

Application Number: 19/11065 Outline Planning Permission

Site: LAND OF 8, LAUREL CLOSE, HORDLE SO41 0FQ
Development: 2 dwellings; associated parking (Outline application with all matters reserved)
Applicant: Mr & Mrs Boyd
Target Date: 11/10/2019
Extension Date: 14/11/2019
Link to case file: [view online here](#)

1 SUMMARY OF THE MAIN ISSUES

The following are considered to be the main issues to be taken into account when determining this application. These, and all other relevant considerations, are set out and considered in Section 11 of this report after which a conclusion on the planning balance is reached.

- 1) The principle of the development:
- 2) The impact on Green Belt and Countryside
- 3) The impact on the character of the area
- 4) The impact on the amenity of neighbours
- 5) Highway safety and parking
- 6) Ecological matters

This matter is being considered by Committee as it is contrary to policy.

2 THE SITE

The site lies to the north of Hordle and aside from the small section relating to the necessary visibility splay, lies within parcel H011 of the Green Belt surrounding Hordle. The boundary between the built up area and Green Belt runs along the northern elevation of the host dwelling which lies in the built up area. Nos. 3-7 Laurel Close and the northern block of garages associated with them to the west of the site, together with other adjoining land in the same ownership, all lie within the Green Belt.

The existing vehicular access is shared between the host dwelling and access to the applicant's stables which lie to the west of the site. The site is level with small trees and other vegetation to the east and west boundaries. It contains some domestic paraphernalia. The northern boundary is marked by a post and rail fence beyond which is a paddock in the applicant's ownership. The boundary to the National Park is beyond this paddock.

3 THE PROPOSED DEVELOPMENT

The proposal is in outline form and is for the provision of two dwellings. All matters are reserved.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
16/11344 Chalet bungalow (Outline application with all matters reserved)	23/11/2016	Refused	Decided	
04/80827 Erect dwelling and garage (Outline application for details only of access & siting)	04/05/2004	Withdrawn by Applicant	Withdrawn	
90/NFDC/44552/OUT Erection of a dwelling and garage	26/04/1990	Refused	Decided	Appeal Dismissed
88/NFDC/37022 Erection of a chalet house and bungalow and garages and new access.	16/03/1988	Granted Subject to Conditions	Decided	

5 THE DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Core Strategy

CS2: Design quality

CS10: The spatial strategy

CS15: Affordable housing contribution requirements from developments

CS24: Transport considerations

Local Plan Part 2 Sites and Development Management Development Plan Document

DM3: Mitigation of impacts on European nature conservation sites

DM20: Residential development in the countryside

The Emerging Local Plan

The Local Plan Review 2016-2036 is in what can be considered an 'advanced stage' in its preparation, in that it has been submitted to the Secretary of State and the Examination has been concluded. The Local Plan Review sets a housing target of 525 dwellings per annum and will allocate sufficient land to meet this new housing target. The Local Plan Inspectors have indicated that, subject to modifications, the plan be made sound. Public consultation on modifications is expected to commence in December 2019. It is therefore a material consideration which can be given weight in decision-making.

The following policies are considered relevant. These policies in part are likely to supersede, update or save as existing from the New Forest District Council Core Strategy 2012:

- Policy 1 Achieving sustainable development
- Policy 2 Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park
- Policy 3 The strategy for locating new development
- Policy 4 The settlement hierarchy
- Policy 10 Mitigating the impact of development on International Nature Conservation sites
- Policy 12 The South West Hampshire Green Belt
- Policy 13 Design quality and local distinctiveness

Supplementary Planning Guidance And Documents

SPD - Hordle Village Design Statement
SPD - Mitigation Strategy for European Sites
SPD - Parking Standards

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004

Relevant Advice

National Planning Policy Framework 2019
Ch. 12 - Achieving well designed places
Ch.13 - Protecting Green Belt land

7 PARISH / TOWN COUNCIL COMMENTS

Hordle Parish Council: recommend permission but would accept the decision of the planning officers under delegated powers.

8 COUNCILLOR COMMENTS

No Comments Received

9 CONSULTEE COMMENTS

The following is a summary of the representations received which can be read in full via the link set out at the head of this report.

New Forest National Park Authority - offer advice

Southern Gas Networks - offer advice

10 REPRESENTATIONS RECEIVED

None received

11 OFFICER COMMENTS

Introduction

- 11.1 The application an outline application for the provision of two dwellings. There have been previous applications for residential development on adjacent land to the north, outside of the existing residential curtilage.

Relevant Considerations

The Principle of Development

- 11.2 The main consideration for this application is whether or not it is acceptable in principle. The site lies within both Green Belt and countryside designations where new buildings or residential development would not normally be acceptable.

Green Belt

- 11.3 Paragraph 2.68 of the Local Plan Part 2 states that National Planning Policy on Green Belts should apply. The latest version of the National Planning Policy Framework (NPPF) and therefore the more up to date policy in terms of Green Belt, states that the construction of new buildings in the Green Belt is inappropriate unless they fall within one of 7 exceptions to this. Within Chapter 12 of the NPPF 2019, paragraph 145 states:

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

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

- 11.4 In response to this paragraph, the proposal is not for agriculture or forestry, nor is it connected to outdoor sport, recreation, cemeteries or allotments. It does not extend or replace existing buildings and there has been no request to consider the proposed dwellings as affordable. This leaves part e) limited infilling in villages and part g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority, as the relevant sections of this paragraph.

11.5 The applicant has argued that the proposal represents 'limited infilling' given that it is for just two dwellings. This is supported with an appeal decision from Abbots Langley, Hertfordshire where the Inspector concluded that three dwellings within the Green Belt would satisfy this requirement. The proposal would partially infill the gap between 7, Laurel Close and the large, detached dwelling at 48, Ashley Lane - the indicative siting showing that gaps of 12.5m and 23m either side of the proposal could still be achieved. It is therefore considered that the provision of two dwellings in this location would fall within 'limited infilling in villages'.

11.6 However, whether or not the site constitutes previously developed land needs to be addressed. The definition of this in the NPPF states:

'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: ...land in built-up areas such as residential gardens, parks, recreation grounds and allotments;...'

In this respect, although the site does not contain the host dwelling, the fixed surface parking area associated with this dwelling is within the site. The reference to previously developed land excluding land in built-up areas such as residential gardens does not apply in this case as the site itself is not within the built up area. It is therefore considered that the site is previously developed land.

11.7 Where partial redevelopment of previously developed land is considered, the proposal should not have a greater impact on the openness of the Green Belt. Taking the impact on the openness first, the east and west boundaries of the site are well screened by mature trees and other vegetation resulting in it being quite secluded from the adjoining residential properties, both of which lie within the Green Belt. To the rear, although the boundary is defined by a post and rail fence beyond which is a paddock in the applicant's ownership, the National Park/Green Belt boundary further north is well defined by trees within a field boundary. In view of the block plan which shows an indicative layout demonstrating that 2 dwellings could be provided on this site without any encroachment further north than the existing dwellings either side, it is not considered that the proposal would adversely affect the openness of the Green Belt and would therefore comply with the emerging policy 12 which aims to preserve the openness of the Green Belt.

11.8 Nos. 1-7 Laurel Close together with their associated garages and 66-70 (evens) Ashley Lane were approved by this authority in 1987 replacing a property known as Laurel Bank. The Green Belt boundary is understood to have been the same as it is now at that time.

11.9 To further support the proposal it is noted that in 2016, this parcel of Green Belt was assessed for local plan purposes and in this assessment, it is stated that the area has been affected by development and its uses relate to the built up area. It's northern boundary to the National Park is not strongly defined and the inner boundary is weakened by having development beyond it. It is considered to have a weak or no contribution towards three of the 5 purposes of including land within the Green Belt and a moderate rating in terms of assisting in safeguarding the countryside from encroachment in view of its strong

association with the built up area. The fifth purpose relates to recycling of derelict land and is not relevant here.

- 11.10 Having regard to policy CS10(o), proposals should retain and support the Green belt in order to check the sprawl of the built up areas, safeguard the countryside from built development and preserve the setting of towns and villages, with particular emphasis on Lymington and Ringwood. The Green Belt assessment concluded that this parcel has no relationship with the large built up area of Christchurch and has no impact on the east/west settlement gaps between New Milton and Lymington. It is therefore considered that the proposal would not fall foul of two of the above policy requirements.
- 11.11 As stated above, the proposal is contrary to policy DM20. However, in view of the proposal not adversely impacting upon the openness of the Green Belt and falling within one of the exceptions to the construction of new buildings being inappropriate in such areas, together with the fact that it would be of an appropriate design, scale and appearance and would not be harmful to the character of the area, it is considered an acceptable proposal.

Countryside

- 11.12 Policy DM20 relates to residential development in the countryside i.e. outside of any defined built up area. It does not differentiate between Green Belt or non-Green Belt countryside. The proposal is contrary to this policy as it does not comply with any of the exceptions. These exceptions are extensions to existing dwellings, replacement dwellings, affordable housing (to meet a local need) or agricultural/forestry workers' dwellings.
- 11.13 The applicant has argued that the Local Plan Part 2 distinguishes countryside from Green Belt and suggests that policy DM20 is not a relevant policy in view of the site being Green Belt as well as countryside. However, paragraph 2.105 of the plan clearly defines the countryside as being outside of the built up area meaning that DM20 is a relevant policy in addition to Core Strategy policies, in this case.

Impact on the character of the area

- 11.14 Although the proposal is an outline application, an indicative elevation has been provided demonstrating that the two dwellings could be designed to be similar in appearance to the bungalows at 3-7 Laurel Close. This would not be in conflict with paragraph 122d) of the NPPF which refers to the desirability of maintaining an area's prevailing character. It is not considered that redevelopment would harm the local area, thus complying with paragraph 70 of the NPPF.

Impact on neighbour amenity

- 11.15 The indicative plans show that a pair of semi-detached properties could be around 19m from the northern elevation of the host dwelling. This property is a chalet style bungalow with dormer windows facing the site. Two of the dormers relate to bedrooms with the central one serving the landing. An indicative front elevation has been provided which demonstrates that the proposed dwellings do not need front dormers and in view of the existing dormer windows being in excess of the 19m

indicated (approximately 21m), it is considered that the dwellings could be provided within the site without adversely affecting the residential amenities of this property.

- 11.16 The plans also indicate that rear gardens of a comparable depth to 3-7, Laurel Close could be provided and with the plots being wider, the proposal could provide an adequate level of amenity for future occupiers.
- 11.17 It is not considered that the residential amenity of any adjoining property would be affected by the proposal. Any concerns relating to potential overlooking could be addressed at the reserved matters stage.

Highway safety and parking

- 11.18 Although means of access is not a consideration at this time, the proposal would involve the loss of a small section of front boundary wall to the host dwelling in order to achieve a visibility splay for the enlarged parking forecourt. It is not considered that this would give rise to unacceptable highway safety issues given the site's location at the end of a cul de sac.
- 11.19 The plans indicate provision for each proposed dwelling to have 2 parking spaces without interfering with the existing access to the stables to the north west of the site. The host dwelling has a single garage and 18m long drive to its southern side which would not be affected by the proposal.

Ecological matters

Habitat Mitigation

- 11.20 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 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 the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect. An informative would be applied to any consent to this effect.

Nitrate Neutrality

- 11.21 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 that site's conservation objectives having regard to nitrogen 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 River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling

being occupied.

- 11.22 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 agreed with the applicant and is attached to this recommendation.

Housing

- 11.23 Whilst it has been the case that the Local Planning Authority was not able to demonstrate a 5-year supply of housing land when assessed against its most recent calculation of Objectively Assessed Need, that situation has recently changed. The Emerging Local Plan makes provision for housing need throughout the District and addresses the need for housing in sustainable locations. The Emerging Local Plan now carries significant weight in decision making.

12 CONCLUSION ON THE PLANNING BALANCE

The application is an outline application with all matters reserved. It is considered that the supporting plans and elevations demonstrate that two dwellings could be satisfactorily accommodated within the site without adversely affecting residential or visual amenity. Similarly, it is not considered that the proposal would give rise to unacceptable harm to highway safety in this location although any highway matters would be fully addressed at the reserved matters stage.

With regard to the Green Belt issue, it is considered that the proposal would not constitute inappropriate development being limited infilling in a village and the partial redevelopment of a previously developed site where there would be no greater impact on the openness of the Green Belt.

Further, whilst the proposal amounts to being contrary to policy DM20, given the considerations above which suggest there would be no adverse impacts to outweigh the benefits of the development, it is considered that permission should be granted in line with paragraph 11 of the NPPF.

13 OTHER CONSIDERATIONS

Crime and Disorder

N/A

Local Finance

If this development is granted permission, the Council will receive a New Homes Bonus of £2448 in each of the following four years, subject to the following conditions being met:

- a) The dwellings the subject of this permission are completed, and
- b) The total number of dwellings completed in the relevant year exceeds

0.4% of the total number of existing dwellings in the District.

Based on the information provided at the time of this report, this development will have a CIL liability which cannot be determined at this outline stage.

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. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

Equality

The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, 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.

14. RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

1. Approval of the details of the layout, scale, appearance, access and landscaping of the site ("the reserved matters") shall be obtained from the Local Planning Authority before any of the development is commenced. The development shall only be carried out in accordance with the details which have been approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the 'reserved matters' to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

4. The development permitted shall be carried out in accordance with the following approved plans: Design Access and Planning statement, site location plan, block plan, indicative block plan, front and side elevations.

Reason: To ensure satisfactory provision of the development.

5. 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
- c) All measures forming part of that mitigation package have been provided to the Local Planning Authority.

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.

6. No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must:
- (a) Provide for mitigation in accordance with the New Forest District Council Mitigation Strategy for European Sites SPD, adopted in June 2014 (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;
 - (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 maintenance and monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for permanent public access thereto.
 - (c) 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 New Forest and Solent Coast Nature Conservation Sites in accordance with Policy DM3 of the Local Plan Part 2 and the New Forest District Council Mitigation Strategy for European Sites Supplementary Planning Document.

7. Before first occupation of the development hereby approved, a surface water sustainable drainage system (SuDS) shall be designed and installed to accommodate the run-off from all impermeable surfaces including roofs, driveways and patio areas on the approved development such that no additional or increased rate of flow of surface water will drain to any water body or adjacent land and that there is capacity in the installed drainage system to contain below ground level the run-off from a 1 in 100 year rainfall event plus 30% on stored volumes as an allowance for climate change as set out in the Technical Guidance on Flood Risk to the National Planning Policy Framework.

Infiltration rates for soakaways are to be based on percolation tests in accordance with BRE 365, CIRIA SuDS manual C753, or a similar approved method.

In the event that a SuDS compliant design is not reasonably practical, then the design of the drainage system shall follow the hierarchy of preference

for different types of surface water drainage system as set out at paragraph 3(3) of Approved Document H of the Building Regulations. The drainage system shall be designed to remain safe and accessible for the lifetime of the development, taking into account future amenity and maintenance requirements.

Reason: In order to ensure that the drainage arrangements are appropriate and in accordance with Policy CS6 of the Core Strategy for the New Forest District outside the National Park and the New Forest District Council and New Forest National Park Authority Strategic Flood Risk Assessment for Local Development Frameworks.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E 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 to comply with Policy DM20 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

Further Information:

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PLANNING COMMITTEE

January 2020

Item No:

Land of 8 Laurel Close
Hordle SO41 0FQ

19/11065

Scale 1:1250

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

