen air pollution (including NOx, nitrogen deposition and ammonia). Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring. A financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes), managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site. This contribution was secured by Legal Agreement dated 4 April 2024 and a subsequent Deed of Variation was completed 13 May 2024.

#### c) Phosphate neutrality and impact on River Avon SAC

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment was carried out as to whether granting planning permission would adversely affect the integrity of the River Avon European sites, in view of those sites' conservation objectives, having regard to phosphorous levels in the River Avon. However, Natural England has drawn attention to the fact that the submitted Appropriate Assessments (AA) rely on the delivery of the phosphate neutrality measures set out in the River Avon SAC – Phosphate Neutral Development Plan Interim Delivery Plan (Wood Environment & Infrastructure Solutions UK Limited – January 2019). The Interim Delivery Plan set out mitigation measures for new development up to the end of March 2020, and thereafter relied on the delivery of the Wessex Water River Avon Outcome Delivery Incentive (ODI), if fully in place. Natural England's view is that, as the initial Interim Delivery Plan period has now concluded, the submitted AAs should not simply be rolled forward, at least without a valid evidence-based justification that provides the

required reasonable certainty for phosphate neutrality. They also note that circumstances are different from those of when the Interim Delivery Plan was first agreed because of external developments in caselaw, notably the Dutch case (Joined Cases C-293/17 and C-294/17 Coöperatie Mobilisatie for the Environment UA and Others v College van gedeputeerde staten van Limburg and Others).

With regard to current proposals, Natural England agrees with the competent authority that the plan or project for new residential development, without mitigation, has a likely significant effect on the River Avon Special Area of Conservation (SAC). The site is also listed as a Ramsar site and notified at a national level as the River Avon System and River Avon Valley Sites of Special Scientific Interest (SSSIs). Listed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Natural England considers that impacts of phosphates on the Ramsar interest features are likely to be similar to the impacts on the SAC. As the Council cannot now rely on the Interim Delivery Plan to address phosphate levels in the River Avon, there needs to be a mitigation project to provide this development with a phosphate budget that will enable the development's phosphate impact to be offset. Such a project has now been secured and a Grampian style condition can be imposed that will secure the appropriate level of phosphate mitigation.

#### Air Quality Statement

In response to the requirements of the recently adopted 'Air Quality Assessments in New Development Supplementary Planning Document 2022, the applicant has provided information explaining the measures that they will take to reduce the potential adverse impact new development can have upon air quality, thereby lessening the negative effects upon health and wellbeing. These will be:

- No installation of solid fuel (wood or coal) domestic appliances or open fires to be provided in the proposed dwelling
- Installation of electric vehicle charging point in each property. To be free standing in the courtyard
- Domestic heating systems to be by way of an air source heat pump and solar thermal and solar pv system.

In relation to the last mitigation measure, Listed Building Consent may be required for these measures.

#### Developer Contributions

As part of the development, the following will/has been secured via a Section 106 agreement:

- Uplift in fees from application ref. 18/11595 for:
  - Habitat Mitigation (infrastructure)
  - Habitat Mitigation (non infrastructure)
  - Air Quality

As part of the development, subject to any relief being granted the following amount Community Infrastructure Levy will be payable:

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	157	157	0	0	£80/sqm	£0.00 *
Dwelling houses	130	130	0	0	£80/sqm	£0.00 *

Subtotal:	£0.00
Relief:	£0.00
Total Payable:	£0.00

## 11 CONCLUSION & PLANNING BALANCE

Planning Committee Members will be aware that Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determination of planning applications:

*'If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'*

As set out earlier in this report, NPPF paragraph 11 clarifies the presumption in favour of sustainable development.

Paragraph 11(c) states for decision making this means approving development proposals that accord with an up-to-date development plan without delay. The lack of a demonstrable five-year land supply, however, means that the titled balance in NPPF paragraph 11(d) is engaged for this application.

In conclusion, the application is effectively a resubmission of the previously approved 18/11595 planning application, and the relevant Habitat Mitigation contributions will be secured by legal agreement prior to a decision being issued.

Special regard has been be paid to the desirability of preserving the setting of the Listed Building as set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In accordance with paragraph 207 of the NPPF, the proposal equates to less than substantial harm whereby the public benefits are to be weighed against this harm.

In balancing out the benefits and harm of the proposal, it would provide social and economic benefits including employment for construction workers and increased spending in local shops. The proposal would provide an additional dwelling, although a very modest contribution to the Councils land supply. Most importantly, the proposal would secure the long term use / future of the historic buildings and would secure the repair and renovation of the Cob building, which is a Building at Risk within the existing garden of the farmhouse. The proposal would result in a new dwelling within the countryside which is contrary to Policy DM20. However, national policy is broadly supportive of the sustainable reuse of existing buildings within the countryside, particularly where there are clear heritage benefits.

In accordance with paragraph 11(d) of the NPPF the benefits of the proposal have been weighed against the identified harm. It is considered that the proposal would be of significant benefit in that the redundant Listed Buildings would be brought back

into use, thus securing the long term viable future of the heritage assets. In addition, the inclusion of the repair and renovation works to the small Cob outbuilding which is a Building at Risk, provides a considerable heritage benefit, which together outweigh the less than substantial harm to the significance of the Heritage Assets and therefore a policy exception is acceptable in this case. As such, the recommendation is one of permission.

## 12 RECOMMENDATION

### Grant Subject to Conditions

#### Proposed Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the following approved plans:

- Planning Design and Access Statement
- Heritage Statement by Forum Heritage Services
- Addendum to FHS Heritage Statement
- Ecology Report by KP Ecology (July 2019)
- Air Quality Statement
- Flood Risk Assessment
- Ecological Impact Assessment (EclA)
- 2016-28-11 Location Plan
- 2016-28-12 Block Plan
- 2016-28-13 Existing Site Plan
- 2016-28-14 REV A Existing Ground Floor Plan
- 2016-28-15 Existing First Floor Plan
- 2016-28-16 REV A Existing Courtyard Elevations
- 2016-28-17 Existing Elevations
- 2016-28-18 REV D Proposed Site Plan
- 2016-28-19 REV C Ground Floor Plan as Proposed
- 2016-28-20 REV B Proposed First Floor Plan
- 2016-28-21 REV B Proposed Courtyard Elevations
- 2016-28-22 REV C Proposed Elevations

Reason: To ensure satisfactory provision of the development.

3. The building hereby approved identified as 'The Stables' shall only be used in conjunction with the existing accommodation as an extended family unit ancillary to the use of Avon Farm House as a single dwelling house and at no time shall this building be used or occupied as a separate independent dwelling.

Reason: To provide the Local Planning Authority with the opportunity to properly assess the planning implications of subdivision of the property and whether it would be harmful to the amenities of the area and significance of the Heritage Assets.

4. Prior to the construction works on the 'West Range' building hereby approved, a schedule of works to repair and renovate the Cob building annotated on the 2016-28-18 REV D Proposed Site Plan, shall be submitted to and approved in writing by the Local Planning Authority. The approved repair and renovation works to the Cob building shall be completed and implemented in full, prior to the commencement of works to the West Range building.

Reason: To protect the character and architectural interest of the Listed Building in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

5. The development hereby approved shall be undertaken in strict accordance with the Ecological Report by KP Ecology (dated 2 July 2019) and Ecological Impact Assessment (EclA) (dated 27 June 2023) submitted with planning application 23/10037 unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To safeguard protected species in accordance with Policies ENV3, ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and Policies DM1, DM2 and DW-E12 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

6. The development hereby approved shall not be occupied unless
- A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the local planning authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter;
  - proposals for the mitigation or offsetting of the impact of phosphorus arising from the development on the River Avon Special Area of Conservation (SAC), including mechanisms to secure the timely implementation of the proposed approach, have been submitted to and approved in writing by the local planning authority. Such proposals must:
    - (a) Provide for mitigation in accordance with the Council's Phosphorus Mitigation Strategy (or any amendment to or replacement for this document in force at the time), or for other mitigation which achieves a phosphorous neutral impact from the development;



- (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing monitoring of any such proposals which form part of the proposed mitigation measures.

The development shall be carried out in accordance with and subject to the approved proposals.

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the River Avon Special Area of Conservation (SAC) (adding, when it is in place and as applicable), in accordance with the Council's Phosphorus Mitigation Strategy / the Avon Nutrient Management Plan.

7. Before the commencement of development, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) the details of the boundary wall to include its materials, design, appearance and detailing;
- b) the details of the post and rail fence;
- c) a sample panel of brickwork showing the brick, bond, mortar and joint details for the boundary wall hereby approved, which shall be made available on site for the inspection and approval of the Local Planning Authority.

Development shall only take place in accordance with those details that have been approved.

Reason: To protect the character and architectural interest of the Listed Building in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

**Further Information:**

Jessica Cooke

Telephone: 023 8028 5909



# New Forest DISTRICT COUNCIL

Tel: 023 8028 5000  
www.newforest.gov.uk

Mark Wyatt  
Service Manager  
Development Management  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

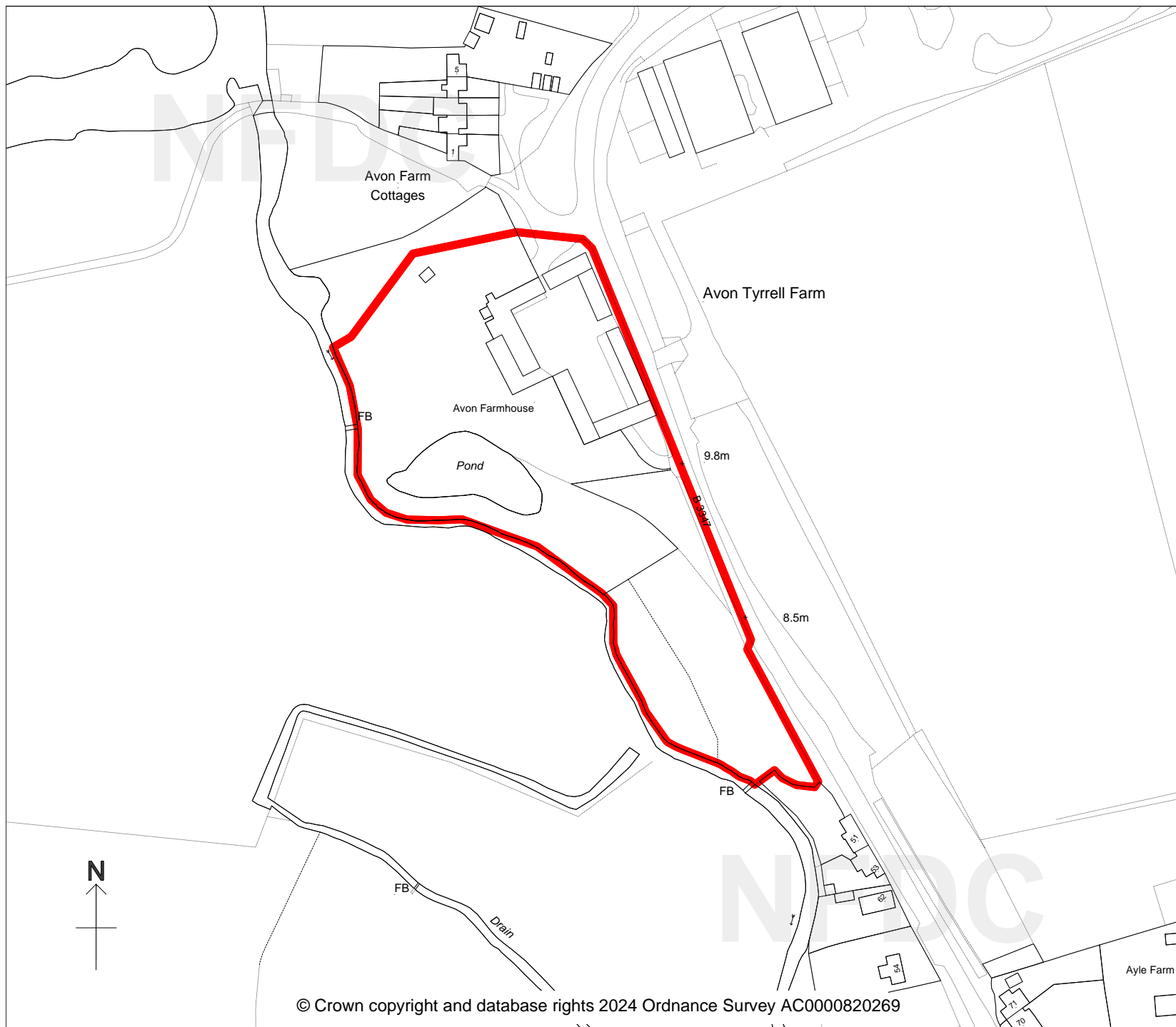
## PLANNING COMMITTEE

June 2024

Avon Farm  
Ringwood Road  
Avon  
23/10037 and 23/10038

Scale 1:2000

N.B. If printing this plan from  
the internet, it will not be to  
scale.



Planning Committee 12 June 2024

**Application Number:** 23/10038 Listed Building Alteration

**Site:** AVON FARM, RINGWOOD ROAD, AVON, SOPLEY  
BH23 7BQ

**Development:** Conversion of West Range Barn to single dwelling and The Stable to Annex associated with the function of the main Farmhouse Building; Internal Alterations; External alterations to replace existing windows and doors  
(Application for Listed Building Consent)

**Applicant:** Messers Bath

**Agent:** Evans & Traves LLP

**Target Date:** 21/04/2023

**Case Officer:** Jessica Cooke

**Officer Recommendation:** Grant Subject to Conditions

**Reason for Referral to Committee:** Contrary to Policy DM20

---

## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Impact on the Listed Buildings

## 2 SITE DESCRIPTION

The application site relates to an attractive group of outbuildings associated with Avon Farm, and occupies a prominent location situated along the main road between Sopley and Ringwood. This complex of buildings including Avon Farmhouse are arranged around a rectangular courtyard, sitting alongside the main road. The buildings are individually and curtilage Grade II listed buildings and comprise the principle farmhouse, which is divided into two elements, one of which is being rented out as a dwelling known as 'Dairy House'. The outbuildings are currently in ancillary use to the farmhouse, including workshop, domestic storage and office use. A large garden area serving the farmhouse lies to the west, with the River Avon just beyond.

Historically, the buildings were used for agricultural activities, but the farming use ceased many years ago. There are two accesses into the site from the main road, and car parking is currently provided within the existing courtyard.

The site lies within a rural context. A terrace of 5 cottages lie to the north of the site and there are some scattered dwellings in the locality. Directly opposite the site are agricultural buildings and fields currently. The site lies within the countryside and designated Green Belt. To the west of the application site, within 200m, is the River Avon Special Protection Area and Ramsar site, and the River Avon SAC. The application is also within 200m of the River Avon System (Bickton to Christchurch) SSSI.

### 3 PROPOSED DEVELOPMENT

The proposal for Listed Building Consent seeks to convert the West Range Barn to a single dwelling. In addition, the existing stable is proposed to be converted to an annexe associated with the main Farm House Building. Internal and external alterations are proposed to replace existing windows.

This application is effectively a resubmission of application 18/11596 which the Council approved on 24 January 2020. However, this was not implemented and the consent expired. A separate related planning application has also been submitted in association with this application for Listed Building Consent.

### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
23/10037 Conversion of West Range Barn to single dwelling and The Stable to Annex associated with the function of the main Farm House Building; internal Alterations; external alterations to replace existing windows and doors (renewal of planning permission ref: 18/11595)			Application registered
20/10617 Emergency repair works to rebuild wall and remedial works to the Dairy House (Application for Listed Building Consent)	02/03/2021	Granted Subject to Conditions	Decided
18/11595 Conversion of West Range Barn to single dwelling and The Stable to Annex associated with the function of the main Farm House Building. External alterations to replace existing windows and doors	24/01/2020	Granted Subject to Conditions	Decided
18/11596 Conversion of West Range Barn to single dwelling and The Stable to Annex associated with the function of the main Farm House Building; Internal alterations; External alterations to replace existing windows and doors (Application for Listed Building Consent)	24/01/2020	Granted Subject to Conditions	Decided
18/10155 Re-build north-west elevation of The Coach House Barn (Application for Listed Building Consent)	19/03/2018	Granted Subject to Conditions	Decided

### 5 PLANNING POLICY AND GUIDANCE

#### **Local Plan 2016-2036 Part 1: Planning Strategy**

Policy ENV2: The South West Hampshire Green Belt

Policy ENV3: Design quality and local distinctiveness

#### **Local Plan Part 2: Sites and Development Management 2014**

DM1: Heritage and Conservation

DM20: Residential development in the countryside

#### **Relevant Advice**

Chap 12: Achieving well designed places

NPPF Ch.13 - Protecting Green Belt land

NPPF Ch.16 - Conserving and enhancing the historic environment

**Relevant Constraints**

Listed Building Grade: Grade II

**Plan Policy Designations**

Green Belt  
Countryside

**6 PARISH / TOWN COUNCIL COMMENTS**

**Sopley Parish Council:**

Happy to accept a decision under delegated officer powers.

**7 COUNCILLOR COMMENTS**

No comments received.

**8 CONSULTEE COMMENTS**

**NFDC Conservation Officer**

Comment only - no objection subject to conditions.

**9 REPRESENTATIONS RECEIVED**

No representations received.

**10 PLANNING ASSESSMENT**

The main considerations relating to the application are the historic character, fabric, significance and integrity of the listed building.

S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the LPA to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

NPPF Chapter 16 relates to conserving and enhancing the historic environment. Para 203 sets out that in determining applications, LPAs should take account of the desirability of sustaining and enhancing the significance of the heritage asset. Para 205 states that in considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm or loss of the significance of the heritage asset should require clear and convincing justification (Para 208).

This proposal and the associated application for planning permission is effectively a resubmission of applications 18/11595 and 18/11596 which were approved in 2020 but lapsed as they were not implemented in time. The proposal remains the same as the previously approved scheme, and the principle of the proposal is therefore acceptable.

The application is accompanied by a Heritage Statement. Avon Farmhouse is a Grade II Listed Building and associated Stables and West Range barn are both individually Listed Buildings in their own right. Accordingly, all buildings within the courtyard are Grade II listed and are all designated heritage assets. The significance of the buildings derive from their architectural and historic interest.

The applicant considers that the proposal to convert the two buildings would accord with Paragraph 203 of the NPPF which requires Local Planning Authorities to take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses. In particular, it is stated that there have been several unsympathetic alterations to the 'West Range' building, including modern ceilings, first floors and staircases, and the proposal would re-introduce the historic features.

The proposed conversion of the 'West Range' would be contained at ground floor level and would result in the removal of stud walls, a first floor, a staircase and ceilings. As such, the conversion would reveal the historic features of this former agricultural barn internally, by opening the full height space to expose the roof. In addition, the proposal would not create any new openings externally. It is considered that this would be a significant benefit to the heritage asset.

The conversion of the 'Stables' building would be contained on the ground floor, and it would function as ancillary accommodation which can be tied to the main dwelling. It was previously considered by the Conservation Officer that the conversion of the building to a domestic use would be harmful in principle, but the internal and external works would be at the lower level of harm.

In respect of the previous application, the Conservation Officer took the view that the creation of a new dwelling on the site, would result in the 'breaking up' of Heritage Assets. In particular, the Conservation Officer considered that Avon Farmhouse and its outbuildings, form a coherent historic group and, as such, the subdivision of the outbuilding would erode the existing group setting of a farmhouse and its ancillary buildings. It was concluded that the proposal would result in less than substantial harm, whereby in accordance with paragraph 208 of the NPPF, the public benefits are to be weighed against the harm.

In considering the scheme's benefits, the proposal would secure the important long term use of the Listed Buildings, and the proposed alterations to the buildings would be largely sensitive and sympathetic. An additional benefit (to be secured through the associated planning permission) would be the repair and renovation of the Cob building in the rear garden, which is a Building at Risk within the application site. As such, the proposal can, in part, be viewed as an 'enabling development' and would accord with the criteria set out under Paragraph 84 of the NPPF, which indicates that new dwellings in the countryside should be avoided, unless (among other things) it would be appropriate enabling development to secure the future of heritage assets. As a whole, it is considered that the scheme's benefits would be significant. Importantly, the Council's Conservation Officer has been consulted on the application and has raised no objection to the proposal.

## **11 CONCLUSION / PLANNING BALANCE**

In summary, the proposed works would result in a degree of harm to the heritage assets, which would be less than substantial, but there would also be notable heritage benefits. In balancing out the benefits against the harm, the redundant Listed Buildings would be brought back into use, securing their long term viable future, which would be a significant benefit, as would the proposed works to the West Range barn that would restore much of the building's historic character. Securing (through the associated planning application) the repair and renovation works to the small Cob outbuilding which is a Building at Risk would also provide considerable heritage benefit. Together, it is considered these benefits would outweigh the less than substantial harm to the significance of the Heritage Assets, and the proposal would therefore comply with the guidance set out in the NPPF. The

Council's Conservation Officer is satisfied with the proposal, and that the balance should be to grant the proposal.

As such, the recommendation is one for approval of Listed Building Consent.

## 12 RECOMMENDATION

### GRANT LISTED BUILDING CONSENT

#### Proposed Conditions:

1. The works hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason: To comply with Section 18 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
  
2. Before works commence, the following details shall be submitted to and approved in writing by the Local Planning Authority:
  - a) Large scale elevations and section joinery details for all windows, openings stable and barn doors, eaves, verge, barge boards, guttering;
  - b) Large scale sections and elevations of the metal conservation rooflights shown in situ. All new roof lights shall be of a slim metal construction as shown on the approved plans and shall be fitted so that, when closed, their outer surfaces are flush with the plane of the surrounding roof covering;
  - c) Large scale elevations and sections of the large glazed opening to the 'west Range' building;
  - d) Large scale drawings and details of all kitchen, bathroom and utility room extractions, and all external service pipe/runs;
  - e) Samples and drawings of all external flues ducts and vents;
  - f) Typical large scale sections of all new internal partitions showing fixing methods;
  - g) Details and drawings showing the heating unit proposed for the barns;
  - h) Large scale details of the proposed floor construction and materials to be used;
  - i) Large scale details of the internal finished, door blocking, partitions and proposed insulation;
  - j) Details of all other service upgrades to the buildings;
  - k) Details of bat box arrangements and fixing;
  - l) Details of all external fixing as set out in Condition 5.

Works shall only take place in accordance with those details which have been approved.

Reason: To protect the character and architectural interest of the Listed Building in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

3. No works authorised by this consent shall take place until a programme of building recording and analysis has been undertaken and that programme shall accord with a Level 3 record (English Heritage 2006) and that record has been submitted to the Local Planning Authority for agreement in writing. The drawn component of the record should show individual components of the timber framing as well as studs and rafters. A written scheme for the recording shall be submitted to and approved in writing by the Local Planning Authority prior to the recording commencing.

Reason: To ensure that the listed buildings' special significance is recorded prior to change of use and to reflect the requirements of Chapter 16 of the NPPF.

4. Any repairs or re pointing of brick work shall be undertaken using bricks and lime mortar to match the existing colour, texture, finish and bond of adjacent work, and any replacement bricks shall be of matching size.

Reason: To protect the character and architectural interest of the Listed Building in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

5. No external fixing (including flues, alarm boxes, satellite dishes, vents and extract equipment) other than those that have been approved shall be attached to the external walls and roof of the buildings hereby approved without the prior written consent of the Local Planning Authority.

Reason: To protect the character and architectural interest of the Listed Building in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

6. All existing useable tiles and facing bricks shall be reused, and any new tiles and bricks shall match the existing colour, size and texture, unless otherwise approved by the Local Planning Authority.

Reason: To protect the character and architectural interest of the Listed Building in accordance with Policy DM1 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

**Further Information:**

Jessica Cooke

Telephone: 023 8028 5909





# New Forest DISTRICT COUNCIL

Tel: 023 8028 5000  
www.newforest.gov.uk

Mark Wyatt  
Service Manager  
Development Management  
New Forest District Council  
Appletree Court  
Lyndhurst  
SO43 7PA

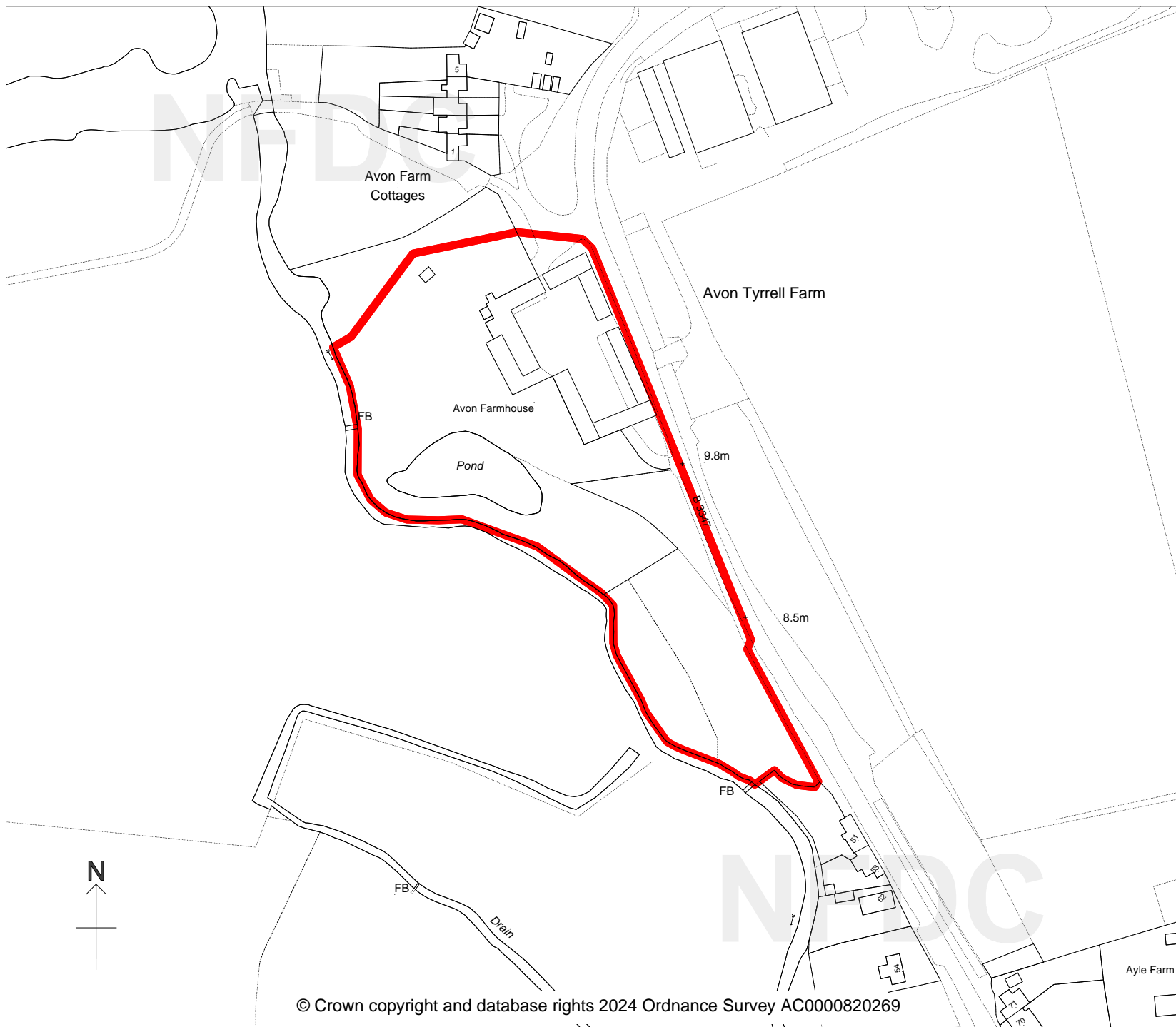
## PLANNING COMMITTEE

June 2024

Avon Farm  
Ringwood Road  
Avon  
23/10037 and 23/10038

Scale 1:2000

N.B. If printing this plan from  
the internet, it will not be to  
scale.



This page is intentionally left blank