

# NOTICE OF MEETING

**Meeting:** PLANNING COMMITTEE

**Date and Time:** WEDNESDAY, 15 JANUARY 2025 AT 9.00 AM

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

**Enquiries to:** Email: [karen.wardle@nfdc.gov.uk](mailto:karen.wardle@nfdc.gov.uk)  
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## **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  
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# AGENDA

**NOTE: The Planning Committee will break for lunch around 1.00 p.m.**

## **Apologies**

### **1. MINUTES**

To confirm the minutes of the meeting held on 13 December 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) **Land Rear of Waltons Avenue, Holbury, Fawley SO45 2LU (Application 24/10656) (Pages 5 - 18)**

Variation of condition 2 (approved plans) of planning permission 22/11140 to allow change in design, including dwellings being closer together, and the addition of a flat porch over the front doors and bin and cycle storage details

**RECOMMENDED:**

Grant the variation of condition

(b) **Scaffolding Yard, The Old Brickyard, Salisbury Road, Ower, Copythorne SO51 6AN (Application 24/10792) (Pages 19 - 28)**

Scaffolding racking unit (Retrospective)

**RECOMMENDED:**

Grant subject to conditions

(c) **The Barn (opposite Lansdowne House), Midgham Road, Fordingbridge SP6 3BX (Application 24/10670) (Pages 29 - 46)**

Change of use of agricultural barn to a dwelling including fenestration alterations; demolition of existing pole barn and part demolition of stables

**RECOMMENDED:**

Refuse

- (d) **Site of Former Police Station Road, Lymington SO41 9GH (Application 24/10953) (Pages 47 - 52)**

Erection of Site Hoarding (Application for Advertisement Consent)

**RECOMMENDED:**

Grant advertisement consent

- (e) **New House, Market Place and 1-3 Strides Lane, Ringwood BH24 1ER (Application 23/10821) (Pages 53 - 68)**

Roof extension to accommodate x2no. flats; change of use of part of existing first floor and second floor from office to residential use; extension to existing building at 1 to 3 Strides Lane to accommodate 1 dwelling with parking court and landscaping

**RECOMMENDED:**

Refuse

- (f) **Barn at The Old Stores, Scats Lane, Sandleheath SP6 1PL (Application 24/10820) (Pages 69 - 82)**

Change use from agricultural barn to holiday let accommodation; associated external alterations; parking

**RECOMMENDED:**

Delegated Authority be given to the Service Manager Development Management to **GRANT PERMISSION** subject to the completion of a planning obligation entered into by way of a Section 106 Agreement to secure the matters set out in the report and the imposition of conditions.

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

**4. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT**

**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  
Matthew Hartmann  
David Hawkins

**Councillors:**

Dave Penny  
Joe Reilly  
Janet Richards  
John Sleep  
Malcolm Wade  
Phil Woods

Planning Committee 15 January 2025

**Application Number:** 24/10656 Variation / Removal of Condition  
**Site:** LAND REAR OF WALTONS AVENUE, HOLBURY, FAWLEY  
SO45 2LU  
**Development:** Variation of condition 2 (approved plans) of planning permission 22/11140 to allow change in design, including dwellings being closer together, and the addition of a flat porch over the front doors and bin and cycle storage details.  
**Applicant:** MR VASS  
**Agent:** MT Planning  
**Target Date:** 07/10/2024  
**Case Officer:** John Fanning  
**Officer Recommendation:** Grant Subject to Conditions  
**Reason for Referral to Committee:** Town Council contrary view

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Site history
- 2) Principle of development
- 3) Access, parking and safety
- 4) Amenity
- 5) Ecology
- 6) Drainage
- 7) Contamination
- 8) Mitigation

## 2 SITE DESCRIPTION

The site lies within the defined built-up area of Holbury. The site previously consisted of an area of open land situated to the rear of properties off Holbury Drove, Long Lane and Waltons Avenue. Following the granting of planning permission for a development of 8 houses in 2023, the site has now been redeveloped for residential purposes, albeit not in accordance with the approved plans. The site is located within the Fawley Major Hazard 'Middle' Consultation Zone.

## 3 PROPOSED DEVELOPMENT

The application seeks the variation of condition 2 (plan numbers) of a previous planning permission for the formation of 8 single-storey dwellings (4x detached 3-bed units and 4x semi-detached 2-bed units). The proposed properties would be served by a shared communal parking area to the front of the dwellings, which is proposed to incorporate landscaping and communal refuse and cycle storage facilities. The properties would be accessed off Waltons Avenue.

The submitted application, which is partially retrospective, seeks to regularise the existing development that has been brought forward on the site. As constructed, the buildings on the site have not been built in accordance with the previously approved details, and the current application seeks planning permission for the layout and design of dwellings as constructed, along with associated amendments to the wider layout.

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description
23/10823 Amend condition 2 of 22/11140 to allow a larger footprint to all x8 no. units and fenestration alterations	02/10/2023	Granted Subject to Conditions
22/11140 Erection of 8 new residential units; access and parking (demolition of number 18 Waltons Avenue to facilitate access)	17/07/2023	Granted Subject to Conditions
20/10105 Demolition of 18 Waltons Avenue to create access to land at rear for development of 5 dwellings	29/04/2021	Granted Subject to Conditions

#### 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 ENV3: Design quality and local distinctiveness  
 Policy ENV4: Landscape character and quality  
 Policy HOU1: Housing type, size, tenure and choice  
 Policy IMPL1: Developer Contributions  
 Policy IMPL2: Development standards  
 Policy STR1: Achieving Sustainable Development  
 Policy STR3: The strategy for locating new development  
 Policy STR4: The settlement hierarchy  
 Policy STR5: Meeting our housing needs

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

DM2: Nature conservation, biodiversity and geodiversity

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

SPD - Air Quality in New Development. Adopted June 2022  
 SPD - Mitigation Strategy for European Sites  
 SPD - Parking Standards  
 Technical Guidance Note on Waste Management Facilities in New Residential Development, dated February 2022

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

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

#### 6 PARISH / TOWN COUNCIL COMMENTS

**Fawley Parish Council:** Recommend refusal.

We recommend refusal as the parish council considers this proposal will impinge on the enjoyment of the back gardens on the abutting houses in Waltons Avenue. We are unhappy with the current design and query the amount of room available for the turning circle of vehicles. We also query the size of the two parking bays that, if

drawn to scale, indicate parking for very small vehicles, perhaps mobility scooters. Concern has also previously been raised that arrangements do not provide access to rear gardens, with the gap between properties not being sufficient to provide access to a bike store.

## **7 COUNCILLOR COMMENTS**

No comments received

## **8 CONSULTEE COMMENTS**

### **Health and Safety Executive**

No objection

### **Environmental Health (Contamination)**

Recommend a condition in relation to unsuspected contamination.

### **HCC Highway Authority:**

No objection

## **9 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received:

The application has had a number of iterations of plans. Initially the application received 5 representations in support and 1 representation against the proposed development.

For: 5

- No overlooking impact
- Improve security of neighbouring properties
- Provides needed dwellings within the area
- Improve appearance of site

Against: 1

- Development raises ground level of application site
- No barriers in place to prevent vehicles crashing into/damaging boundary treatments
- Lack of supporting ecology enhancement
- Lighting on properties would be harmful to neighbouring occupiers

Following the submission of amended plans, a further 3 representations opposed to the application were received (of which 1 had previously written in support).

Against: 3

- Concern about the amenity impact on neighbouring occupiers associated with the position of the refuse store, particularly in respect of odour nuisance

## **10 PLANNING ASSESSMENT**

### Site history

Planning permission was originally granted for the redevelopment of the site under planning application reference 20/10105. The application granted permission for the erection of 5x two-storey dwellings with a centrally positioned access area and 3 dwellings situated to the eastern end of the site and 2 dwellings situated to the western end of the site. The application incorporated the demolition of an existing

dwelling (18 Waltons Avenue) in order to facilitate the formation of the access off Waltons Avenue. This application was granted planning permission in April 2021. Following this, a further, very different application was submitted under planning application reference 22/11140. This application sought planning permission for the formation of 8 single-storey dwellings (4x detached 3-bed units and 4x semi-detached 2-bed units). The layout and form of this development was similar to the current proposal, with dual pitch roof forms with gables to the front and rear and the properties forming a row fronting onto a parking area to the southern part of the site. This application was considered by the Council's Planning Committee in June 2023, with delegation given to grant permission subject to a suitable legal agreement being secured. Planning permission was subsequently granted in July 2023.

Following this application, a further variation of condition application was submitted under application reference 23/10823. This application sought to amend the form of the buildings to partially increase the scale of the proposed buildings:

<b>22/11140</b>	Detached	Semi-detached pair
Height	4.8m	5.6m
Eaves	2.3m	2.3m
Depth	10.7m	10.7m
Width	6.6m	11.2m

<b>23/10823</b>	Detached	Semi-detached pair
Height	4.95m	5.7m
Eaves	2.3m	2.3m
Depth	11.8m	11.7m
Width	7.1m	11.8m

Planning permission was granted for the proposal in October 2023.+ At this stage, development commenced on site. However, unfortunately during the construction process, it became apparent that the actual constraints of the site did not allow for the construction of the layout previously approved, and the dwellings were duly constructed not in accordance with either of the previously approved schemes. Most notably, the previously approved schemes included sufficient gaps between the dwellings to allow pedestrian access between the properties to the rear gardens (where refuse and cycle storage was located). With the scheme as built and as now proposed, these gaps (between side walls) have been materially narrowed to around 0.7m (and even less than this for the gap between eaves), thereby compromising appropriate external pedestrian access to rear garden areas.

The buildings on the current application have the following dimensions:

<b>24/10656</b>	Detached	Semi-detached pair
Height	4.95m	5.35m
Eaves	2.3m	2.3m
Depth	11.8m	11.7m
Width	7.1m	10.5m

### Principle of development

The application site is within the built-up area of Holbury, where the principle of providing additional dwellings is in accordance with Policies STR3, STR4 and STR5 of the Local Plan.



In this case, the application is made under Section 73 of the Town and Country Planning Act 1990, which makes provision for applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission is granted.

Specifically, the application seeks to vary condition 2 of the previously approved planning permission 22/11140, substituting the approved plans under that application with a new set of plans that would amend the form and layout of the development. The proposals effectively seek to regularise the development as constructed.

In considering a Section 73 planning application, Section 73(2) identifies that the Local Planning Authority shall consider only the question of conditions subject to which the planning permission should be granted and:

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

On the basis of the above, the key consideration is the impact the amendments would have on the design of the development and how it integrates with its context and the surrounding area.

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

Policy ENV3 of the Local Plan requires all development to achieve high quality design that contributes positively to local distinctiveness and quality of life. Development should enhance the character and identity of the locality by creating buildings, streets, places and spaces that function well, which are appropriate to their context and which are visually attractive.

In this case, the application site is relatively well screened within the wider street scene but would be visible from the proposed access and from the rear of the surrounding properties off Waltons Avenue, Long Lane and Holbury Drive. The general form and layout of the site would remain similar to the previously approved developments in that a line of 8 single-storey dwellings would continue to front onto an open area of hardstanding for parking and access. The scale and massing of the dwellings would also remain similar to the previously approved schemes, and the materials of the proposed dwellings would reflect the previously discharged conditions under application 22/11140 and 23/10823.

While the number of dwellings and their single-storey form would not change, the reduction in spacing between the properties does result in some change to the visual appearance of the development. The narrowing of the gaps between the properties produces a more continuous built frontage across this backland site, resulting in a visual conglomeration of the built form and a less spacious development overall. However, the gabled roof forms do serve to visually delineate each property, helping to break up and mitigate the more continuous nature of the built frontage.

Overall, while the proposal does result in a less visually spacious form of development compared to the previous schemes on the plot, it is considered that there would be appropriate visual breaks within the built form, and the appearance of smaller single-storey dwellings, appropriate to the context, would be maintained. On balance, with regard to the provisions of Policy ENV3, it is not considered that the proposal would have a harmful impact on the wider character and appearance of the surrounding area and would integrate acceptably with the surrounding built form.

#### Access, parking and safety

In accordance with Policy CCC2 and the Council's Parking Standards for Residential and Non-Residential Development SPD, a 3-bed dwelling has a recommended on-plot parking provision of 2.5 spaces or 1.9 spaces in a shared parking arrangement. A 2-bed dwelling had a recommended on-plot parking provision of 2 spaces or 1.5 spaces in a shared parking arrangement. The development consists of 4x 3-bed units and 4x 2-bed units, which would result in a recommended provision of 18 allocated spaces or 13.6 communal spaces.

The previous layout of the site incorporated 22 parking spaces (2 to the front of each unit and 6 spaces across the south-eastern edge of the site). The changes to the layout of the site have reduced the gaps between the buildings, typically resulting in gaps of around 0.7m between dwellings. It is not considered that this is sufficient to reasonably allow access for refuse and cycle storage to the rear of the dwellings, meaning that this needs to be accommodated within the frontage of the site. The proposal has now been submitted with a parking arrangement consisting of a communal parking layout incorporating 19 parking spaces (of which 3 are specifically identified as visitor parking), which is still in excess of the parking requirements as set out in the SPD. Refuse and cycle storage is now proposed forward of the dwellings in communal purpose-built structures along the south-eastern boundary, adjacent to the rear of properties fronting onto Waltons Avenue.

Given there is not considered to be sufficient gaps to secure refuse and cycle storage to the rear of the site and balancing this against the visual impact of storing refuse bins on the site frontage, a communal approach has been proposed. In accordance with Table 2 in section 3.2 of the Council's 'Waste management facilities in new residential development' Technical Guidance Note, it is considered that the proposed structures would accommodate the necessary refuse storage for the development while integrating acceptably with the overall layout and the surrounding context.

Consideration has been given to the need for a refuse vehicle to manoeuvre within the site. The Highway Authority were consulted on the application and have confirmed they do not object to the proposed arrangement and vehicle tracking for a refuse vehicle. They are therefore satisfied that refuse vehicles can enter and leave the site in a forward gear.

The Council's Parking Standards SPD recommends 3 secure long-stay cycle storage spaces per 3-bed unit and 2 spaces per 2-bed unit. This results in a recommended minimum provision of 20 cycle storage spaces. In this case, 10 hoops, providing 20 spaces, are proposed in a dedicated communal bike store structure within the area to the front of the dwellings. It is considered that the proposal provides suitable secure and accessible cycle storage facilities for the proposed development.

With regard to the details outlined above, it is considered that the proposal provides sufficient refuse and cycle storage to address the needs of the proposed development. While the use of a communal arrangement would typically serve flatted developments, in this case taking into account the circumstances of the application site, it is considered that the proposed communal cycle and refuse stores provide for the needs of the occupiers while minimising the visual impact across the site. The proposed timber structures are relatively small scale, with limited visibility outside of the application site. Some additional planting has also been secured as part of the proposed rearrangement of the site to improve the overall landscaping of the site as a whole.

It is noted that the site lies within Fawley Major Hazard Consultation Zone. No objection has been raised by the Health and Safety Executive, and the density for the development remains in line with the previous permissions on the site.

With regard to the provisions of policies CCC2 and ENV3, it is considered that the development provides suitable access and parking for the dwellings proposed. It is considered that the scale and design of the proposed refuse and cycle storage structures is visually appropriate, and the site retains suitable parking, sustainable transport options and manoeuvring capacity to address the needs of the development without impacting on highway safety.

### Amenity

Policy ENV3 requires development to avoid unacceptable effects by reason of visual intrusion or overbearing impact, overlooking, shading, noise and light pollution or other adverse impacts on local character or residential amenity.

In most respects, the scheme's relationship to neighbouring properties remains similar to what was previously approved. The dwellings are single-storey and the roof forms reduce down in height to the closest boundaries to the north-east and south-west.

The proposal must also provide sufficient amenity for the proposed occupiers of the host dwellings. The centrally positioned bedrooms would have restricted outlook into boundary treatments and to the flank of neighbouring properties. However, the arrangement with neighbouring properties remains broadly similar to the previously permitted layout and is considered acceptable in terms of the levels of amenity afforded to future occupants.

The amended site layout does place the proposed communal refuse and cycle stores to the south-eastern boundary, immediately adjacent to the rear boundary of properties fronting Waltons Avenue, and third party comments have raised an objection to this location. While this would result in some increase in activity along this boundary, it is not considered that the activity would be unusual within the context of the surrounding residential environment. The structures would be enclosed, which should mitigate any associated noise and odours, and activity would be away (about 9-12 metres distant) from the main dwellings. It is recognised that the structures do abut rear garden boundaries, but given the structures would be relatively low in height and enclosed, it is not considered that they would result in a visually harmful or overbearing form of development, or reduce the enjoyment of neighbouring gardens to an unacceptable degree.

A concern has been raised that site levels have been increased. Whilst in places, this does appear to have been the case, it is considered this increase is minor and not of a scale that is materially harmful to the amenities of neighbouring properties. A concern has also been raised about the need for barriers to prevent cars crashing

into boundary fences. Such barriers are not considered necessary or justified in this context, where this is reasonable space for vehicles to manoeuvre safely. For the reasons outlined above and with particular reference to policy ENV3(ii), it is considered that the proposal would maintain the acceptable amenity impacts associated with the previously permitted development.

### Ecology

Since the previous grant of permission, a mandatory requirement to secure biodiversity net gain has been introduced. However, with regard to the Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024, there is an exemption for variation of conditions applications where the original permission was made or granted prior to 12.02.2024. In this case, the original permission was granted on 17.07.2023 and, as such, the development would be exempt from the requirement to achieve mandatory biodiversity net gain.

Notwithstanding the above, Policy DM2 of the Local Plan does encourage the incorporation of biodiversity enhancement measures and the previous permissions imposed a condition encouraging the incorporation of such features within the development. A similar condition is recommended in accordance with the previously approved details on the current application.

### Drainage

Policy ENV3 of the Local Plan requires new development to incorporate design measures that improve resource efficiency and climate change resilience such as the use of Sustainable Drainage Systems.

In this case, it is noted that previous permissions on the site incorporated conditions to secure details of drainage systems and soakaways. The site has partially been implemented in accordance with the agreed details (with the soakaways to the rear having been implemented, while the drainage solutions to the frontage of the site have not been fully implemented given the need to amend the layout and landscape details). The proposed hard surfacing utilises permeable materials as part of the surface water management on the site.

Taking into account the current circumstances of the site, it is considered that the existing details are sufficient to manage drainage on the site, and it is not considered that further conditions are necessary in this regard. The proposal remains compliant with Policy ENV3 of the Local Plan in this respect.

### Contamination

A condition in the event of the discovery of unexpected contamination during construction works has been recommended by the Council's Environmental Health team. While the main part of the development is complete, some further landscaping and ground works remain to be implemented on site, and the condition should therefore be reimposed in accordance with Policy CCC1 of the Local Plan.

### Mitigation

#### **Habitats Mitigation**

Under the requirements of the Habitats Regulations and Policy ENV1 of the Local Plan, the Council has a duty to ensure that the development proposed in its Plan does not have an adverse effect on the integrity of any European nature conservation designations. The Habitats Regulations Assessment of the Local Plan

identified potentially harmful recreational impacts arising from new residential development on both the New Forest European Sites and the Solent Coastal European Sites.

The Habitats Regulations Assessment of the Local Plan Parts 1 & 2 concludes that significant effects on both the New Forest and the Solent and Southampton Water SPA/SAC/Ramsar nature conservation designations associated with recreational impacts from the planned residential development cannot be ruled out.

A precautionary approach is appropriate in line with the requirements of the Habitats Regulations until the evidence base is refined. The HRA concludes that mitigation is therefore required for all additional housing development within the Plan Area.

In this case, the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the integrity of European sites, having regard to their conservation objectives but the adverse impacts would be avoided by securing proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect.

Such mitigation has already been secured in connection with the extant planning application (22/11140) by a Section 106 legal agreement, dated 17.07.2023. The existing legal agreement includes a provision that the provisions of the Section 106 are carried forward to subsequent Section 73 applications. In this respect, the amended proposal has already secured appropriate habitats mitigation and air quality monitoring mitigation. An Appropriate Assessment has been carried out to reflect this position, with it being concluded that the development would not adversely affect the integrity of European sites.

### **Nitrate neutrality and impact on the Solent SPA and SACs**

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 which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of those site's conservation objectives, having regard to nitrate levels in the River Solent catchment.

The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied.

In accordance with the Council Position Statement agreed on 4th September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development.

A Grampian style condition has been recommended to secure this mitigation prior to the occupation of the development, which will ensure the development complies with the relevant policies.

## Developer Contributions

As part of the development, the following has been secured via a Section 106 agreement or unilateral undertaking:

- Infrastructure contribution of £37,778
- Non-infrastructure contribution of £5,631
- Bird Aware Solent contribution of £5,253
- Air quality monitoring contribution of £721

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	551	83	468	468	£80/sqm	£51,120.00 *

Subtotal:	£51,120.00
Relief:	£0.00
Total Payable:	£51,120.00
	<i>*The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the RICS CIL Index (<a href="https://www.rics.org/uk/products/data-products/rics-community-infrastructure-levy-index/">https://www.rics.org/uk/products/data-products/rics-community-infrastructure-levy-index/</a>) and is:</i>
	<i>Net additional new build floor space (A) x CIL Rate (R) x Inflation Index (I)</i>

## **11 CONCLUSION / PLANNING BALANCE**

With regard to Policies STR5 and HOU1, it is considered that the proposal makes a contribution to the wider housing demand within the district and the application site is situated within an accessible location within the Council's defined built-up area where local policies encourage such proposals to be focused. Planning permission has previously been granted for a similar form of development on the site, with the current application having been submitted on a partially retrospective basis to regularise the as-built development, which has not been built out in compliance with the previously agreed details.

The key alterations relate to amendments to the form and layout of the buildings on the site, along with associated changes to the landscaping and parking arrangements. With regard to policies ENV3 and ENV4, in terms of the amendments to the buildings, it is considered that the proposal would not have a harmful impact on the character or appearance of the surrounding area or have a harmful impact on the amenities of neighbouring properties. It is considered that some improvements have been made to the proposed landscaping by the incorporation of additional planting.

In line with Policy CCC2 and the provisions of the Council's Parking Standards SPD 'Waste management facilities in new residential development' Technical Guidance Note, given that access to the rear is no longer considered achievable, alternative refuse and cycle store arrangements have been proposed as part of the current

application. These are considered to provide for the amenities of the proposed occupiers without causing harm to the wider character of the site or the amenities of neighbouring occupiers.

It is noted that a number of conditions originally imposed on the planning permission sought to manage the impacts of the development during construction. Given the partially retrospective nature of the development, it is not considered necessary to reimpose this wider suite of conditions.

With regard to Policy IMPL1, it is noted that a legal agreement was previously entered into as part of application 22/11140 which incorporated provisions that would carry through to subsequent variation of condition applications. This is considered to address wider mitigation requirements of the development on sensitive habitats within the New Forest and Solent area.

On balance, therefore, taking into account the factors outlined above, it is considered that the impacts of the amended development can be acceptably mitigated through the use of conditions. As such, the application is recommended for conditional approval.

## **12 RECOMMENDATION**

### **GRANT the VARIATION of CONDITION**

#### **Proposed Conditions:**

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

Drg No: MT/1547/62 (Bike storage)  
Drg No: MT/1547/62 (Refuse storage)  
Drg No: MT/1547/62 (Landscape plan)  
Drg No: MT/1547/62 (Site plan)  
Drg No: MT/1547/68 (Proposed plans)  
Drg No: MT/1547/67 (Proposed plans)

Reason: To ensure satisfactory provision of the development.

2. Prior to the first occupation of the development hereby approved, the hard landscaping and means of enclosure shall be implemented in accordance with the submitted landscaping details as detailed in the submitted Landscape Plan (Drg No. MT/1547/62).

With regard to the submitted soft landscaping specification, all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance and setting of the development is satisfactory and to comply with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

3. Prior to the first occupation of the development hereby approved, the scheme of biodiversity enhancement previously agreed in respect of condition 11 of planning permission 22/11140 shall be fully implemented in accordance with the agreed details.

Reason: To enhance existing features of nature conservation value within the site, in accordance with saved local plan policy DM2.

4. The development hereby permitted shall not be occupied until:
  - a) 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;
  - b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and

The mitigation package shall include a timetable for implementation and measures for retention and maintenance of that mitigation package, which shall thereafter be implemented.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

5. Prior to the first occupation of the development hereby approved, the bin and bike stores shall be installed on site in accordance with the approved details. The identified refuse and cycle stores shall thereafter be retained and kept available for the use of the residents of the development hereby approved at all times.



Reason: To ensure adequate facilities for the proposed occupiers and in accordance with Policies ENV3 and CCC2 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

6. Prior to the first occupation of the development hereby approved, the areas identified for vehicular parking shall be laid out in accordance with the submitted details. The spaces shown on the submitted Site Plan (Drg No. MT/1547/62) for the parking of motor vehicles shall be retained and kept available for the parking of motor vehicles for the dwellings hereby approved at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policies ENV3 and CCC2 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

7. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing, until an investigation and risk assessment has been undertaken in accordance with Environment Agency's technical Land Contamination Risk Management (LCRM) guidance.

Where remediation is necessary a remediation scheme must be prepared to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority.

The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy CCC1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park.

**Further Information:**

John Fanning  
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**New Forest**  
DISTRICT COUNCIL

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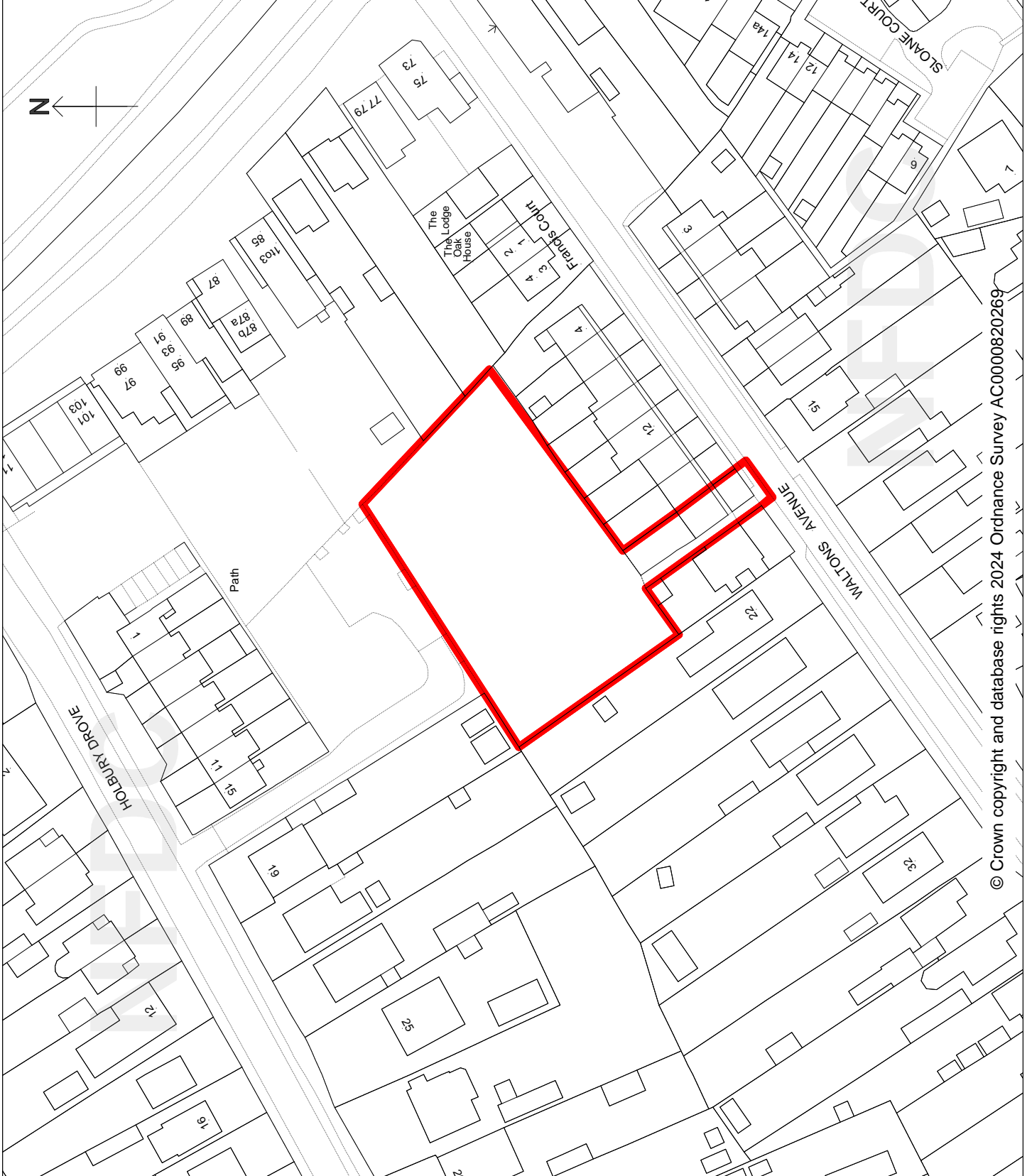
**PLANNING COMMITTEE**

**January 2025**

24/10656  
Land Rear of Waltons Avenue  
Holbury  
24/10656

Scale 1:1000

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Planning Committee 15 January 2025

**Application Number:** 24/10792 Full Planning Permission  
**Site:** SCAFFOLDING YARD, THE OLD BRICKYARD, SALISBURY ROAD, OWER, COPYTHORNE SO51 6AN  
**Development:** Scaffolding racking unit (Retrospective)  
**Applicant:** S&K Scaffolding Ltd  
**Agent:** Jerry Davies Planning Consultancy  
**Target Date:** 05/11/2024  
**Case Officer:** John Fanning  
**Officer Recommendation:** Grant Subject to Conditions  
**Reason for Referral to Committee:** Parish Council contrary view

---

## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Planning history
- 2) Principle of development
- 3) Amenity
- 4) Character, impact on the National Park and heritage asset
- 5) Highways

## 2 SITE DESCRIPTION

The application site lies outside of the defined built-up with area within the parish of Copythorne. The site is accessed off the main A36, Salisbury Road, with the site being well screened by vegetation from surrounding areas. The site (including land within the blue line area) currently operates as a scaffolding yard, with a parking area to the southern part of the site and a storage area to the northern part of the site. The surrounding area is rural in character, transitioning to a more residential environment to the north along Whinwhistle Road. There are some residential properties situated to the north of the application site, situated off Whinwhistle Road.

There is a Grade II listed building to the east of the application site, comprising a dilapidated brick kiln.

## 3 PROPOSED DEVELOPMENT

A previous scaffolding rack structure on the site was approved under application reference 10/96261. This structure, which replaced a smaller rack structure on the site, had a monopitched roof form, with the maximum height of the roof being 5.15m, reducing to 4.25m.

The Council became aware of works being undertaken on the site in July 2024, with the applicant advising this was due to emergency repairs to the former structure which had become unsafe. This application duly seeks retrospective planning permission for a new structure, with a maximum height of 5.25m, reducing to 4.65m.

The structure has a footprint of 137m<sup>2</sup> (occupying the same footprint as the previously removed structure).

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
14/11044 Single-storey extension	09/10/2014	Granted Subject to Conditions	Decided	
10/96261 Change of use to scaffold yard & retention scaffold racking unit including stairs; increased height of scaffold racking unit; installation of security lighting; retention of gantry	05/04/2011	Granted Subject to Conditions	Appeal Decided	Appeal Allowed - Condition Varied
10/95549 Retention of increased height of approved scaffold unit; installation of security lighting	02/11/2010	Withdrawn by Applicant	Withdrawn	
09/94008 1 office outbuilding	14/09/2009	Granted Subject to Conditions	Decided	
08/92191 2 temporary buildings; landscaping; demolition of existing	12/06/2008	Refused	Appeal Decided	Appeal Dismissed
07/90829 Use of land for parking; use of office and store ancillary to scaffolding use (Lawful Development Certificate for retaining an existing use)	18/03/2008	Was Lawful	Decided	
04/80433 Continued use of land and ancillary buildings for scaffolding business and parking for lorries and cars (Lawful Use Certificate for retaining an existing use)	20/10/2005	Granted in Part	Decided	

#### 5 PLANNING POLICY AND GUIDANCE

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

Policy CCC1: Safe and healthy communities

Policy ECON1: Employment land and development

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

Policy ENV3: Design quality and local distinctiveness

Policy ENV4: Landscape character and quality

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

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

DM5: Contaminated land

DM22: Employment development in the countryside

DM24: Loss of rural employment sites, shops, public houses and community facilities

## **National Planning Policy Framework**

### **National Planning Policy Guidance**

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

##### **Copythorne Parish Council:**

We recommend REFUSAL, for the reasons listed below:-

- Concerned about the continuation of incremental growth of the structure over time
- Neighbours have presented concerns to the Parish Council that the conditions attached to the previous application (10/96261) - as partly amended by appeal - are not being observed, resulting in increased impact on them.

#### **7 COUNCILLOR COMMENTS**

No comments received

#### **8 CONSULTEE COMMENTS**

##### **Conservation:**

Will not have an impact on the setting or significance of adjacent listed building.

##### **Environmental Health (Pollution):**

Following the submission of additional details, no objection in terms of noise or lighting impacts of development.

#### **9 REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

For: 1 (site owner)

- Operator is a good tenant who has maintained site
- Similar to previous structure

Against: 2 (both received from same property)

- Increase in height
- Additional noise
- Overlooking of neighbouring residential properties
- Harmful amenity impact associated with lighting
- Screening provided by trees reduces in winter, exacerbating impact of development

#### **10 PLANNING ASSESSMENT**

##### **Planning history**

A previous planning application affecting the site and adjacent land was granted in April 2011 (Ref: 10/96261). The permission related to use of land as a scaffolding yard and for a scaffold rack structure, and was subject to the following 6 conditions:

1. *No activity shall take place on the site in connection with the approved use other than between the hours of 0700 and 1800 Monday to Fridays, 0700 and 1300 Saturdays and not at all on Sundays and recognised public holidays*

2. *The lighting hereby permitted shall not be utilised between*
  - *1830 hours and 0700 hours Mondays to Fridays*
  - *1300 and 0700 on Saturdays and*
  - *not at all on Sundays**except in case of emergency call outs, logged in accordance with condition 1 above.*
3. *Details of the noise insulation to the racking unit shall be submitted to, for approval in writing by, the Local Planning Authority within 3 months of the date of this permission and the works shall be implemented and permanently maintained in accordance with the approved scheme within two months from the date of discharge of the condition.*
4. *Within 3 months of the date of this permission, a scheme to control light spillage from the lights hereby approved shall be submitted to, for approval in writing by, the Local Planning Authority. The scheme shall not exceed the obtrusive light limitations for Environmental Zone E2 as stated in the 'Institution of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Light' 2005. The scheme shall be implemented and permanently maintained in accordance with the details approved within 2 months of the date of discharge.*
5. *No more than a total of 10 lorries or other vehicles associated with the transportation of scaffolding and related equipment shall operate from the site.*
6. *The development permitted shall be carried out in accordance with the following approved plans: Design and Access Statement, plan 1790D.*

Condition 1 of this planning permission was subsequently appealed to amend the operation of the site. There were occasions when scaffolding was being requested on an emergency basis, and the conditions were amended to allow some additional 'out of hours' operation of the site. The appeal was allowed in February 2012. Condition 2 was amended as follows, and two additional conditions (7 and 8) were imposed:

2. *The lighting hereby approved shall not be utilised otherwise than between the hours of*
  - *0700 and 1800 on Mondays to Fridays*
  - *0700 and 1300 on Saturdays*
  - *not at all on Sundays or recognised public holidays**except in the case of emergency calls outs logged in accordance with Condition 8 below, at which times the lighting may be utilised between the hours of 1300 and 1800 on Saturdays and the hours of 0800 and 1800 on Sundays and recognised public holidays whilst operatives are present on the site but not otherwise.*
7. *Notwithstanding the generality of the restrictions imposed by Condition 1 above, not more than 2 pre-loaded vehicles may leave and subsequently return to the site between the hours of 1300 and 1800 on Saturdays and the hours of 0800 and 1800 on Sundays and recognised public holidays for the purpose of attending emergency call-outs. No activities other than the movement of vehicles onto and off the site may take place during these times.*
8. *Within 24 hours of the event, details of all emergency call-outs attended pursuant to Condition 7 above shall be recorded in a Log Book to be retained at the premises and made available for inspection by the Local Planning Authority when required. Details to be recorded shall include:*

- *date*
- *time call-out received*
- *time vehicle(s) left and returned to site*
- *nature of emergency attended*
- *name of party or organisation requesting emergency call-out*

Details discharging conditions 3 and 4 were received and formally accepted in February 2013.

The applicant has proposed to operate in accordance with the previously imposed conditions, subject to amendments to reflect the reconstructed structure.

Further to the above, it is noted that the land immediately to the north of the application site has historically been utilised by a mobile home occupied as an independent dwelling accessed through the application site but not directly associated with the operation of the scaffolding yard. The mobile home is currently vacant.

#### Principle of development

Policy ECON2 generally supports the retention of existing employment uses provided they would not have a significant detrimental impact on the operation of other business uses within the local area. Policy DM22 offers more detailed guidance for employment uses in countryside locations, noting that the redevelopment of an existing employment site will be supported where it results in local environmental benefits or extends an existing building but notes that development should be appropriate in terms of design, scale and appearance and should not be harmful to rural character by reason of visual impact, traffic and other activity or impacts.

The comments of the Parish Council regarding the incremental growth of the structure over time are noted. However, in this case, the proposed development is visually and functionally very similar to the previously permitted development on an existing commercial plot, with an increase in height of 0.1m-0.4m when compared to the previous rack structure.

While the principle of development is broadly acceptable within the context of the previous permission, consideration must still be given to the development's impact on its surroundings, having regard to current local and national planning policies.

#### Amenity

Policy ENV3 requires that development integrates with the visual character of the surrounding area, whilst avoiding harmful impacts, including those relating to noise and light pollution.

The proposed structure is constructed of scaffold poles with the walls featuring ply cladding painted green. The structure has a generally utilitarian appearance but broadly integrates with the other existing lower structures within the site. Outside of the immediate application site, the structure is well screened by vegetation both within the plot and surrounding area.

The nearest residential occupier is set to the north-east of the application site around 50m from the proposed structure and with some intervening vegetation screening the property.

Taking into account existing screening and the rack's degree of separation from neighbouring dwellings, it is not considered that the proposal would have a harmful impact on neighbouring occupiers in terms of the scale or massing of the development.

The use of the site as a scaffolding yard does generate some noise and activity, which along with the potential for additional illumination at high level has the potential to have some impact on the amenities of nearby properties.

The applicant has suggested they are amenable to the reimposition of the previous suite of conditions to control and mitigate the impacts of the site, which include conditions controlling the hours of illumination of lighting and additional restrictions on the general operation of the site to control the wider impacts associated with the use. It is not considered that the marginal additional height of the development would result in a material intensification of the existing lawful use.

The proposal incorporates 3 floodlights facing to the south-east into the existing scaffolding yard and cladding around the southern, western and northern aspects of the development which would provide some acoustic shielding.

The Council's Environmental Health team have reviewed the submitted information and are content that the proposed lighting arrangement and acoustic shielding are sufficient to acceptably limit the impacts of the development.

The cladding has been partly installed but further works to finish the development were put on hold while the application was submitted for consideration. It is considered appropriate to secure a condition to complete the installation of the cladding in the interests of visual and acoustic amenity.

On the basis of the issues outlined above, it is considered that suitable conditions would adequately mitigate any potential adverse impacts of the development.

It should be noted that if conditions are not complied with (as has been suggested by the Parish Council), then this can be considered separately to this application, with any claimed breach of planning control being referred to the Council's Planning Enforcement team for investigation and to consider the expediency of taking any enforcement action.

Overall, with regard to the provisions of Policy ENV3, it is considered that the proposal would integrate with the pattern and character of development within the site and would not be harmful to the wider character or appearance of the area. It is considered that suitable conditions can acceptably mitigate the impacts of the development in terms of additional noise, activity and lighting impacts such that there would not be a harmful impact on the amenity of neighbouring occupiers.

#### Character, impact on the National Park and historic significance

The site is situated in close proximity to the New Forest National Park, which lies on the opposite side of Salisbury Road. Policy STR2 of the Local Plans seeks to ensure that development will not have an unacceptable impact on the special qualities and purposes of the National Park. The new structure is well screened and integrates within the existing commercial context of the plot. While utilitarian in form, it is not

considered that the structure would be harmful to the character and appearance of the surrounding area or the special qualities of the National Park.



There is a Grade II listed building situated to the east of the application site that falls outside of the remit of the scaffolding yard operator. This is an original brick kiln building, which is in a state of extended decay and somewhat overgrown with vegetation.

Section 66(1) of the Listed Buildings and Conservation Areas applies. It requires that special regard shall be had to the desirability of preserving the listed 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.

Paragraph 210 of the NPPF states that in determining applications, Local Planning Authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.

Paragraph 212 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

There would be some visual screening between the proposed structure and the listed structure, and it would form part of an established context as a scaffolding yard. In this case, the proposal has been reviewed by the Council's Conservation Officer, who has assessed that the proposal would not have an impact on the setting or significance of the adjacent listed structure. This assessment is accepted. As such, it is considered that the proposal would preserve the existing setting of the adjacent listed building.

Overall, with regard to Policy DM1, it is considered that the proposal would preserve the character and setting of the nearby listed building. With regard to Policy ENV4, it is considered that the proposal would not be harmful to the rural character and appearance of the wider area.

### Highways

No intensification of use or alterations to the parking or access arrangements have been proposed as part of this development.

## **12 CONCLUSION / PLANNING BALANCE**

With regard to policies ECON2 and DM22 of the Local Plan, broad support is provided to the continued operation of an existing employment use within the countryside provided that the operation integrates within the context of the surrounding rural character and does not result in a harmful impact upon nearby properties.

This proposal represents an acceptably minor increase in the scale of development when compared to the previously permitted structure on the site and, with regard to policies ENV3 and ENV4, it is considered that subject to suitable conditions, the visual and amenity impacts of the development would be acceptable.

For the reasons outlined above, the application is recommended for conditional approval.

## 13 RECOMMENDATION

### Grant Subject to Conditions

#### Proposed Conditions:

1. No activity shall take place on the site in connection with the approved development other than between the hours of 0700 and 1800 Monday to Fridays, 0700 and 1300 Saturdays and not at all on Sundays and recognised public holidays, other than as allowed for under Condition 2 of this Planning Permission.

Reason: To safeguard the amenities of nearby residential properties.

2. Notwithstanding the restrictions imposed by Condition 1 above, not more than 2 pre-loaded vehicles may leave and subsequently return to the site between the hours of 1300 and 1800 on Saturdays and the hours of 0800 and 1800 on Sundays and recognised public holidays for the purpose of attending emergency call-outs. No activities other than the movement of vehicles onto and off the site may take place during these times.

Within 24 hours of the event, details of all emergency call-outs attended pursuant to this condition shall be recorded in a log book to be retained at the premises and made available for inspection by the Local Planning Authority when required. Details to be recorded shall include:

- Date
- Time call-out received
- Time vehicle(s) left and returned to site
- Nature of emergency attended
- Name of party or organisation requesting emergency call-out

Reason: To safeguard the amenities of nearby residential properties

3. The lighting on the building hereby permitted shall not be utilised other than between the hours of:

- Monday-Friday: 07:00-18:00
- Saturday: 07:00-13:00
- At no time on Sunday or recognised public holidays

except in the case of emergency call-outs logged in accordance with Condition 2 above, at which times the lighting may be utilised between the hours of 1300 and 1800 on Saturdays and the hours of 0800 and 1800 on Sundays and recognised public holidays whilst operatives are present on the site but not otherwise.

Reason: To safeguard the amenities of nearby residential properties

4. Within 3 months of the date of this permission, the external cladding as outlined in the submitted Technical Note (24-0172 Scaffold Rack, Ower Acoustic Assessment TN01.2) and Drg No. DWG SK2 Rev A shall be fully installed on site in accordance with the submitted details. The development shall thereafter be permanently maintained in accordance with these details.

Reason: To safeguard the amenities of nearby residential properties

5. No more than a total of 10 lorries or other vehicles associated with the transportation of scaffolding and related equipment shall operate from the site.

Reason: To safeguard the amenities of nearby residential properties

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

(Planning Statement)

Drg No: DWG SK2 Rev A (Proposed plans)

(Site plan)

(Location plan)

(Technical note - lighting)

Drg No: 3701-DFL-ELG-XX-LD-EO-13001 (Lighting plan)

Drg No: 3701-DFL-ELG-XX-LD-EO-13002 (Outdoor lighting report)

Drg No: 3701-DFL-ELG-XX-DR-EO-13001 (Lighting layout)

(Technical note - noise)

Reason: To ensure satisfactory provision of the development.

**Further Information:**

John Fanning

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DISTRICT COUNCIL

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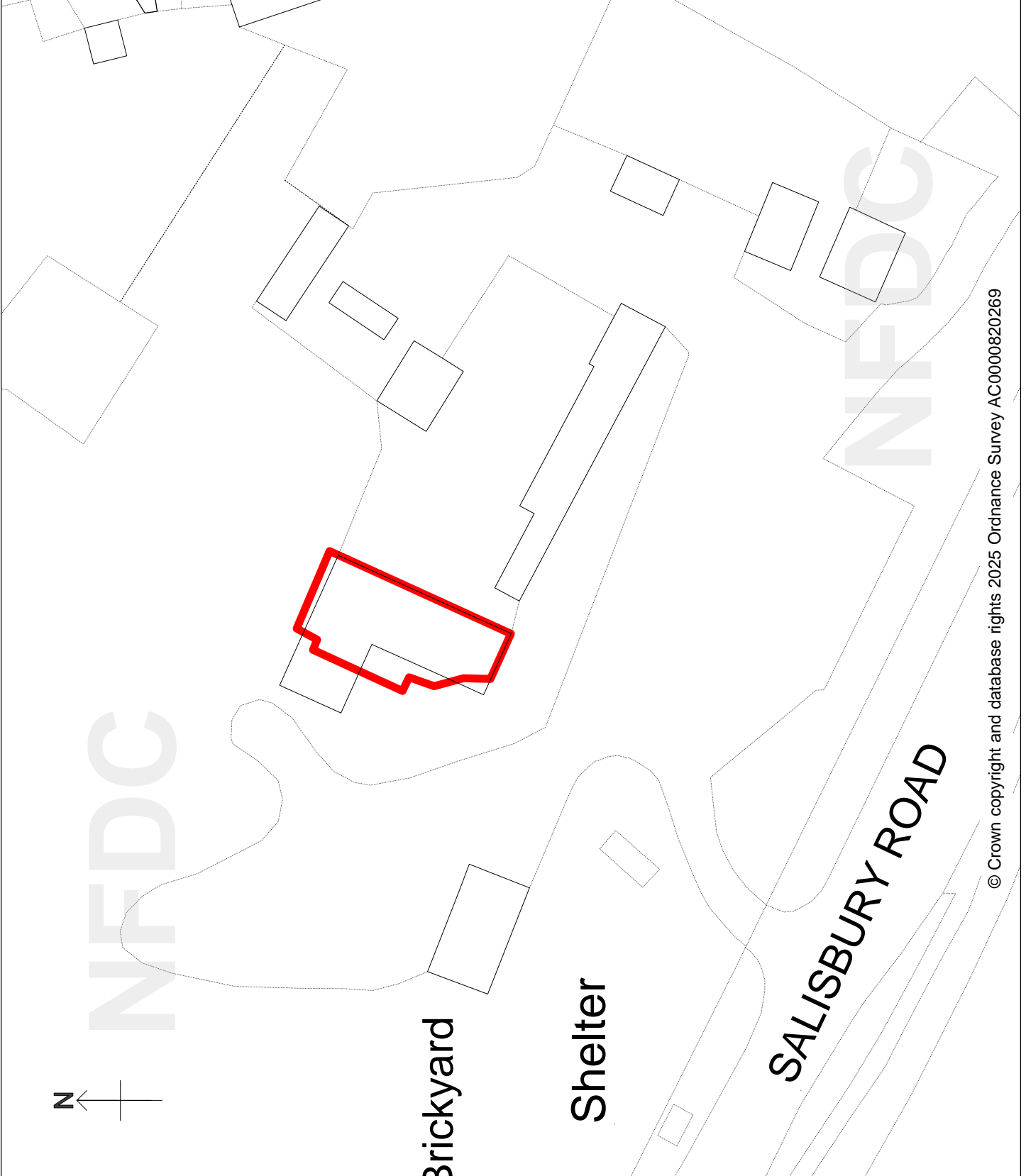
**PLANNING COMMITTEE**

**January 2025**

Scaffolding Yard  
The Old Brickyard  
Salisbury Road, Ower  
24/10792

Scale 1:500

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scale.



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Planning Committee 15 January 2025

**Application Number:** 24/10670 Full Planning Permission

**Site:** THE BARN (opposite Lansdowne House), MIDGHAM ROAD,  
FORDINGBRIDGE SP6 3BX

**Development:** Change of use of agricultural barn to a dwelling including fenestration alterations; demolition of existing pole barn and part demolition of stables

**Applicant:** Mr Wilson

**Agent:** Pro Vision

**Target Date:** 18/09/2024

**Case Officer:** Jessica Cooke

**Officer Recommendation:** Refuse

**Reason for Referral to Committee:** Councillor referral

---

## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of development outside of the defined built-up area.
- 2) Design & the impact on the rural character of the area
- 3) Residential amenity
- 4) Matters relevant to highway safety, access and vehicular parking
- 5) Habitat mitigation and nutrient neutrality
- 6) Air quality
- 7) Ecology
- 8) Climate Change

## 2 THE SITE

The subject building is located to the east of Highfield Farm. It is located outside of any defined settlement boundary and is within a highly prominent location within the countryside, being very visible from the highway which runs close to the western side of the building.

The building is a large brick building which is 7.6m in height, 9.2m in width and 18.7m in length (giving a footprint of about 172 square metres) and is accessed from Midgham Road via existing high metal gates with brick pillars. The building is constructed of brick, with large double doors to the ground floor and a pitched tiled roof. Decorative brick headers have been installed in the building, though these do not typically relate to existing or former physical openings.

The appearance of the building has evolved over time since it was first erected in around 2009 as an open sided steel pole barn with a sheet metal roof. A number of unauthorised works have been undertaken, which are set out in the planning history section below.

### 3 THE PROPOSED DEVELOPMENT

The proposal seeks to change the use of the existing building to a large, detached dwellinghouse with a stable to the rear and an associated rear garden. A large area of gravel driveway is proposed to the front of the dwelling.

The proposed dwelling would be a 4no. bedroom dwelling with 4no. en-suite bathrooms and an additional upstairs bathroom. To the ground floor, a large sitting room, snug, boot room, cloakroom and downstairs toilet and kitchen dining room are proposed. The existing building has decorative brick headers, most of which are placed over former unauthorised physical openings which were required to be bricked up by an enforcement notice. The proposed physical works would result in this brickwork being removed to facilitate the insertion of a significant amount of glazing which includes sash windows in a number of different sizes.

### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description
23/10514 Changes to the elevations and roof of the existing agricultural barn (Retrospective)	04/07/2023	Refused
23/10084 Change of use of barn to dwelling house (Prior Approval Application)	21/03/2023	Prior Approval refused
20/10835 Alteration of a building for agricultural use (Prior Approval Application)	10/09/2020	Details not required to be approved
13/10632 Agricultural barn (Agricultural Prior Notification)	20/06/2013	Refused
12/98415 Continued use of land and buildings for mixed agricultural and equestrian use (DIY livery) to include retention of manege, retention of stable block (housing stables 12-15), retention of storage containers and farm office, retention of rest room (adjacent to stable 11)	27/02/2013	Granted Subject to Conditions
10/95604 Replacement barn	23/09/2010	Withdrawn

#### Relevant application in close proximity to the application site:

Proposal	Decision Date	Decision Description
22/11191 New Barn (Agricultural Prior Notification)	14/11/2022	Details not required to be approved
22/10532 New barn; removal of pole barn and stables (Agricultural Prior Notification)	26/05/2022	Details not required to be approved
21/10294 Use of first floor of detached garage building as annex accommodation (Lawful Use Certificate for retaining an existing use or operation)	03/06/2021	Was Lawful

21/10280 Use of second floor of dwelling as bedrooms (Lawful Use Certificate for retaining an existing use or operation)	19/05/2021	Was Lawful
12/98415 Continued use of land and buildings for mixed agricultural and equestrian use (DIY livery) to include retention of manege, retention of stable block (housing stables 12-15), retention of storage containers and farm office, retention of rest room (adjacent to stable 11)	27/02/2013	Granted Subject to Conditions

## 5 POLICY CONTEXT

In addition to the aims and objectives of the NPPF are:

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

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

Policy ENV3: Design quality and local distinctiveness

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

Policy STR1: Achieving Sustainable Development

Policy STR3: The strategy for locating new development

Policy STR4: The settlement hierarchy

Policy STR5: Meeting our housing needs

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

DM2: Nature conservation, biodiversity and geodiversity

DM20: Residential development in the countryside

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

SPD - Parking Standards

SPD - Planning for Climate Change

SPD - Mitigation Strategy for European Sites

SPD - Design of Waste Management Facilities

SPG - Residential Design Guide for Rural Areas

### **National Planning Policy**

NPPF 2024

NPPG

### **Plan Policy Designations**

Countryside

## 6 PARISH / TOWN COUNCIL COMMENTS

### **Fordingbridge Town Council**

Recommend **REFUSAL**. The proposed development does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated. It would result in an isolated dwelling in the countryside, with a domesticated appearance, and would set a precedent for future development.

## 7 COUNCILLOR COMMENTS

### **Councillor David Millar**

Whilst I have every confidence in you and your experienced officers, concerns

have been expressed to me by the resident about the transparency of the decision-making process. Whilst I am confident that his concerns are not grounded, with planning matters it is often the appearance of the decision-making process as much as the decision itself that raises eyebrows among the population. And I am very keen that NFDC is seen as a beacon of probity by the community.

So, in the interests of making a strong, long-term decision, and for the purposes of detailed scrutiny, I would ask that we make this decision not on the basis of a delegated officer's report but with reference to the planning committee.

**Councillor Malcolm Wade**

In support of Cllr Millar I request application : 24/10670, Midgham Road near Fordingbridge be brought to committee.

**8 CONSULTEE COMMENTS**

**Ecologist**

No objection - raised an initial objection and requested an ecological survey, the submission of which has addressed the initial concerns.

**HCC Rights of Way**

No objection.

**9 REPRESENTATIONS RECEIVED**

No representations received.

**10 OFFICER COMMENTS**

Planning History and Background

The application site and the wider site owned by the applicant is a mixed-use agricultural and equestrian facility. The building subject of this application has a complex planning history which is set out below.

It is understood that the 'existing' barn was originally erected without planning permission on the application site in around 2009 to replace a much smaller barn damaged by a storm in the winter of 2007-2008. However, the barn that was constructed at that time was very different to the building now in situ - originally being only a simple structure with an exposed steel frame with a metal sheet roof.

Aerial imagery demonstrates a building of a similar footprint to that of the existing building has been in situ on the land since approximately 2009.

An application to regularise the unauthorised barn was submitted in 2010 but was withdrawn. The barn thus remained in situ as an unauthorised structure.

In 2013, an application for Prior Approval under Part 6 of the General Permitted Development Order (GPDO) (ref 13/10632) for an agricultural barn on the site (to replace the above replacement barn) was refused, as the Council was not satisfied the barn would be used for the purposes wholly or primarily related to agriculture due to the extent of the DIY livery and equestrian business at the farm.



An Enforcement Notice was served by the Council in June 2013 for the removal of the unauthorised barn, and this notice was subsequently appealed (Appeal reference: APP/B1740/C/13/2202662). The Appeal was allowed in January 2014 and the decision noted that the land in question was in a mixed agricultural and equestrian use. The Inspector found that the barn did not conflict with the Development Plan, concluding that the retention of the building would be justified for the storage of hay in association with the mixed use agricultural and equestrian facility.

In September 2020, an application for Prior Approval under Part 6 of the GPDO (ref. 20/10835) was permitted to add brick walls and a metal sheet roof, along with 2no. double timber doors, a single door to the ground floor and 2no. high level openings to the existing barn approved via the above appeal. The agricultural justification for this barn was set out in the Planning Statement, which explained the barn was proposed to be enclosed to provide dry storage for the hay that is produced on the land at Highfield Farm and for the storage of other hay that is purchased for feeding. This approved proposal was not then undertaken in accordance with the approved plans, resulting in unauthorised works to the building (see details below).

On the wider site, but relating to the ongoing agricultural business, 2no. GPDO Part 6 applications (refs. 22/11191 and 22/10532) were submitted in 2022, both of which were approved but which have not yet been implemented. Application 22/11191 would be sited adjacent to the manège on the opposite side of Midgham Road and application 22/10532 would be sited adjacent to the large barn opposite the application site. The Planning Statements for these applications set out the expansion of the business and advised the buildings were *essential* for the ongoing development of and expansion of the business. The permission for these two applications is extant and both could still be implemented until 2027.

In 2023, an application (23/10084) was submitted for Prior Approval under Class Q of the GPDO to convert the application site building from an agricultural barn to a residential use. However, during this application it was established that the 2020 agricultural prior approval had not been implemented in accordance with the submitted plans. A significant number of window and door openings had been added within the brickwork, and the doors to the north elevation of the building, as previously approved, has not been installed, whilst other doors and openings had been installed instead. The window and door openings were installed with decorative brick headers above them which is typical of a domestic building and would not characteristically be included in a building used for agricultural purposes. In addition, the roof of the barn had been tiled (contrary to the approved details) and white uPVC rainwater goods, fascias and soffits had been added to the building.

These unauthorised alterations materially altered the building's appearance and domesticated the building, with the building no longer having the appearance of an agricultural barn. These unauthorised openings, domestic detailing and non-traditional materials (typically used in agricultural buildings) were evidently designed to facilitate the residential use which is now being applied for, rather than being designed for the purposes of agriculture.

The unauthorised works raised questions over the lawful status of the existing building. Application 23/10084 was duly deemed to fail to meet the provisions of Schedule 2, Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) and was refused as development had taken place under Part 6 of the GPDO.

Whilst the report for this application states there were no significant concerns relating to the appearance of the building, the Prior Approval application was not considered with regard to the policies of the Development Plan and Framework, as it failed to meet the provisions of the GPDO in principle. Following the refusal of the application, it has further been established that Permitted Development Rights would not apply to the site in any case as the site is within a mixed use.

A further application (23/10514) was submitted to regularise the unauthorised works undertaken to the agricultural barn. It should be noted that there were discrepancies in the dimensions of the approved building of application 20/10835 and the plans for 23/10514. This application was subsequently refused on the grounds of the appearance of the barn being of a domestic appearance rather than agricultural and its resultant adverse impact upon the character of the sensitive countryside location, as well as due to the difference in size and scale from that of the approved drawing.

An Enforcement Notice was subsequently served on the building and required the uPVC rainwater goods to be removed and the window openings to be blocked up, as well as the tiled roof to be removed. The Enforcement Notice was amended to allow the tiles on the roof to remain, and the notice was subsequently considered to be complied with.

This application has now been submitted to change the use of the building to a residential dwelling and to carry out various external alterations as described in Section 3 above.

#### Principle of Development

The site lies outside any established settlement boundary and within a sensitive area of open countryside. Policies STR1 and STR3 of the Local Plan seek to restrict development beyond the built-up area boundary of settlements unless the development is appropriate in a rural setting in accordance with other relevant policies of the development plan.

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.

The submitted Planning Statement refers to NPPF Paragraphs 84 and 124 (d) (now para 125 (d) NPPF 2024) as a justification for the proposal and states that Policy DM20 should be given little weight as a result.

Paragraph 84 of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) *there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) *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;*
- c) *the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) *the development would involve the subdivision of an existing residential building; or*
- e) *the design is of exceptional quality, in that it:*
  - *is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas;*
  - and*
  - *would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

Firstly, given the location of the site across the road from Lansdown House, it is questionable whether the site even qualifies to be considered against paragraph 84 as the proposed dwelling would arguably not be in a completely “isolated” location, though it is in a remote and wholly unsustainable location in considerable distance away from settlements, local services and amenities or public transport facilities. However, notwithstanding this, it is the view of Officers that the proposal still fails to accord with the criteria of Paragraph 84 even if they were applicable. In consideration of these criteria:

- a) the application does not demonstrate any essential need for a rural worker;
- b) the building is not considered to be a heritage asset;
- c) the application advises that the building is an agricultural building which is used for the storage of hay and straw together with farm machinery for the making of hay used at the site and for the selling of hay and straw to third parties, and it is not therefore redundant or disused. The applicant has a substantial mixed-use agricultural and equestrian (livery) business on the application site and the wider site and has recently submitted 2no. Part 6 applications (refs. 22/11191 and 22/10532) both of which were approved. The Planning Statements for these applications set out the expansion of the agricultural and equestrian business and advised the buildings were *essential* for the ongoing development of and expansion of the business. In any event, it is not considered the proposed external works would enhance the setting of the building - as is discussed further below.
- d) the building is not an existing residential building.
- e) the proposal is not considered to be of exceptional quality; nor is it considered to meet the tests of the subparagraphs of point (e) in that it is not truly outstanding and does not reflect the highest standards of architecture; nor would it significantly enhance its immediate setting or be sensitive to the defining characteristics of the area. The proposal would result in a significant encroachment of the countryside and it would not comply with Development Plan or Rural Design Guide SPD, which is set out further in the sections below.

Paragraph 125 (d) of the NPPF states that planning decisions should promote the development of underutilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively. The Planning Statement sets out that the building is still in use for agriculture, and the planning history on the wider site demonstrates that the mixed-use agricultural and equestrian business on the site is expanding. Therefore, it is not considered that Paragraph 125(d) would apply in this instance, as the building is not genuinely redundant.

### 5 year Housing Land Supply

In determining planning applications there is a presumption in favour of the policies of the extant Development Plan unless material considerations indicate otherwise (Section 38(6) of the Act). Material considerations include the National Planning Policy Framework (NPPF).

NPPF Paragraph 11 clarifies what is meant by the presumption in favour of sustainable development. It states that for decision making it means:

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date [8], granting permission unless:*

*(i) the application of policies in this Framework that protect areas or assets of particular importance [7] provides a strong reason for refusing the development proposed; or*

*ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.*

Footnote [8] of the NPPF clarifies that :

This includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78; or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

NFDC cannot currently demonstrate a five-year supply of deliverable housing land supply. In such circumstances, para. 11(d) of the NPPF is engaged.

It is considered that in this case the development must be considered in accordance with the NPPF paragraph 11(d).

Taking the first limb of paragraph 11(d), as this report sets out, in this case there are specific policies in the NPPF which protect areas of assets of particular importance referred to within footnote 7 of the NPPF, namely habitat sites and heritage assets. Therefore, a judgement will need to be reached as to whether

policies in the Framework provide a strong reason for refusing the development. Where this is found to be the case, the development should be refused.

The second limb of paragraph 11(d), namely whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole (the so called 'tilted balance'), will only apply if it is judged that there are no strong reasons for refusing the development having applied the test at Limb 1.

The 2024 NPPF requires particular regard to be had to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination when applying the said tilted balance.

The following sections of the report assess the application proposal against this Council's adopted local planning policies and considers whether it complies with those policies or not. Following this Officers undertake the Planning Balance to weigh up the material considerations in this case.

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

The application seeks planning permission to convert the existing agricultural building into a large detached residential dwelling with an associated gravel driveway, patio and garden area and partial retention of the existing stables.

Chapter 12 of the NPPF 2024 seeks to achieve well-designed places. Paragraph 131 of the Framework says that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Paragraph 135 says developments should be visually attractive as a result of good architecture, and be sympathetic to local character, including the surrounding built environment and landscape setting, as well as establishing and maintaining a strong sense of place.

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

Midgham Road is located in the open countryside and has a strong rural character. Highfield Farm spans both sides of Midgham Road to the east and the west. To the west of Midgham Road is a manege with associated agricultural buildings; and Lansdowne House, a large, detached 7-bedroom neo-Georgian dwelling owned by the applicant. To the east of Midgham Road, where the application building is sited, there are stables and a large barn for livery.

Whilst the application building is existing, its functional and physical use relates to the mixed-use agricultural and equestrian business owned by the applicant, where agricultural development within the countryside can be acceptable.

There are two extant Prior Approval applications (refs. 22/11191 and 22/10532) for the erection of agricultural barns, submitted by the applicant due to the proposed expansion of their mixed-use agricultural and equestrian business. Whilst 22/11191 was submitted as an alternative to 22/10532, both applications remain extant for a period of 5 years from their decision dates which expire in 2027, and therefore both of these prior approval applications are indicative of a continuing agricultural need. With regard to the building which is proposed to be converted, the building is still in use for the purposes of agriculture as submitted in the application. Given this context, there is not considered to be a compelling justification for the proposed conversion of the building to a dwelling.

The NFDC Residential Design Guide for Rural Areas of the New Forest District SPG sets out the guidance for rural design, and seeks to protect the character and appearance of the countryside. Section 4E of the SPG relates to the conversion of buildings and specifies the following:

- Conversions should demonstrate minimal and subtle change through imaginative design;
- Should maintain simple enclosures and external definition;
- Car parking and residential external sub-division should be kept low key;
- Encroachment into surrounding agricultural land to expand domestic curtilage or established boundaries is not permitted;
- Rooflines should be kept simple, avoiding chimneys on agricultural buildings;
- Sturdy materials and details should be used, avoiding ornament or pretension, using matching materials;
- Conspicuous external elevations should not be affected by major change.

The application site occupies a prominent and highly visible position on Midgham Road. The building lies in close proximity to the road and therefore the building is exposed by reason of its large mass and scale, and lack of vegetation and trees to provide screening, and it is relatively isolated.

The proposed external alterations are significant and would result in a building that would have a rather suburban appearance instead of having the appearance of a traditional rural barn conversion, exemplified by the significant number of large sash style windows with decorative brick headers and the domestic porch and front door detailing, none of which are typical of agricultural buildings.

The proposed elevations would be over-fenestrated and excessively detailed, with an inappropriate number of large and poorly proportioned windows and doors, including a non-traditional window hierarchy where a number of large upper floor windows would be sited above smaller sash windows. These factors are contrary to the design related provisions of the Residential Design Guide SPG for the conversion of buildings within the countryside.

As a whole, the proposed external alterations to the building are considered to be unsympathetic to the rural character of the area. The proposed dwelling would have an imposing and inappropriately grand appearance that would be discordant and intrusive. The proposed alterations would not reflect the proportions of a simple or traditional rural/agricultural building or make any reference to the building's original 'agricultural' character, as would be expected in a highly prominent rural location such as this.

When viewed from Midgham Road, the building would appear out of context with the other agricultural buildings on the wider site due to its domesticated appearance. The proposed building would not respond positively to its rural countryside location.

There are additionally concerns about the proposed dwelling's setting. Large areas of hardstanding are proposed, including a large gravel driveway measuring 140m<sup>2</sup>. Whilst only 3no. parking spaces are annotated on the plan, at least an additional 4no. vehicles could be accommodated on the driveway. In addition, a patio area is proposed to the south, and a front, side and rear path, with additional hardstanding to the front and side of the retained stable outbuilding. Whilst there is some existing hardstanding surrounding the building and particularly to the front, this comprises trod gravel rather than a domestic patio, and it serves the functional need of the agricultural and equestrian business where agricultural development is acceptable in the countryside.

The extent of the proposed residential curtilage of the building and associated paraphernalia is significant and would encroach into the countryside. The site area extends to 1215m<sup>2</sup> and the building occupies 172m<sup>2</sup> of the site, resulting in an inappropriately large domestic residential curtilage of 1043m<sup>2</sup>. In addition to the parking of vehicles related to the equestrian element of the business, there would also be domestic parking arising from the proposed conversion and by reason of the site layout, the frontage of the proposed dwelling would be likely to be dominated by vehicles on the frontage, whilst the extent of the proposed driveway is excessive for this rural location. The driveway and associated domestic paraphernalia would extend well beyond the immediate area surrounding the building and in doing so would harmfully erode the rural character and appearance of the area. As such, the proposal would result in an excessive domestication of the land which is not considered to be appropriate to its location within the sensitive area of countryside.

There would additionally be a lack of meaningful landscaping proposed as part of the application. Whilst it is recognised that further landscaping details could have been secured by condition if the proposal was otherwise acceptable, it is not considered additional landscaping could make this scheme acceptable.

The introduction of the proposed residential use in this location would result in an intrusive and unacceptable form of residential development in the countryside and would be harmful to the visual amenities of the countryside. The proposal would introduce residential built form to the east of Midgham Road, which has a more open character which is distinctive from the residential land associated with Landsdowne House which is sited to the west of Midgham Road.

It is noted that the Town Council have raised a very strong objection to the proposal, stating that the proposed development does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated; and in addition, it would result in an isolated dwelling in the countryside, with a domesticated appearance, and would set a precedent for future development. The Town Council have recommended refusal of the application.

Overall, it is concluded that the proposal would result in an incongruous development in a highly prominent location, which would be harmful to the character and appearance of the countryside by reason of its design and appearance of built form, site layout including the significant areas of hardstanding and extent of the domestic garden and curtilage. The proposal would erode the rural character of this location and would harm the character of the countryside.

For the reasons set out above, the proposal is considered to be contrary to the provisions of the Development Plan and the Chapter 12 of the NPPF. In particular, the proposal would fail to accord with the requirements of Policies ENV3, ENV4, STR2 and STR3 of the New Forest District Council Local Plan Planning Strategy (2020) which seek high quality development that contributes positively to local distinctiveness, being sympathetic to its context, and it would fail to meet the provisions of the NFDC Residential Design Guide SPG and Chapter 12 of the NPPF.

#### Residential amenity

Policy ENV3 of the NFDC Local Plan Part 1 requires the impact on the residential amenity of existing and future occupiers to be taken into consideration in making planning decisions. NPPF Para. 135, subparagraph (f) states development should promote health and wellbeing, with a high standard of amenity for existing and future users.

The standard of accommodation proposed would be of an acceptable level for the proposed 4no. bedroom dwelling, and the proposal does not raise concerns in respect of the residential amenities of future occupiers. The proposed dwelling is not located near to residential properties, and therefore it would not result in adverse impacts upon the residential amenities of neighbouring properties. As such, the proposal is not considered to result in harmful impacts to the residential amenities of the existing or future residents.

#### Highway safety, access and parking

The site benefits from an existing vehicular access off Midgham Road, and this is shared with other barns and stables associated with the applicant's livery business. As the proposal would retain the existing access into the site and the proposal comprises only one dwelling, Hampshire County Council's Standing Advice applies.

The proposal comprises one 4no. bedroom new dwelling and NFDC Parking Standards require 3no. on plot parking spaces for a dwelling of this size. 3no. parking spaces are proposed to the front of the dwelling within the gravel driveway. As such, the proposal meets policy requirements in respect of parking.

In terms of cycle storage, no cycle storage is proposed. However, the details could have been secured by planning condition if the proposal was otherwise acceptable.

One additional dwelling would not create significant traffic generation and any additional vehicular movements would be readily absorbed into the existing highway network. However, in light of NPPF para 11(d)(ii), which states particular regard should be afforded to key policies directing development to sustainable locations. The application site is located in a highly unsustainable location which is remote from the closest villages and towns and their respective public amenities, with no public transport facilities serving the development, resulting in a high dependency on private vehicles to access such facilities.

The proposal is otherwise not considered to have adverse impacts upon highway safety and therefore complies with Policy CCC2 of the Local Plan Part One.



## Ecology and Biodiversity Net Gain

As of 2nd April 2024, developers must deliver 10% Biodiversity Net Gain (BNG) on 'smaller' sites such as this as a requirement of planning permission and in this instance, BNG is mandatory. The submitted Planning Statement states that the proposal is exempt from BNG under the de minimus exemption as the proposal is for change of use only and no additional hardstanding is proposed; nor is any removal of vegetation required and the proposal does not impact a priority habitat or non-priority habitat. The proposal would not result in a loss of habitat of more than 25 sq.m, and therefore the proposal is considered to be development below the exemption threshold.

The Council's ecologist was consulted on the proposal and registered an objection, requesting an ecological assessment. The survey was undertaken and the Council's ecologist was satisfied that the concerns had been addressed.

Policy DM2 of the Local Plan Part Two seeks to conserve nature and enhance biodiversity and states that the Council will use planning conditions to provide mitigation and where appropriate, enhancement measures. No ecological enhancement measures were included in the submitted plans, though 2no. House Martin Nest Cups are included in Appendix D of the ecology report. Whilst these enhancements are welcomed, the House Martin Nest Cups alone are not considered sufficient to address the requirements of Policy DM2. However, additional details of ecological enhancement measures could have been secured by planning condition if the proposal was otherwise acceptable.

### Habitat Mitigation

The site lies in close proximity to the New Forest SAC, SPA and Ramsar, River Avon SAC and Avon Valley SPA and Ramsar. As the proposal would result in an additional dwelling, there is a likely cumulative impact on the New Forest European Sites from recreational disturbance and habitat mitigation should be provided in line with the adopted mitigation strategy and Policy ENV1 of the Local Plan Part One.

#### 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 designated 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. Although the adverse impacts could 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, no such legal agreement has been completed in this instance. As such, it is not possible, in respect of recreational impacts, to reach a conclusion that adverse effects on European sites would be avoided. In the absence of a completed Legal Agreement to secure the contribution, the proposal is contrary to Policy ENV1 of the Local Plan Part One and a further reason for refusal must be introduced.

#### 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 NO<sub>x</sub>, 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. In the absence of a completed Legal Agreement to secure the contribution, the proposal is contrary to Policy ENV1 of the Local Plan Part One and a further reason for refusal must be introduced.

### Air Quality Statement

In response to the requirements of the adopted 'Air Quality Assessments in New Development Supplementary Planning Document 2022', the applicant is required to submit 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. No Air Quality Statement has been submitted as part of this application. However, it would have been required by planning condition if the proposal was otherwise acceptable.

### 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 could have been imposed to secure the appropriate level of phosphate mitigation if the proposal was otherwise acceptable.

### Climate Change SPD

In response to the requirements of the adopted 'Planning for Climate Change Supplementary Planning Document 2024', the applicant is required to submit information explaining the measures that they will take to address climate change through the development in order to meet the Local Plan requirements of Policies STR1 and ENV3 of the Local Plan Part One. No Climate Change Statement has been submitted as part of this application. However, it would have been required by planning condition if the proposal was otherwise acceptable.

## **11 OTHER MATTERS**

It should be noted that the Drawing No. 07 and Drawing No. 08 contain the incorrect scale bars and scale title which states the drawings are 1:500. However, the drawings themselves are at scale 1:250.

## **12 THE TILTED 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 the NPPF is a material consideration. Paragraph 11 of the Framework is considered to be engaged and 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 tilted balance in NPPF paragraph 11(d) is engaged for this application.

As is set out above, the first limb of paragraph 11(d) of the NPPF advises that applications should be refused if:

- (i) *the application of policies in this Framework that protect areas or assets of particular importance [7] provides a strong reason for refusing the development proposed.*

Furthermore, paragraph 195 of the NPPF sets out that:

*"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site"*

The Local Planning Authority as “Competent Authority” has, through the Appropriate Assessment been able to conclude that the proposed development would not have an adverse affect on the integrity of the Habitat Sites if the appropriate mitigation is secured.

Whilst the application lacks a completed s106 agreement to provide the necessary mitigation from the development on Habitat Sites, the applicant has indicated a willingness to enter into such an agreement. Had the application been acceptable in other regards the applicant would have entered into a section 106 agreement and provided the required mitigation.

It is appropriate therefore, to move to the second limb of paragraph 11(d) of the NPPF; the so called “tilted balance”.

In considering the harm of the development, the proposed conversion of the existing agricultural barn to create a residential dwelling with an extensive site area of 1215m<sup>2</sup>, would constitute an inappropriate form of development in this sensitive countryside location.

The introduction of a proposed new dwelling in a location that is outside of the defined settlement boundary and within the open countryside would be contrary to Policy DM20 of the Local Plan. Moreover, the proposal would constitute an unsustainable, intrusive and unacceptable form of residential development in the countryside which would be harmful to the visual amenities of the countryside by reason of the domesticated, suburban design and appearance of the building and a significant encroachment (1215m<sup>2</sup>) of residential curtilage into the countryside, within this sensitive rural setting.

The Town Council have raised a strong objection to the provision of a new dwelling in this location and to the appearance of the building. . The above report considered the design solution for the proposal and found it to be unacceptable. Paragraph 11(d)(ii) now requires particular regard to be had towards well designed places; the application is considered to conflict with this requirement.

Furthermore, in the absence of a completed legal agreement pursuant to section 106 of the Town and Country Planning Act (1990) the proposal would result in an unmitigated impact in respect of recreational impacts, air quality and phosphates mitigation on protected Habitat Sites.

Whilst the proposal would result in one additional dwelling, this would make a very modest contribution to housing stock and the benefits of the provision of a single dwelling would not significantly and demonstrably outweigh the adverse impacts that have been identified in the report above.

As such, the proposal would conflict with local plan policies relating to residential development, and it would be contrary to Policy DM20 of the Local Plan Part One, NPPF 2024 Paras 84 and 125(d), Chapter 12 of the NPPF and the NFDC Residential Design Guide for Rural Areas SPD.

The application is therefore recommended for refusal.

## **13 RECOMMENDATION**

**Refuse**

**Reason(s) for Refusal:**

1. The proposed development, entailing the conversion of an existing agricultural building to a dwelling with an extensive residential curtilage, in what is a sensitive area of open countryside outside of a defined settlement boundary, would result in an intrusive and unacceptable form of residential development in the countryside where development is restricted unless specific criteria are met in accordance with both the Council's Development Plan and the NPPF 2024. The proposed development would not meet any of these specific criteria, and therefore it would be contrary to Policies ENV3 and STR1 of the New Forest District Local Plan Part 1: Planning Strategy for the New Forest outside of the National Park, Policy DM20 of Local Plan Part 2 for the New Forest outside of the National Park and Chapter 13 of the National Planning Policy Framework.
2. The proposed conversion of the existing building and its resulting residential paraphernalia would constitute an intrusive and discordant form of residential development in the countryside that would be harmful to the visual amenities of the countryside by reason of the converted building's suburban and inappropriately grand appearance, which would be exemplified by an excess of poorly proportioned and dominant fenestration, unsympathetic detailing and an unduly decorated appearance. Furthermore, the significant amount of hardstanding would result in a vehicle dominated frontage, whilst the inappropriately large domestic residential curtilage (1215m<sup>2</sup> site area) would result in an unacceptable erosion and domestication of the countryside, which would erode the rural character of this location and would harm the character and special qualities of the countryside and its landscape character. These harmful impacts would be compounded by the proposed development's prominent roadside position. As such, the proposed development is considered to constitute a poor and contextually inappropriate design that would be contrary to the provisions of Policies ENV3, ENV4, STR2 and STR3 of the adopted Local Plan 2016-2036 Part 1: Planning Strategy for the New Forest District outside the New Forest National Park, the NFDC Residential Design Guide SPG, Policies DM20 and DM21 of the Local Plan Part 2 of the adopted Local Plan Part 2: Sites and Development Management for the New Forest District Council outside of the New Forest National Park and Chapter 12 of the NPPF 2024.
3. The recreational and air quality impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Dorset Heathlands Special Protection Area and the Dorset Heaths Special Area of Conservation, would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures or potential air quality impacts on these sensitive European nature conservation sites, contrary to Policy ENV1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and the New Forest District Council Mitigation Strategy for European Sites Supplementary Planning Document.

**Further Information:**

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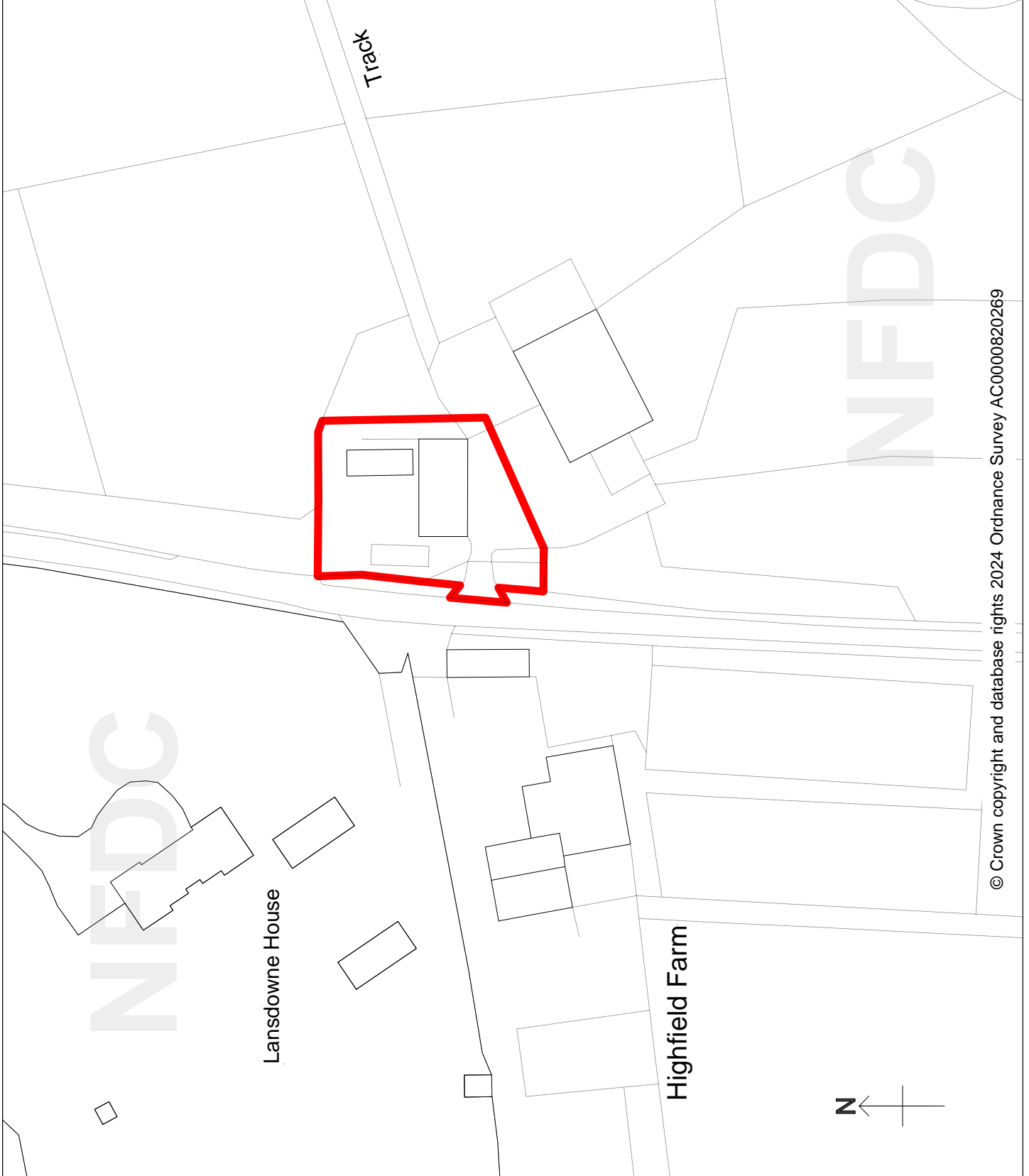
**PLANNING COMMITTEE**

**January 2025**

The Barn (opposite Lansdown House)  
Midgham Road  
Fordingbridge  
24/10670

Scale 1:1000

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Planning Committee 15 January 2025

**Application Number:** 24/10953 Advertisement Consent  
**Site:** SITE OF FORMER POLICE STATION, SOUTHAMPTON ROAD, LYMINGTON, SO41 9GH  
**Development:** Erection of Site Hoarding (Application for Advertisement Consent)  
**Applicant:** Churchill Living Ltd.  
**Agent:** Planning Issues  
**Target Date:** 07/01/2025  
**Case Officer:** Kate Cattermole  
**Officer Recommendation:** Grant (Advert)  
**Reason for Referral to Committee:** Contrary Councillor view

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Public safety
- 2) Amenity

## 2 SITE DESCRIPTION

The application relates to the former Police Station, located on the western side of Southampton Road, between Queen Elizabeth Avenue to the north, and Eastern Road to the south. The application site is located in the built-up area of Lymington and is adjacent to the Lymington Conservation Area.

Planning permission was granted for the redevelopment of the site to provide 32 retirement apartments in December 2023, and the development is currently under construction.

## 3 PROPOSED DEVELOPMENT

The application is made retrospectively. It seeks advertisement consent for the erection of hoardings on the road frontages of Southampton Road and Queen Elizabeth Avenue, incorporating advertising for the apartments currently under construction. The signs would be 2.44m high and would span the two road fronting boundaries of the application site. These advertisement are proposed to be in place for a period of 3 years.

## 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
24/10954 Variation of condition 2 of planning permission 23/10282 to allow fenestration alterations, material alterations, full balconies above main entrance changed to Juliette, path and pedestrian gate to south-east & roof & layout alterations			Application registered

23/10494 Demolition of former police station and rear garages (Demolition Prior Notification Application)	26/05/2023	Details not required to be approved	Decided
23/10282 Redevelopment of the site to form 32no. Retirement apartments including communal facilities, access, car parking & landscaping; demolition of existing building	08/12/2023	Granted Subject to Conditions	Decided

## 5 PLANNING POLICY AND GUIDANCE

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

Policy ENV3: Design quality and local distinctiveness

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

DM1: Heritage and Conservation

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

SPD - Lymington Local Distinctiveness

### **Neighbourhood Plan**

Lymington & Pennington Draft Neighbourhood Plan

### **National Planning Policy Framework 2024**

### **National Planning Policy Guidance**

### **Plan Policy Designations**

Built-up Area

## 6 PARISH / TOWN COUNCIL COMMENTS

**Lymington & Pennington Town Council** PAR 2: Recommend Refusal.

- Unacceptable appearance due to the excessive size of the advertisement.

## 7 COUNCILLOR COMMENTS

**Cllr Jack Davies: objection**

I noticed these hoardings a while ago and they immediately grab your eye as you approach the four-way traffic lights on Southampton Road. I worry about the impact these have on people's concentration as they approach a uniquely busy and complicated junction (these traffic lights are notorious for confusing visitors to the town). That's not even to mention the shameless claim of contributing £300,000 to affordable housing when it was them who suggested that figure to the council. It should have been more, even by the revised viability assessment. The hoardings look garish and out of keeping with the street scene. As with the hoardings at Churchill's development at Knight's Lodge, I consider this an unacceptable intrusion onto the street scene.

## 8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

HCC Highways - no objection



## **9 REPRESENTATIONS RECEIVED**

No representations received.

## **10 PLANNING ASSESSMENT**

### Principle of Development

Para 141 of the National Planning Policy Framework (NPPF) states that poorly placed adverts can be harmful to local character of the area. There is a separate consent process within the planning system that controls the display of advertisements which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, which is in accordance with the Town & Country Planning Control of Advertisements (England) Regulations 2007 regulation 3 (1& 2).

### Public Safety

The signage is adjacent to two road frontages, Queen Elizabeth Avenue and Southampton Road. Southampton Road is a classified road and a major route through Lyminster. The signage is adjacent to a junction controlled by traffic lights, though it is set back from the highway with an intervening pavement and narrow verge, and concerns have been raised by Cllr Davies in respect of the signage forming a distraction.

Although the signage is quite prominent by reason of its length across the entire frontage of the site, it is not illuminated. HCC Highways are satisfied that the advertising will have no material impact on the safety or operation of the highway.

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 also state that 'Public Safety' is not confined to just road safety. Crime prevention and detection are also relevant; the obstruction of highway surveillance cameras, speed camera and security camera by advertisements is now included. It is considered that the proposed signage has no impact upon any such equipment.

As such no objection is raised on the grounds of public safety.

### Amenity

Policy ENV3 requires new development to achieve high quality design that contributes positively to local distinctiveness, and the character and identity of the locality.

There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be paid to preserving or enhancing the character or appearance of a Conservation Area.

The hoarding signage encloses a development site, which is currently under construction. This type of signage is not untypical surrounding construction sites. and reflects the corporate identity of the developer. Furthermore consent is sought for a period of 3 years only (as stated on the application form) - while the site is being developed and the flats being sold - and the signs are not for long term retention.

Although the application site borders the Lyminster Conservation Area, by reason of the signage only being in situ for a limited period of time, and the size and position of the signage, it is considered this would have a neutral impact on the character and

appearance of the adjacent Lymington Conservation Area and therefore would preserve the character and appearance of the Conservation Area in accordance with the statutory legislation.

The Advertisement Regulations also state that "amenity" includes both visual and aural amenity. Therefore, as well as visual amenity, the noise generated by advertisements should be considered. The proposed signage is fixed and would not generate any noise and is therefore considered to have no significant detrimental impact upon aural amenity

A comparison has been made by Cllr Jack Davies to the recently dismissed advertisement appeal at Knights Lodge, North Close, Lymington 24/10025. That application was for the retention of sales signage which consisted of a large 'monolith' double sided sign, flag signs, railing banners and two board signs all of which relate to the completed development by Churchill Retirement Living at North Close. Even though both sites are in Lymington, there are notable differences in the types and proliferation of signage at North Close compared to the hoarding signs that are the subject of this current application, and also the North Close site was completed a number of years ago. All applications have to be judged on their own merits and therefore this recent refusal and subsequent dismissed appeal does not form a material consideration when assessing the current application at the site of the former Police Station.

To conclude by reason of the nature of the signage and the limited time period, it is not considered that the advertisements would be harmful to visual amenity and therefore would not conflict with Policy ENV3 or statutory legislation.

## **11 OTHER MATTERS**

Comments have been raised about the content of the signage. However, the Town & Country Planning Control of Advertisements (England) Regulations 2007 regulation 3(4) does not extend the assessment to limitation or restriction relating to the subject matter, content or design of which is displayed.

## **12 CONCLUSION / PLANNING BALANCE**

In light of the above, it is considered that this application for advertisement consent would not be detrimental to visual amenities or public safety. The proposal complies with the public safety and amenity related provisions of the National Planning Policy Framework and Development Plan, and accordingly advertisement consent is recommended to be granted until October 2027.

## **13 RECOMMENDATION**

### **GRANT ADVERTISEMENT CONSENT**

#### **Standard Conditions**

1. Any advertisements displayed, and any site used for the display of advertisements, shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.

2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
3. Where an advertisement is required under these Regulations to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed so as to obscure, or hinder the ready interpretation of, any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway (including any coastal waters) or aerodrome (civil or military).

**Proposed Conditions:**

6. The hoarding signage hereby approved shall be removed by 23rd October 2027 or when all of the units are let or sold, whichever is the sooner date.

Reason: As the approved advertisements are only acceptable for a temporary period in the interest of visual amenities of the area.

**Further Information:**

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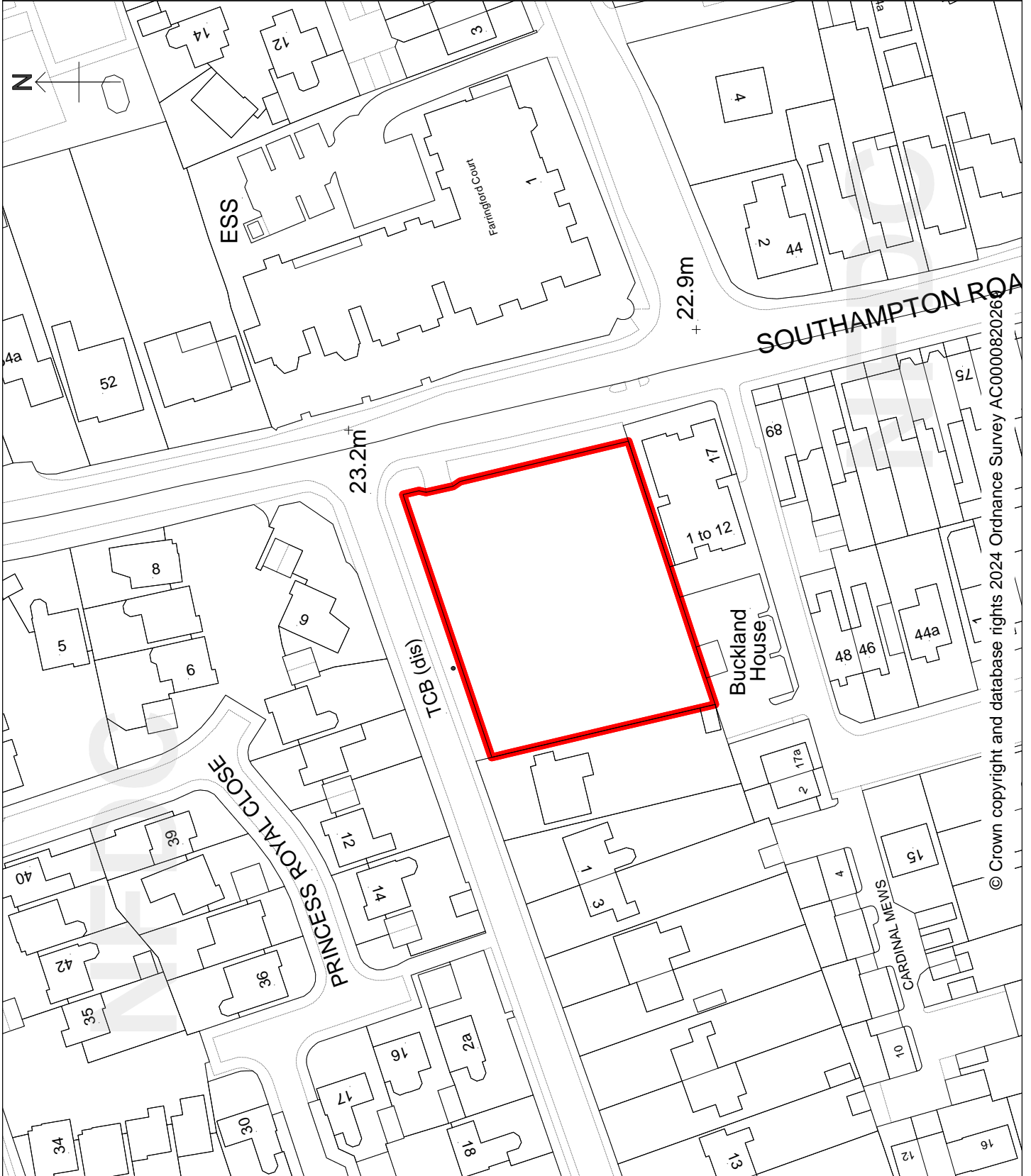
**PLANNING COMMITTEE**

**January 2025**

Site of Former Police Station  
Southampton Road  
Lymington  
24/10953

Scale 1:1000

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scale.



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Planning Committee 15 January 2025

**Application Number:** 23/10821 Full Planning Permission

**Site:** NEW HOUSE, MARKET PLACE AND 1-3 STRIDES LANE,  
RINGWOOD, BH24 1ER

**Development:** Roof extension to accommodate x2no. flats; change of use of part of existing first floor and second floor from office to residential use; extension to existing building at 1 to 3 Strides Lane to accommodate 1 dwelling with parking court and landscaping

**Applicant:** Danol Limited

**Agent:** EMPERY + CO LTD

**Target Date:** 06/10/2023

**Case Officer:** Vivienne Baxter

**Officer Recommendation:** Refuse

**Reason for Referral to Committee:** Town Council contrary view

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the development
- 2) Impact on the character and appearance of the Conservation Area
- 3) Impact on the residential amenities of the area
- 4) Highway matters including parking
- 5) Trees and ecology
- 6) Flood risk

## 2 SITE DESCRIPTION

The site lies within the built-up area of Ringwood in the Town Centre and Ringwood Conservation Area. It is a prominent site on the corner of Market Place and Strides Lane that forms part of a Secondary Shopping Frontage. It contains a large, three-storey flat roofed 1960s brick building to the front, with a part single and part two-storey former stable building to the rear. It is considered that this former stable building is a non-designated heritage asset. The rear of the frontage building is painted brick, as is the stable building which is set behind a tarmac parking area accessed off Strides Lane.

The ground floor of the frontage building is currently in use as three shop units, with the corner element being offices in connection with the upper floors. The rear building is used as a workshop at present. There is a small tree to the rear of this outbuilding in a small yard area separated from the car park by a close-boarded fence. Adjoining the southern boundary of the site is a row of flat roofed garages which have high level windows facing the site.

The Conservation Area contains many listed buildings, the setting of which is important in the consideration of the application. This includes buildings to the eastern side of Strides Lane and the Grade II\* church to the opposite side of the Market Place.

### 3 PROPOSED DEVELOPMENT

The proposal entails the conversion of much of the first and second floors to residential, with a new pavilion structure proposed to the roof to provide a further residential property. Parking would be provided to the rear, together with the extension and conversion of the historic building into a further dwelling.

The resulting development would be three ground floor retail units, a suite of offices across ground, first and second floors, three 1-bed flats at each of first and second floor levels and two new 1-bed units in the additional third floor. The small single-storey rear projection would accommodate a bin store and visitor cycle parking for the development. To the rear, the stables would be converted and extended to form a 2-bed dwelling, comprising a bedroom, shower room, utility room and open plan kitchen, dining and living space at ground floor level and ensuite bedroom at first floor level.

The courtyard, accessed off of Strides Lane, would accommodate 6 car parking spaces. Cycle parking and a plant room for the development would also be housed within the ground floor of this rear building.

### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
21/11630 Erect a single-storey office / studio	12/12/2022	Withdrawn by Applicant	Withdrawn
21/11142 Alterations to the existing building to include formation of a new roof (replacement of rotten timbers and re-roofing with slate), installation of rooflights and changes to existing fenestration	13/10/2021	Granted Subject to Conditions	Decided
11/97145 Use as offices (Extension to time limit of Planning Permission 08/91916)	25/07/2011	Granted Subject to Conditions	Decided
08/91916 Use as offices	23/05/2008	Granted Subject to Conditions	Decided

### 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 ECON2: Retention of employment sites and consideration of alternative uses
- Policy ECON6: Primary, secondary and local shopping frontages
- Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites
- Policy ENV3: Design quality and local distinctiveness
- Policy IMPL1: Developer Contributions
- Policy STR1: Achieving Sustainable Development
- Policy STR3: The strategy for locating new development

Policy STR4: The settlement hierarchy  
Policy STR5: Meeting our housing needs

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

DM1: Heritage and Conservation  
DM2: Nature conservation, biodiversity and geodiversity

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

SPD - Mitigation Strategy for European Sites  
SPD - Parking Standards  
SPG - Ringwood - A Conservation Area Appraisal  
SPD - Ringwood Local Distinctiveness  
SPD - Air Quality in New Development. Adopted June 2022  
SPD - Planning for Climate Change Adopted April 2024

### **Ringwood Neighbourhood Plan**

Policy R7: The Ringwood Design Code  
Policy R2: Maintaining a Successful and Prosperous Town Centre

### **National Planning Policy Framework (2024)**

NPPF Ch.7 - Ensuring the vitality of town centres  
NPPF Ch.11 - Making effective use of land  
NPPF Ch.12 - Achieving well-designed places  
NPPF Ch 14 - Meeting the challenge of climate change, flooding and coastal change.  
NPPF Ch.16 - Conserving and enhancing the historic environment

### **National Planning Policy Guidance**

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

*Latest comment on the second set of Amended Plans*

**Ringwood Town Council:** R(4) Recommend refusal.

The amended plans are noted, but are not sufficiently different to overcome previous objections. The proposal represents overdevelopment of the site, the additional storey would be inappropriate in the location and overbearing and imposing on surrounding properties. It is out of keeping in the Market Place, which is at the heart of the town's Conservation Area, and would be detrimental to the Listed Buildings in the vicinity. There is also some concern about the impact on views from the surrounding area, both within the town and from a distance. The application is contrary to the design code in the Ringwood Neighbourhood Plan and to the Ringwood Conservation Area Appraisal SPG. The Town Council fully supports the views of The Ringwood Society. The views of the Conservation Officer are inconsistent with previous advice on applications 23/10404 (1-7 Meeting House Lane) and 23/11255 (2 Market Place).

## **7 COUNCILLOR COMMENTS**

No comments received

## 8 **CONSULTEE COMMENTS**

### **Ecologist**

No objection subject to compliance with submitted report

### **HCC Highways**

No objection. The trip generation is acceptable to the Highway Authority. Parking is to be considered by NFDC.

### **NPA Archaeologist**

No objection subject to conditions

### **NFDC Tree Team**

No objections

### **Natural England**

Comment and advise of impact on European sites

### **Conservation Officer**

No objection subject to conditions

### **Environment Agency**

Comment - Standing Advice applies

## 9 **REPRESENTATIONS RECEIVED**

Three letters of objection have been received from The Ringwood Society. Their concerns are:

- height would exceed others in area
- bulky and conspicuous
- inappropriate use of non-designated heritage asset
- no marketing of office space
- threat to the Conservation Area
- misleading visualisations
- inappropriate materials

## 10 **PLANNING ASSESSMENT**

### Principle of Development

Policies STR3 and STR4 of the Local Plan Part 1 directs new development to sustainable locations that help to sustain the vitality and viability of town centres. Ringwood is considered to offer capacity for residential, retail and business development which are all included in this proposal. Policy ECON2 seeks to retain employment sites and uses and ECON6 protects primary secondary and local shopping frontages.

The site lies within the built-up area where new residential development is generally acceptable in principle. It also lies in the town centre and secondary shopping frontage. Although policy ECON2 aims to retain employment uses, paragraph 7.12 of the supporting text refers to the extensive permitted development rights available for the conversion of such floor space into residential without the need for planning permission. For this particular scheme, there would be a loss of some commercial office space to accommodate the new flats although the ground floor shop units and offices would still remain, as would offices on part of the first and second floors.



Whilst there would be matters to consider under a prior approval application, given the comments received from statutory consultees on this proposal, it is likely that the upper floors could be converted in their entirety without the need for an express planning permission. The retention of some of the commercial floor space is therefore welcomed.

The concern of The Ringwood Society with regard to the proposed change of use of the non-designated heritage asset is noted and discussed in more detail later in the report, although it is not considered that the proposed residential use of this building is inappropriate in principle.

Given these factors, and that both employment and retail uses would be retained within the scheme the proposal is considered to comply with Policy ECON6 of the Local Plan Part 1. With regard to ECON2, it has been acknowledged that there is a loss of employment floor space although as laid out, it is a single unit which is being reduced in size rather than a number of employment uses being lost. In addition to this, it would accord with the more recently adopted Ringwood Neighbourhood Plan Policy R2 which supports a mix of commercial, retail and residential uses within the town centre.

The principle of residential development within an area designated as Flood Zone 2 is dealt with later in the report.

#### Impact on local character, the setting of Listed Buildings and the character and appearance of the Conservation Area

There is a legal duty imposed by Section 66 (1) of the Act requiring decision makers, be they officers, or council members, 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. Section 72(1) also requires special regard to be paid to preserving or enhancing the character or appearance of a conservation area.

Policy DM1 of the Local Plan Part 2 requires proposals to seek to enhance the historic environment and heritage assets. Policy ENV3 of the Local Plan Part 1 requires development to be sympathetic to its environment and context and that it should enhance local distinctiveness.

Paragraph 210 of the NPPF requires local planning authorities to take account of sustaining and enhancing heritage assets and the desire for new development to make a positive contribution to local character and distinctiveness.

The proposed additional storey would result in an increase in the height of the building from three to four storeys. As set out in the Ringwood Conservation Area Appraisal, the predominant height of historic built form of development around the marketplace is two to two-and-a-half storeys with some three-storey buildings providing rhythm. The existing application building is an incongruous exception to this gently varying rhythm in that it presents a broad horizontal three-storey block, with a strong eaves line, that is particularly marked against the adjoining two-storey buildings in West Street. The transition from the massing of New House across Strides Lane to 29 - 31, Market Place is slightly reduced as a result of the set back of the eastern part of New House and the prominent mansard roof of No 29–31.

Whilst the proposed additional storey will be set well back from the frontage and east elevation of the building, it will be a clear modern addition rising above the historic pattern of rooflines at the southwest corner of the Market Place when viewed from the northern half of the Market Place and this modern development will not be inconspicuous in the Market Place.

However, it will be seen in the context of the character of the existing building, which is a large mid-20th century building of wholly modern character that forms an incongruous break in the historic rhythm of the rooflines, and the harm of the additional storey needs to be considered in the context of the existing building.

There would be limited views of the additional storey along West Street from Jubilee Gardens. However, these views will reduce as one approaches the Market Place along West Street, as views of the addition are concealed by the existing roofline of the building. The visibility of the additional storey above 9-11 West Street would result in some impact to the historic character of the Conservation Area at this point. However, the scale, massing, proportions, and architectural character of the existing historic development along West Street will remain the dominant and defining characteristic in these views, and so the proposed development is not considered to harm the setting and significance of the listed buildings within West Street.

Views of the additional storey from east along the Market Place from the High Street would be very limited as a result of the curve of the street and set back of the proposed addition. The most prominent views of the additional storey will be from the south of the site, where the massing of the existing building, with its metal fire escape, is already prominent. The additional storey will be seen in conjunction with views of the church tower which rises above the rooflines at this point.

The additional storey will block views of the top of the church tower from a limited range of locations to the immediate south of the building. However, these views are not planned and only make a modest contribution to the setting and significance of the church, and so the impact would be localised. The additional storey will make the building more prominent in longer views of the Conservation Area from the south, in particular from the Castleman Trailway. The flat roofed form will be a more obviously modern element in the roofscape viewed at this distance. However, the height and massing of the additional storey will not compete with roofline of the church, which will by far remain the most dominant feature on the skyline in these longer views of the Conservation Area. It is not anticipated the building will impact longer views of the Conservation Area from the north and west.

In considering the impacts set out above, the proposed additional storey will result in less than substantial harm to the special character and appearance of the Ringwood Conservation Area.

Aside from the provision of a pavilion structure to the third floor roof, the front elevation of the building is proposed to have other changes which can be summarised as follows:

- new shop fronts
- dropped sills and the provision of Juliet balconies to the first floor windows in the forward sited part of the building
- repositioning the door and window at ground floor level to the recessed corner element
- first and second floor windows above the repositioned window
- two-storey window above entrance to flats

The shop units would retain a slight recess to their front elevations, and each door would remain to the left side of the individual shop, thus having a minimal impact on the street scene. The Juliet balconies, two storey window and paired side hung casements would provide a vertical element to the facade, providing a balance between the elevational alterations and the additional pavilion structure to the roof.

The additional upper floor windows would add further rhythm to this elevation, thus preserving the character and appearance of the Conservation Area.

The proposed changes and alterations to the façade and fenestration will address some of the current harm the building causes to the character of the Conservation Area and are therefore considered to enhance its character. Subject to securing appropriate details and quality materials, the proposals would represent a significant improvement to the building, resulting in a building which better engages with the historic proportions of adjacent (listed) buildings.

The side elevation would have little change other than replacement windows and the dropping of the northern most ground floor sill to reflect those adjacent. At the rear (south) of the frontage building, the fire escape stairs and their associated doors would be removed and a more uniform set of openings reflecting the western section of the building would be provided. This is considered to represent an improvement on the appearance of the building. The elevation would be maintained as painted, reflecting the painted stable building to the rear.

The proposed addition to the non-designated heritage asset to the rear is a single-storey extension to the side and rear of the building in order to provide a dining and living space in association with its conversion to a single dwelling. This modest addition is well proportioned and would not have an adverse impact on the building. The front elevation currently has inappropriate window openings and these are proposed to be amended to be more uniform and proportionate to the original use. The hayloft would be reopened at first floor level and overall, the proposal would have a positive effect on this non-designated heritage asset, helping to preserve the building and the positive contribution it makes to the Conservation Area.

The Town Council's comments have been noted with regard to Policy R7 of the Ringwood Neighbourhood Plan. Having regard to this policy and associated design codes in Appendix B, whilst not all points are relevant to this proposal, the following are noted:

- it is considered appropriate for corner buildings to have extra height or have a distinctive architectural element (DC.03.5)
- the density is appropriate to this Town Centre location (DC.05.4)
- the roof is well articulated, in proportion to the building and avoids repetition and monotony (DC.05.6)
- the impact on the street scene is limited other than to improve the facade of the building which is noted in the Ringwood Conservation Area Appraisal as requiring improvement (DC.05)
- the overall townscape would not be adversely affected (DC.05)
- the conversion is sympathetic and maintains both vertical and horizontal rhythms along the facade (DC.05.5)

Overall, whilst it is noted that the additional floor would result in some impact to the character and appearance of the Conservation Area, other elements of the proposal such as the alterations to the front elevation and the conversion and refurbishment of the historic outbuilding into a dwelling represent improvements. A balance between harm and improvement therefore has to be made, also taking other matters detailed within this report into account.

Other visual elements of the scheme such as the loss of unattractive fire escapes, the streamlining of window openings and vertical emphasis, offer significant enhancements to the character and appearance of the Conservation Area. It is noted that the Ringwood Conservation Area Appraisal welcomes works to improve this building and the proposal overall is considered to offer a public benefit to the

Ringwood Conservation Area as required by paragraph 215 of the NPPF. Furthermore in the round the works overall would preserve the character of the Conservation Area. The proposal is therefore considered to comply with the requirements of both Policy ENV3 of the Local Plan Part 1 and Policy DM1 of the Local Plan Part 2.

#### Residential amenity

The proposal is required to avoid unacceptable effects by reason of visual intrusion or overbearing impact, overlooking, shading, noise and light pollution or other adverse impacts on residential amenity under Policy ENV3 of the Local Plan Part 1.

The proposed residential units would not result in any loss of amenity for existing nearby occupants in view of the fact that the majority of proposed units have windows to the front and rear of the existing building where views are either across the street or to the back of the site.

There are new dwellings being built to the east side of Strides Lane, although the proposed conversion would be set back some 11m into the site from the highway and not considered to raise amenity concerns for any future occupiers. To the west of the site are commercial units.

Although the proposed flats would not have access to any outdoor space or balcony, this is not uncommon within a town centre area. The site is also a short distance from the Danny Cracknell Pocket Park, accessed to the south of Strides Lane. The dwelling to the rear would have a small area of amenity space, and two of the first floor flats would have Juliet balconies facing the Market Place.

As such, there are no residential amenity objections to the proposal and the proposal complies with Policy ENV3 of the Local Plan Part 1.

#### Highway safety, access and parking

Policies ENV3 and CCC2 of the Local Plan Part 1 requires developments to integrate sufficient car and cycle parking spaces to meet realistic needs which do not prejudice the character and quality of the street.

The proposal would use an existing vehicular access from Strides Lane into the rear of the site where up to 7 cars can be accommodated at present. Although the number of parking spaces available would be reduced to six as part of these proposals, they would be for residential rather than commercial use. The Highway Authority has not raised any objection as the proposed trip generation would be similar to that of the existing lawful use.

Having regard to the NFDC recommended parking standards for a development of this nature, the requirement would be 12.7 spaces provided communally, it is accepted that there is a shortfall of 6.7 spaces. However, as the site lies within the Town Centre, it is considered to be a sustainable location where a lower level of parking can be acceptable. The proposal includes an enclosed cycle parking area for the new dwellings which would accommodate 16 cycles (2 per dwelling) and a further enclosed cycle parking area for visitors which could accommodate a further 4 cycles. This is considered an acceptable level of cycle parking.

There are no objections to the proposal on parking or highway safety grounds and in view of the improvements to the visual aspect of this car parking area through additional planting within the currently hard surfaced area the proposal is considered to comply with Policy ENV3 of the Local Plan Part 1.

## Trees and Ecology

Policy ENV3 of the Local Plan Part 1 requires developments to create buildings which are sympathetic to the environment including landscape features.

The site contains a small Ash tree in the south-west corner behind the historic outbuilding. The tree is not prominent and is likely to have been self-seeded and is growing in a restricted raised bed. It is suffering from Ash dieback disease and has a limited retention span. It is not considered to be a constraint to development and so its loss is considered to be acceptable.

Policy DM2 of the Local Plan Part 2 seeks to ensure that ecology and biodiversity interests are not harmed and ecological enhancements are secured through new development. As the application was submitted in 2023, there is no requirement for mandatory biodiversity net gain which came into force in April 2024.

The site consists of built form and hard surfacing, aside from a small area to the south-west corner where the tree and some poorly maintained planting exists. As stated above, there are no objections to the loss of the tree and the remaining space would be laid to lawn and further planting provided to the Strides Lane boundary and parking areas which would soften the appearance of the site and provide some biodiversity. This is considered acceptable from an ecological point of view, An Ecological Impact Assessment, including a bat survey was undertaken at the site in August 2023 and this report concluded that neither building on site was likely to be used by roosting bats; nor were there any habitat features within the site which could support foraging or commuting bats. However, in order to increase biodiversity on site, enhancements have been suggested which would provide a bat tube, bird nest box and Swift nest box within the fabric of the buildings. These enhancements could be secured through condition if the scheme was otherwise acceptable.

There are no objections to the proposal on landscape, tree or ecology grounds and the proposal is considered to comply with Policy ENV3 of the Local Plan Part 1 and Policy DM2 of the Local Plan Part 2.

## Flood Risk

The site lies within Flood Zone 2, with Flood Zone 3 covering the front of the existing shop units where there are no proposed changes of use. In addition to this, the site is also within an area where flood defences are in place to reduce the risk from river flooding. Policy CCC1 of the Local Plan Part 1 does not permit vulnerable development such as residential in areas at risk of flooding. In addition to this, consideration has to be given to paragraphs 170-182 of the NPPF which require a sequential based approach to development in areas known to be at risk of flooding.

The existing retail and offices are classified as less vulnerable uses but the current proposals would introduce more vulnerable uses (residential) into an area at risk of flooding (Flood Zone 2). However, the new residential accommodation would be a partial change of use of the existing building and would be located on its upper floors together with an extension to the roof of the existing building at third floor level which would provide 2 no. 1 bed flats. Although the proposal is predominantly a

change of use it also includes extensions to create a small addition to the stables at the rear which would be converted for residential use.

The Environment Agency has confirmed that their Standing Advice applies in such situations and this Standing Advice includes the requirement for a sequential test in certain circumstances. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding. The aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible.

In addition to this, the Standing Advice details what to include in a Flood Risk Assessment (FRA) such as floor levels and flood resistance and resilience measures. Developments should not increase flood risk elsewhere and this should be demonstrated within the Flood Risk Assessment for the site.

In relation to the requirement for a sequential test, Paragraph 176 of the NPPF states that some minor development (including non-residential extensions under 250m<sup>2</sup>) and changes of use are not subject to the sequential test and it is noted that the submitted Flood Risk Assessment concludes that the part of the application that is a change of use is exempt from the sequential test. However, the extension in this case does not fall within this classification and whilst residential, does not relate to a householder proposal either. Further, the additional floor, providing two new residential units would also generate a requirement for the sequential test to be applied. The submitted FRA however, concludes that a sequential test is not required in this case; Officers disagree and the applicant's agent has subsequently been asked to undertake this test in accordance with the Standing Advice due to the proposed extensions at third floor level and to the coach house being in flood zones 3 and 2. However, the agent maintains the position that the sequential test is not required. A sequential test has not been submitted and so the application falls to be determined accordingly.

It is considered that the correct approach would have been to carry out a sequential test to demonstrate that no other suitable sites are reasonably available in an area with the lowest probability of flooding. The application therefore fails to demonstrate this through applying the sequential test and is contrary to those relevant parts of the NPPF and the criteria in policy CCC1.

The applicants have provided a Flood Risk Assessment which covers the rest of the EA Standing Advice. The following points are considered having regard to the applicant's submission:

a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;  
*As stated above, less than 2m of the front of the site in Market Place falls within Flood Zone 3 and as such, the new build third floor and conversion to the rear are located within the area at lowest risk from flooding. The proposed residential flats to the first and second floors would not involve displaced flood water at ground floor level.*

b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;

*To counter any residual flooding, flood resistant construction materials are proposed at ground floor level with electrical outlets fed from the ceiling rather than the ground.*

c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;

*A drainage strategy has been included as part of the proposals, demonstrating that a soak away would be installed within the car park area and maintained on an annual basis. A condition can be imposed relating to the provision of the surface water drainage strategy.*

d) any residual risk can be safely managed;

*The Flood Risk Assessment concludes that there would be no residual flood risks associated with the development and*

e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

*An Emergency Flood Plan has been provided in support of the application and this details how future occupiers should react to a flood warning, leaving the site to the east and heading to Market Place, the majority of which is outside of Flood Zones 2 and 3.*

In addition to the points referred to above, the report states that the site is not at risk from coastal flooding and is identified as being at a very low risk of surface water flooding. The main concern is therefore river flooding. Data stating that levels during a 1 in 100 year storm event would be 14.65m AOD (above ordnance datum) undefended and 14.83m AOD defended have been included. This data is from the information supplied by the Environment Agency following the applicant's request for 'Product 4' information required in order to provide an appropriately detailed Flood Risk Assessment. The floor levels within the stable building are above this at 14.95m AOD which would exceed this level and there are no proposals to alter this which is considered acceptable.

It is therefore considered that - in accordance with paragraph 181 of the NPPF - the FRA submitted demonstrates that the proposed development would be appropriately resilient and would not lead to flood risk elsewhere being increased. The Environment Agency has not raised any concerns with the submitted Flood Risk Assessment. Officers must stress however that this advice is in relation to the technical aspects of the applicant's proposal to incorporate flood resilience measures to the building. The EA have not commented on the application of the sequential test.

Proposals within the FRA to raise floor levels to manage and mitigate the potential impact of flooding should only be considered when it has been successfully demonstrated that it is not possible to locate the development elsewhere away from the risk of flooding. As such, in this case the proposal does not comply with the Environment Agency Standing Advice due to the lack of a sequential test being undertaken. It has not therefore been demonstrated that there are not any other reasonably available sites for the proposed residential development and the proposal is contrary to policy CCC1 of the Local Plan Part 1 and paragraph 173 of the NPPF.

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

### Habitat Mitigation

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. In this case, the applicant is willing to enter into a Section 106 legal agreement to secure the required habitat mitigation contribution. However, as this agreement has not been completed the required habitat mitigation contribution has not been secured so it forms a further reason for refusal.

#### 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 could have been imposed to secure the appropriate level of phosphate mitigation had the development otherwise been acceptable.

#### Air Quality

To ensure that impacts on international nature conservation sites are adequately mitigated, 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. There is potential for traffic-related nitrogen air pollution (including NO<sub>x</sub>, nitrogen deposition and ammonia) to affect the internationally important Annex 1 habitats for which the New Forest SAC was designated, and by extension those of the other International designations. Given the uncertainties in present data, a contribution is required to



undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. This will be included in the legal agreement required under S.106 before any approval can be issued. 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. In this case, the applicant is willing to enter into a Section 106 legal agreement, which secures the required air quality monitoring contribution. However, as this agreement has not been completed the required air quality monitoring contribution has not been secured so it forms a further reason for refusal.

In response to the requirements of the 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 the provision of cycle storage, the provision of additional planting and improved window insulation through replacement windows.

#### Developer Contributions

As part of the development, had the proposal been recommended favourably, the following would have been needed to be secured via a Section 106 agreement:

- Habitat Mitigation £31,306 (infrastructure) and £4,606 (non-infrastructure)
- Air Quality Monitoring £981
- Habitat Mitigation commencement £847

In the absence of a completed S.106 Agreement, the proposal would result in a form of development for which there is inadequate mitigation of the impacts. The proposal would therefore conflict with policies ENV1 of the Local Plan Part 1 and policy DM2 of the Local Plan Part 2.

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	567.5	454	113.5	113.5	£80/sqm	£13,305.69 *
Businesses - Offices (non-Financial/Prof	455	455	0	0	No charge	£0.00 *

Subtotal:	£13,305.69
Relief:	£0.00
Total Payable:	£13,305.69

## 11 OTHER MATTERS

N/A

## 12 CONCLUSION / PLANNING BALANCE

The proposal would provide nine units of accommodation in a highly sustainable location, creating a mixed use site, including retail and office use within this Town Centre location. This is to be balanced with the creation of an additional floor which, as noted above, has some visual impact in this Conservation Area resulting in less than substantial harm, however it has been assessed that the proposal overall is considered to offer a public benefit to the Ringwood Conservation Area as required by paragraph 215 of the NPPF. The proposal does not raise any significant concerns with regard to residential amenity or highway safety.

However, the applicant has not provided a sequential test for the proposed development which is a requirement for this type of proposal within Flood Zone 2. It has not therefore been demonstrated that there are no other reasonably available sites for the proposed residential development and the proposal is contrary to paragraph 173 of the NPPF.

As such the recommendation is one of refusal.

## 13 RECOMMENDATION

### Refuse

#### Reason(s) for Refusal:

1. The proposals include extensions for a more vulnerable residential use which are located within Flood Zone 2 where there is a high risk of flooding. In these circumstances, guidance requires that a sequential test is carried out to determine whether or not there are any other reasonably available sites for the proposed development in areas with a lower risk of flooding. Without this sequential test being undertaken, it has not been demonstrated that there are no other suitable sites in an area at a lower risk of flooding to locate the development. As such the proposal cannot be supported as it is contrary to policy CCC1 of the Local Plan Part 1 and paragraph 173-176 of the NPPF.
2. In the absence of an agreement pursuant to S.106 of the Town and Country Planning Act (1990), the recreational and air quality impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area and the New Forest Ramsar site would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures and air quality on these sensitive European nature conservation sites, contrary to Policy ENV1 of the Local Plan 2016-2036 Part One: Planning Strategy and the Council's Supplementary Planning Documents "Mitigation for Recreational Impacts on New Forest European Sites" and 'Air Quality in New Development'.

#### Further Information:

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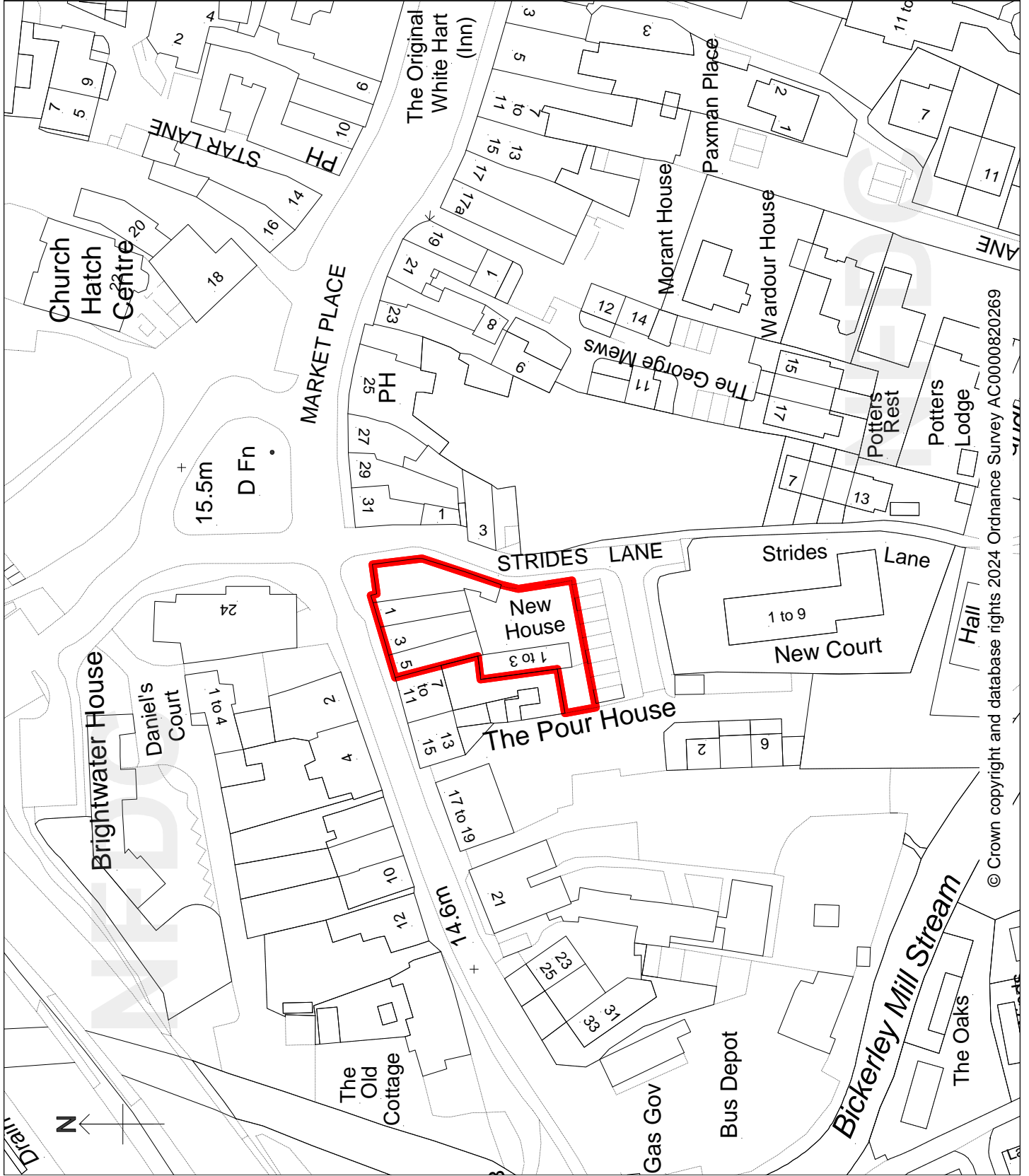
**PLANNING COMMITTEE**

January 2025

New House  
Market Place and 1-3 Strides Lane  
Ringwood  
23/10821

Scale 1:1000

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



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Planning Committee 15 January 2025

**Application Number:** 24/10820 Full Planning Permission  
**Site:** BARN AT THE OLD STORES, SCATS LANE,  
SANDLEHEATH, SP6 1PL  
**Development:** Change use from agricultural barn to holiday let  
accommodation; associated external alterations; parking  
**Applicant:** Mr Rickman  
**Agent:** Mr Egford  
**Target Date:** 18/11/2024  
**Case Officer:** James Gilfillan  
**Officer Recommendation:** Service Manager - Grant  
**Reason for Referral to Committee:** Contrary view of Cllr Richards.

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## 1 MAIN ISSUES

- 1) The principle of the development
- 2) Impact on the character and appearance of the area
- 3) Highway safety
- 4) Residential amenity
- 5) Ecology, New Forest habitat recreational impact mitigation and Nutrient Neutrality

## 2 SITE DESCRIPTION

The site is located in fields to the rear of houses on Scats Lane and Alderholt Road, in the countryside around Sandleheath. The built-up area as defined by the policies map is located tight to the rear of those properties.

The existing building is sited centrally within the application site in a cluster of trees. The site extends 80m to the south of the existing building, where vehicular access to Alderholt Road is located. The access is shared with access to adjoining land. There is a track serving the building from the access.

The land slopes down to the south, from Scats Lane.

## 3 PROPOSED DEVELOPMENT

Change use from agricultural barn to holiday let accommodation; associated external alterations; vehicular parking.

## 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
20/10588 Use of the land for the siting of one shepherd hut (for holiday purposes) hardstanding, services.		Withdrawn	Decided

**5 PLANNING POLICY AND GUIDANCE****Relevant Legislation**

Planning and Compulsory Purchase Act 2004.

**National Planning Guidance**

National Planning Policy Framework (NPPF) December 2024  
Planning Practice Guidance

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

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 STR6: Sustainable economic growth

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

Policy ENV3: Design quality and local distinctiveness

Policy ENV4: Landscape character and quality

Policy CCC1: Safe and healthy communities

Policy CCC2: Safe and sustainable travel

Policy IMPL1: Developer Contributions

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

DM2: Nature conservation, biodiversity and geodiversity

DM13: Tourism and visitor facilities

DM20: Residential development in the countryside

**Local Plan Part 1: Core Strategy 2009 (saved policies)**

CS19: Tourism

CS21: Rural economy

**Supplementary Planning Guidance And Documents**

SPD - Air Quality in New Development.

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

SPD - Planning for Climate Change

SPG - Residential Design Guide for Rural Areas

SPG - Landscape Character Assessment

**6 PARISH / TOWN COUNCIL COMMENTS****Sandleheath Parish Council: No objection**

The parish council voted, mostly in favour, of recommending PAR1 Approval, following discussion and reassurance from the applicant regarding access and terms of use.

**7 COUNCILLOR COMMENTS****Cllr Richards - Downlands and Forest North**

The application is for self-contained holiday accommodation (a form of residential use) that will result in a building that is residential in character. The location is in the

open countryside, outside the defined settlement boundary, and so would be contrary to policies DM13 and DM20. The building is only about 5 years old and, although being given planning permission as an agricultural barn, appears to have never been used for agriculture, as defined under the Town and Country Planning Act 1990. It is also located close to the settlement boundary. This raises further concerns that similar schemes may be encouraged nearby, in effect extending the settlement beyond its defined boundary. The scheme does not form part of a farm diversification project and the minor economic benefits would not outweigh the harm to rural character arising from this form of residential use. It would therefore be contrary to policies STR2 and STR3

## 8 **CONSULTEE COMMENTS**

Comments have been received from the following consultees:

**NFDC Ecologist: No objection.**

The building does not present the potential to be occupied by bats.

**Hampshire CC Highways: No objection.**

The proposal will result in a similar number of trips

**Natural England: No objection.**

Subject to the Council undertaking an Appropriate Assessment of the scheme.

## 9 **REPRESENTATIONS RECEIVED**

The following is a summary of the representations received.

- Impact on the character and appearance of the area
- Inappropriate development outside the settlement boundary of Sandleheath
- Existing building not in accordance with approved design
- Dangerous access compromising highway safety
- How will parking on Scats Lane be enforced
- Loss of amenity due to vehicle headlights shining in to rooms
- Loss of amenity due to noise and light from the proposed use
- Potential future use and precedence
- Impact on ecology and ability to deliver biodiversity net gain
- Foul water drainage harming environment

For: 0

Against: 9

## 10 **PLANNING ASSESSMENT**

### 1. Principle of Development

Strategic policy STR3, of the Local Plan, seeks to direct development to the identified towns and villages in the district. The closest identified settlement is Sandleheath.

STR4 sets a settlement hierarchy for the New Forest. Sandleheath is in the list of 'Main villages', the second tier in the hierarchy, where a limited to moderate range of local services are provided. They are appropriate locations for small to medium scale development that sustains their current village role.

Saved Local Plan Core Strategy Policy CS21 sets a strategy for the rural economy focusing on employment, supporting existing employment and seeking to benefit existing services and facilities.

Local Plan part 1, strategic policy STR6 'Sustainable Economic Growth' states:

The Council strategy for sustainable economic growth is to maintain and enable a vibrant and prosperous local economy offering a diverse range of local employment opportunities, where existing businesses continue to thrive and new businesses have sufficient and suitable opportunities to form and grow in appropriate locations. This will be achieved by:

- vi. Supporting a sustainable rural economy including low environmental impact businesses and tourism;

Furthermore, saved Core Strategy policy CS19 "Tourism", supports tourism development and states:

The strategy is to support the local tourism industry by, *inter alia*;

(d) supporting new tourist provision and initiatives in towns and villages, and in the countryside through the reuse of existing buildings or as part of farm diversification, particularly where these would also benefit local communities and support the local economy.

The NPPF directs Local Planning Authorities to prepare policies and make decisions to support a prosperous rural economy. It states at paragraph 84 (a), decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

At NPPF paragraph 85 *inter alia* it recognises decisions may have to support schemes outside existing settlements, in locations not well served by public transport.

The site is outside the built-up area as defined by the Local Plan policies map.

However, the application site is 65m from the boundary of the built-up area, and whilst the scale of the proposal is appropriate in scale to a settlement the size of Sandleheath, the policy identifies a built-up area and does not make provision for a gradual transition from the built-up area in to the countryside for main villages.

Whilst the primary objectives are to conserve and enhance the countryside and natural environment, policy STR3 accepts development will occur beyond the defined settlements, concluding that development will generally be restricted unless the development is appropriate in a rural setting in accordance with saved policy CS21 of the New Forest Core Strategy 2009, "Rural Economy".

The proposal would not relate to existing employment opportunities, nor introduce new opportunities for existing residents.

However, the application does propose to make use of the existing building on the site in line with criterion (d) of Policy CS21 to provide tourist accommodation that will contribute to the tourism offer in the district.

Despite Sandleheath being identified as a 'small village' by Local Plan Policy STR4, there is little by way of services to offer visitors. However, visitors to the proposed development could be expected to visit the local shop in Sandleheath or pubs in other nearby villages such as Ashford, Damerham and Rockbourne and the wider



services available in Fordingbridge. Despite being small in scale this additional spend by visitors will be an economic benefit, that the existing building does not offer.

The pre-amble to Policy DM13 states that policy CS19 of the Core Strategy sets out the strategy for supporting the local tourism industry. The strategy seeks to encourage tourism which is consistent with environmental objectives, including protecting sensitive areas of the New Forest National Park and vulnerable habitats. It also indicates that tourism is an important part of the local economy.

Local Plan part 2 policy DM13 'Tourism and visitor facilities' states *inter alia*:

Outside the defined built-up areas, development to provide visitor accommodation and/or facilities will only be permitted where it is;

- part of a farm diversification project or through the conversion of existing buildings in accordance with Policy DM22.

It goes on to state:

that where the development is being provided through the conversion of existing buildings, it must be of an appropriate scale and appearance to its rural setting and structurally sound, so it can be re-occupied without major rebuilding.

It is considered from the case officers site visit that the building subject to the application is of sufficient structural integrity to be able to accommodate the proposed use. Whilst new partition walls and openings are proposed, they are not fundamental to the continued stability of the structure of the building and are directly related to the enhancement of the quality of the building for the intended use.

Furthermore, in respect to the references in policy STR6 and the pre-amble to DM13 of complying with environmental objectives, the site is not within the designated high value sensitive landscapes of the New Forest National Park, or the Cranborne Chase National Landscape. Due to the small size of the building and separation distances of circa 3.5km and 0.55km respectively, there will not be an unacceptable impact on the scenic beauty and purposes of those sensitive landscapes ensuring the purposes of their designation can be furthered. Nor is the site adjacent to land designated for nature conservation interests. As such, the principle of proposal is considered to preserve landscapes of high sensitivity to change and the integrity of protected habitats.

As described above, policies of the local plan support the principle of the proposed re-use of the building. There is no test of redundancy or vacancy, merely that the building is capable of re-occupation without major rebuilding.

Whilst there is a general presumption against development in the countryside in Policy STR3 as set out it does allow for appropriate development in a rural setting if it addresses Policy CS21 (Rural Economy). The local plan recognises that tourism is an important part of the local economy and as such given the proposed scheme converts an existing building and has potential minor economic benefits this weighs in support of the scheme.

As such, the principle of the development is considered to be acceptable in accordance with local Plan policies STR3, STR6, CS19, CS21 criterion (d) and DM13.

Policy tests regarding the potential impact of the design of the building on the character and appearance of the area are considered below

## 2. Design, site layout and impact on local character and appearance of the area

Local Plan Policy ENV3 (Design quality and local distinctiveness) sets out 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 by creating buildings, streets, places and spaces that are functional, appropriate and attractive.

Local Plan Policy ENV4 (Landscape character and quality) sets out that where development is proposed there is a requirement to retain and/or enhance landscape features and characteristics through sensitive design, mitigation and enhancement measures, to successfully integrate new development into the local landscape context.

The building already exists on the site and there it is not a condition of its planning permission that the building must be removed should it no longer be required for its original agricultural purposes. Whilst the site is outside the defined built-up area, the rear gardens of surrounding residential properties extend beyond the alignment of the built-up area as shown on the Local Plan policies map and into the open countryside. As such the setting of the site is not isolated from residential buildings, curtilages and activities and the building subject to this application is part of the local landscape.

Furthermore, the application does not propose the loss of any existing landscape features in order to facilitate its use. The access from Alderholt Road already exists, as does the track serving the building. There are no trees or landscape features around the building that might impede access or enjoyment of being there, or that would compromise the daylight and amenity of occupiers.

The existing building does not look the same as that granted planning permission in 2018. The approved plans included an open fronted storage area which is enclosed on the existing building and the roof pitch is steeper resulting in a marginally higher ridgeline. Despite those deviations the existing building, in use for its approved agricultural use does not appear alien to its context or setting. The current planning application proposes minor alterations to the existing external elevations to facilitate the proposed use, including a new entrance door in the east elevation, windows in the north and west elevations and installing glazing in place of the double door opening already on the south, front, elevation. The existing barn doors will be retained and the glazing installed in such a way that the doors could be closed. A condition is recommended to ensure this design feature is delivered.

The size, height and siting of the existing building would not be altered. The addition of a new door and the simple design and small size of the windows, the alterations will be readily absorbed into the fabric and appearance of the structure. Their addition will result in a marginally more domestic appearance, compared to the existing, but due to the minor extent of the alterations, that change in appearance will not be readily noticeable, nor are they out of scale or prominent on the building. Furthermore, the surrounding context includes a variety of residential properties and garden paraphernalia, as such the alterations to the existing building will not be out of context with the setting.

The proposed external alterations also include the addition of solar PV panels to the existing roof slope. In principle this would be a positive addition and to a degree could be permitted development. Whilst such features are not readily agricultural or rural in appearance, they would sit against the existing grey coloured roof slope and the reduction in reliance on carbon-based energy outweighs any minor visual impacts.

Whilst intended for short term holiday use, the proposed residential use will increase the general domestic comings and goings, which are likely to have a greater impact on the appearance of the site and landscape setting than the alterations to the elevations. The applicant could drive a domestic vehicle to the building in order to carry out the agricultural functions for which the building was originally approved for, however, such a vehicle is unlikely to be on site over-night. The presence of domestic vehicles instead of agricultural vehicles on site will be the most visible consequence of the proposed use.

A residential conversion is highly likely to result in other domestic paraphernalia on the building. Flues for boilers, wood burners or extraction systems, television aerials or dishes, external lighting or garden structures will all erode the agricultural and rural appearance of the building, unless carefully assessed and controlled. Whilst there will be limited public vantage points from which to view the building, such changes would have an impact on the appearance of the building.

A small amount of the land within the applicants ownership has been indicated as being part of the application site. A condition could be used to manage the erection of any garden fences or structures commonly associated with residential gardens in order to preserve the rural landscape setting of the site by removing permitted development rights. It would not be possible to prevent changes to the landscape immediately around the building, that might be expected for the form of residential use proposed. However given the small size of the land proposed to be included, such changes would be minimal and not readily distinguished from the current appearance.

Domestic vehicle parking associated with the development would have a minor impact on the character of the area. As the building exists and the changes proposed to convert it for the proposed use are minor, and can be controlled by the imposition of conditions, there will be little visual impact on the appearance of the building and area. Furthermore, there will be no loss of landscape setting arising from the proposed conversion. As such the physical works subject to conditions will accord with Local Plan policies ENV3 and ENV4.

### 3. Highway safety, access and parking

In accordance with Local Plan policy CCC2 proposed development is required to deliver safe and sustainable travel, by prioritising safe and convenient pedestrian access within developments, provide or contribute to the provision of dedicated cycle routes and lanes, consider the impact of development on bridleways, provide sufficient car and cycle parking in accordance with the parking standards SPD, provide infrastructure for electric vehicles and contribute to the provision of highway or public transport measures.

The scheme proposes to make use of the existing access from Alderholt Road, shared with the owners of other adjoining parcels of land. Whilst the surface is not made up with any form of solid surface, it is clearly in regular use as evidenced by a worn path. Hampshire County Council highways officers have no objection to the proposal, noting the proposed use is not expected to increase vehicle movements in a manner that will conflict with highway safety.

The access track to the building is made up of gravel that has been covered by grass. The applicant has provided details of improvements to the surface in order to improve its resilience and maintain suitable access for the use. A condition can be imposed to ensure such works are undertaken before the proposed conversion is brought in to use and then maintained.

As a one bedroom unit the proposed use is unlikely to give rise to many trips per day or that would result in vehicles seeking to enter and exit the site on to Alderholt Road simultaneously.

Being on the outside of a slight bend on Alderholt Road, coupled with the grass verge and ditch beside the road, sufficient visibility would exist to maintain highway safety. Following relocation of the gate across the access into the site, there is sufficient space to access the site safely from the highway. Furthermore, there is sufficient space on site to accommodate vehicle parking and manoeuvring, ensuring vehicles can enter and exit in a forward gear. As such highway safety will be preserved.

Alderholt Road is narrow and does not have a pavement. As such there is not a safe walking route from the site into Sandleheath village. However, that is the same for all the residents living on Alderholt Road. It is considered that tourist visitors are less likely than residents to seek to walk to local services on a daily regular basis and Policies STR3 and CS19 recognise the principle of development occurring in less sustainable countryside locations where such facilities may not be available. The lack of a safe pedestrian route does conflict with policy CCC2 (i) and weighs against the scheme.

Subject to conditions, vehicles using the existing access would not conflict with highway safety and sufficient parking would be provided. However, due to the lack of a safe walking route into the nearest settlement, the scheme would not accord with Local Plan policy CCC2 criterion (i).

#### 4. Residential amenity

Local Plan policy ENV3 at paragraph (ii) requires development, to avoid unacceptable effects by reason of visual intrusion, overbearing, overlooking, shading, noise and light pollution.

There are residential properties adjoining the field in which the building is located, occupiers of which may be able to see the building especially at night when artificial lighting both inside and outside are in use. The small scale of the proposal and its residential nature is unlikely to have an unacceptable effect on the amenities of those residents by reason of noise or lighting, nor would it be over and above the impacts already caused by use of nearby and adjoining residential gardens would already cause.

Due to the separation distance, ground levels and size of the existing building, will preclude any overshadowing, loss of outlook or loss of privacy.

Local residents have raised concerns regarding vehicle lights shining across Alderholt Road when vehicles exit the access drive to the site subject to this application and travel up the drive towards it, shining headlights towards the rear of houses on Scats Lane. Based on the scale of the scheme and thus the number of trips generated at night, such occurrences would be very rare and largely obscured by existing landscape and boundary features, and at the access will be over 25m away and on the access drive over 70m from the closest residential property and would be fleeting to the extent that the amenity of the occupiers of those properties would not be unacceptably affected.

As such the scheme will preserve the amenity of local residents in accordance with Local Plan policy ENV3.

## 5. Ecology

Local Plan policy DM2 seeks to preserve or avoid impacts on features of nature conservation interest, including international, national and local designations and species. The development should include features to incorporate features to encourage biodiversity and retain and where possible enhance features of nature conservation value within the site. Conditions could be used to minimise damage, provide mitigation and site management measures and, where appropriate, compensatory and enhancement measures.

There are no sensitive or high value habitats on site, nor does the proposed development require the loss of any trees, hedges or natural surfaces that could offer supporting habitats.

The NFDC ecology officer is content that the proposed conversion will not harm existing features of nature conservation interest.

However, 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. This is addressed in a suitable Informative.

### New Forest habitat recreational impact mitigation

In accordance with Local Plan policy ENV1 and 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 and Solent Coast European sites, in view of that site's 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. In this case, the applicant has indicated a willingness to enter into a Section 106 legal agreement, which secures the required habitat mitigation contribution.

### Phosphate neutrality and impact on River Avon SAC

In accordance with local plan policy ENV1 and 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 Mobilisation 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 (Former Bickton fish farm) and a Grampian style condition can be imposed that will secure the appropriate level of phosphate mitigation.

It is therefore concluded that with the imposition of suitable conditions and obligations of a S.106 legal agreement the scheme will preserve features of nature conservation interest in accordance with Local Plan policies ENV1 and DM2.

#### Other matters

#### Heritage assets

There are no designated heritage assets close to the site to be considered constraints.

#### Drainage

Concerns have been raised, by neighbour representations received, regarding foul water drainage harming the environment. The applicant has indicated the development will be served by a package treatment plant. Such equipment is common place in residential developments not served by mains sewers. The Council has to accept that such equipment will deliver its intended service and any liquid discharged is within acceptable environmental limits. Furthermore a condition is proposed to ensure appropriate offsetting for the impact of the development on protected habitats along the River Avon is secured.

#### Scats Lane Parking

A representation received queries the prospect of ensuring visitors arriving later in the day park on Scats Lane and access the site via the garden of the Old Stores, a scenario proposed by the applicant to avoid nuisance to neighbouring properties. It would be very difficult to monitor and enforce such a scenario, however, as discussed above, it is not considered that such levels of disturbance to the amenity of nearby residential properties will arise to require such measures to be employed.

#### Developer Contributions

As part of the development, the following is required but has not been secured via a Section 106 agreement:

- £3,359 towards New Forest Habitats recreational mitigation infrastructure
- £489 towards New Forest Habitats recreational mitigation non-infrastructure

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	51.5		51.5	51.5	£80/sqm	£6,037.38 *

Subtotal:	£6,037.38
Relief:	£0.00
Total Payable:	£6,037.38

## 11 CONCLUSION / PLANNING BALANCE

The proposed development makes use of an existing building for a use that will support the tourism offer in the district, an important part of the local economy. Whilst the application site is outside the built-up area, relevant policies of the Local Plan and the NPPF recognise that such development can be acceptable in principle and could provide some minor support to the rural economy.

The physical changes to the existing building are minor and will not harm the character and appearance of the building or site detrimentally and the wider landscape setting will not change.

Visiting vehicles will have an impact on the appearance of the site, however such impacts are directly associated with the principle of the use. Access to the public highway will preserve highway safety and subject to conditions, on site access will be appropriate. The existing lack of a suitable pedestrian access from the site to Sandheath is a safety risk for all existing residents and whilst it is a requirement of Local Plan Policy CCC2, the weight applied to the conflict is tempered by the support for the re-use of existing buildings in less sustainable locations offered by Local Plan Policies STR3 and CS21, but does weigh against the scheme.

The economic benefits of making use of the existing building for a use identified as an important part of the local economy and which will preserve the landscape character of the area and amenity of residents is considered to outweigh the lack of a safe route for visitors to walk into Sandheath.

The application is recommended for approval.

## 12 RECOMMENDATION

Delegated Authority be given to the Service Manager Development Management to **GRANT PERMISSION** subject to:

- i. The completion of a planning obligation entered into by way of a Section 106 Agreement to secure
  - £3,359 towards New Forest Habitats recreational mitigation infrastructure
  - £489 towards New Forest Habitats recreational mitigation non-infrastructure
- ii. The imposition of the Conditions and any additional / amended conditions deemed necessary by the Service Manager (Development Management), having regard to the continuing Section 106 discussions to ensure consistency between the two sets of provisions.

**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:

Location Plan Drg No. 05 rev b received 16/12/24  
Proposed Floor Plan Drg No.03 rev A received 01/12/24  
Proposed Elevations Drg No.04 rev A received 01/12/24  
Block Plan Drg No.6 rev B received 06/01/25  
Track Details Drg No.10 received 06/01/25

Reason: To ensure satisfactory provision of the development.

3. Before development commences, samples or exact details of the window and door materials, and any hard surfaces, 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 building

4. The measures shown to improve the surface of the access drive, as shown on approved plan numbers 6 and 10 received 06/01/25, shall be completed prior to first use of the building subject to this application. The access track shall thereafter be retained and maintained to the equivalent standard.

Reason: In order to ensure suitable access to the development is provided.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (As amended) (or any re-enactment of that Order) no development otherwise approved by Classes A, B, C, E or F of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: To ensure the dwelling remains of a size which is appropriate to its location within the countryside and in view of the physical characteristics of the plot, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the visual amenities of the area



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)

7. The full height glazing proposed for the existing opening on the front elevation of the building, as shown on the approved plans, shall be installed in such a way to ensure the external doors, shown for the retention, can be closed, as shown on the approved plans.

Reason: In order to retain the rural character and appearance of the building.

8. The building hereby approved for conversion shall only be used for the purpose of self-catering holiday accommodation and shall not be occupied by the same person or persons for more than one month in any one calendar year, and shall at no time be used as a dwellinghouse falling within Class C3 of the Use Classes Order 1987 (as amended and revised).

Reason: Permission is granted in this case in order to support sustainable rural tourism, in an area in which housing would normally be resisted.

**Further Information:**

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**New Forest**  
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**PLANNING COMMITTEE**

January 2025

Barn at the Old Stores  
Scats Lane  
Sandleheath  
24/10820

Scale 1:1000

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

