

Application Number: 18/11595 Full Planning Permission

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

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

Applicant: Messrs Bath

Target Date: 25/01/2019

Link to case file: [view online here](#)

1 SUMMARY OF THE MAIN ISSUES

- 1.1 The following matters 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) Whether the proposed development would constitute appropriate development in the Green Belt;
 - 3) The effect of the proposal on the openness of the Green Belt;
 - 4) The effect of the proposal on the rural character and appearance of the area;
 - 5) The effect on the significance of the Listed Buildings and their setting;
 - 6) The effect on the living conditions of the adjoining neighbouring properties,
 - 7) The effect on public highway safety,
 - 8) Ecological matters
- 1.2 This matter is before Committee for a policy reason, because the principle of residential development in the countryside is not being objected to as part of the recommendation for approval contrary to Local Plan Part 2 Policy DM20.
- 1.3 A separate Listed Building Consent Application has been submitted for the internal and external works, under reference 18/11596 at Item 3f of this Agenda.

2 THE SITE

- 2.1 The application site relates to an attractive group of outbuildings at Avon Farm, and occupies a prominent location situated along the main road between Sopley and Ringwood. This complex of buildings including Avon Farmhouse are arranged around a rectangular courtyard sitting alongside the main road. The buildings are individually and curtilage Grade 2 listed buildings and comprise the principle farmhouse, which is divided into two elements, one of which is being rented out as a dwelling known as 'Dairy

House'. The outbuildings are currently in ancillary use to the farmhouse, including workshop, domestic storage and office use. A large garden area serving the farmhouse lies to the west, with the River Avon just beyond. Historically the buildings were used for agricultural activities, but the farming use ceased many years ago. There are two accesses into the site from main road, and car parking is currently provided within the existing courtyard.

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

3 THE PROPOSED DEVELOPMENT

- 3.1 This planning application proposes to convert the existing outbuilding known as 'West Range' into 1 separate dwelling and the outbuilding known as 'The Stables' to be converted into an 'annex' which will be used in association with the function of Avon farmhouse. The 'West Range' building is currently used as a workshop and office ancillary to the main farmhouse.
- 3.2 The outbuildings which are not proposed to be converted into dwellings would continue to be used for incidental purposes in association with the existing and proposed dwellings. A new brick wall and post and rail fence is proposed between the main farmhouse and the building known as 'West Range'. Car parking to serve the proposed development would be provided within the existing courtyard. The proposal would entail re-using the existing window and door openings within the outbuildings. Very few new openings and doors would be created. The proposal would entail internal alterations including removal of part of the existing internal fabric and the installation of new partitions, floors and insulation.
- 3.3 In support of the application, the Design and Access Statement states that the buildings are deteriorating and considerable investment is needed to be able to continue to preserve them and the scale and number of buildings is disproportionate to serve the existing dwellings on the site. As such, the supporting statement claims that there is limited incentive to invest in significant maintenance and the conversion of these buildings will enhance their value providing the opportunity for investment securing their long term future. The application is accompanied by a Heritage Assessment.

4 PLANNING HISTORY

None of direct relevance

5 THE DEVELOPMENT PLAN AND OTHER NFDC GUIDANCE

Listed buildings
Countryside outside the New Forest
Green Belt
Part of site falls within Flood Zone 3

Adjacent to the Avon Valley Special Protection Area and Ramsar, and the River Avon SAC. The application site is within 200m of River Avon System (Bickton to Christchurch) SSSI.

The Core Strategy

CS2: Design quality

CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

CS5: Safe and healthy communities

CS10: The spatial strategy

CS24: Transport considerations

CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

DM1: Heritage and Conservation

DM2: Nature conservation, biodiversity and geodiversity

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 commenced in December 2019 and will run until the end of January 2020. It is therefore a material consideration which can be given weight in decision-making.

Policy 1 Achieving Sustainable Development

Policy 10 Mitigating the impacts of development on International Nature Conservation site

Policy 11 (Saved DM1) Heritage and Conservation

Policy 12 The South West Hampshire Green Belt

Policy 13 Design quality and local distinctiveness

Supplementary Planning Guidance and other Documents

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

6 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Relevant Legislation

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires that special regard shall be paid to the desirability of preserving the building or its setting or exercise of any features of special architectural or historic interest which it possesses.

Habitat Regulations 2017

63 – assessment of implications for European sites etc.

64 – considerations of overriding public interest

Planning and Compulsory Purchase Act 2004

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise.

Relevant Advice

National Planning Policy Framework 2019

Para 7 - Sustainable development

Para 79 - Rural housing

Paras 143 -147 Protecting Green Belt land

Paras 184-192 - Conserving and enhancing the historic environment

7 PARISH / TOWN COUNCIL COMMENTS

Sopley Parish Council: Agree with the application, but would accept a delegated decision. All Council members agree with this application.

8 COUNCILLOR COMMENTS

None

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.

9.1 HCC Highways:

No objection. The proposal would have no adverse impact on public highway safety.

9.2 Conservation Officer:

This is a large former agricultural complex of listed buildings and curtilage listed buildings. In general the complex is in good condition and the barns are still in a very good state of repair with some minor maintenance needs. The layout is rectangular creating a contained courtyard sitting alongside the main road. The courtyard plan is typical of the area and a well laid out and nicely preserved example of this type of farmstead.

At present the site is formed of a farmhouse which is divided into two elements with one element being rented out. The associated barns are currently in ancillary use to the main farmhouse as storage and outbuildings. The one barn on the 'West Range' has had some historic alterations forming an office and storage spaces. This building in particular is one where options for some change of use is supported.

The Heritage Assessment goes some way to address the wider assessment of the farm complex and the connection between the Farmhouse and its overall significance.

The level of harm now proposed has been reduced considerably from the initial scheme for 3 dwellings. The proposed internal and external alterations of the 'West Range' and 'The Stables' have now reached a point of acceptability, subject to detailed elements, which can be dealt with by condition.

The use of the 'West Range' to create an additional residential unit is not fully supported because this would entail the 'breaking up' of Heritage Assets into separate elements. In addition, the justification in relation to Optimum viable use has not been fully explored.

In order to balance off the heritage benefits against the concern raised, there is the potential inclusion of the small Cob building to include repair and renovation works. If the Cob building is included and the renovation works secured, this would weigh in favour of the proposed development.

9.3 Ecologist:

Given the location and characteristics of the site, there is high potential for protected species. Comments to be updated in relation to the submitted Ecological report.

9.4 Natural England

This application is within close proximity (200m) of the Avon Valley Special Protection Area and Ramsar, and the River Avon SAC. The application is within 200m of River Avon System (Bickton to Christchurch) SSSI. Comments to be updated in relation to the submitted Ecological report.

9.5 Building Control

The coach house and the Stable building layout has created inner room situation will require suitably sized means of escape windows. A contaminated land survey will be required due to the previous use of the building. A satisfactory specification will be required to demonstrate the building complies with the minimum standards of the Building Regulations which will include damp prevention, adequate ventilation, drainage arrangements and thermal insulation upgrades.

Comments in full are available on website.

10 REPRESENTATIONS RECEIVED

None received

11 OFFICER COMMENTS

Introduction

11.1 There are eight main issues in this case which include:

The principle of development

- 11.2 A main objective of the National Planning Policy Framework is achieving sustainable development and the delivery of new houses. Paragraph 79 of the National Planning Policy Framework sets out criteria where residential development in rural areas might be found acceptable. These include the re-use of a redundant or disused building where it would lead to an enhancement of the immediate setting, or 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. In this case, the proposal would re-use a disused building, but this would only lead to a neutral impact of its setting. The key issue is whether the proposal would represent the optimal viable use or would be appropriate to enabling development to help secure the long term use of the heritage asset. This is assessed in detail under Paragraph 11.14.
- 11.3 Central government provides a general steer towards delivering new residential development through the re-use of existing buildings. This is highlighted in government legislation as set out in the Town and County Planning (General Permitted Development) Order, which permits the change of use of a building from agricultural, shops, industrial, offices, to residential use without requiring planning permission, but would need to be subject of a Prior Approval Application. In this case, the change of use does require planning permission as the building is listed and are currently used as ancillary uses to the main dwelling, however, this does highlight the government's steer to permit change of uses and re-use of existing buildings to dwellings.
- 11.4 In comparison, local plan policies have a much greater restraint for new dwellings in the countryside. Indeed Local Plan policy focuses mainly on delivering new houses within existing settlements and built up areas.
- 11.5 In particular, 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 agricultural worker's dwellings. 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.
- 11.6 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, the proposal for new dwellings in the countryside does not accord with the policy criteria. 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 permitted if it is a replacement dwelling, or for affordable housing or an agricultural worker.
- 11.7 A further consideration is, 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.

- 11.8 In summary, given the strong emphasis of government policy to encourage new housing through the conversion of existing buildings and the general need for new housing, this weighs in favour of the proposal.

2).Whether the proposed development would constitute appropriate development in the Green Belt

- 11.9 Guidance in relation to development within the Green Belt is contained within Chapter 19 of the NPPF, the advice within which is broadly echoed within Policy CS10 of the Core Strategy and Policy 12 of the emerging local plan. The NPPF and Policies CS10 of the Core Strategy and Policy 12 of the emerging plan attach great importance to Green Belts and advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open.
- 11.10 The site lies within the Green Belt where national policy states the construction of new buildings, save for a few exceptions, should be regarded as inappropriate. Inappropriate development is by definition harmful to the Green Belt and should not be approved, except in very special circumstances.
- 11.11 As set out under Paragraph 145 of the NPPF, the construction of new buildings is considered to be inappropriate development. In this case, other than the brick wall to be constructed within the existing rear garden area, the proposal only entails the conversion of existing buildings.
- 11.12 Paragraph 146 of the NPPF states that 'other' forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it'. This includes the re-use of buildings provided that the buildings are of permanent and substantial construction. The proposal is to re-use the existing building fabric and no new structures or buildings would be constructed.
- 11.13 Accordingly, it is considered that the proposal would be appropriate development in the Green Belt and would not result in any material impact on the openness of the Green Belt.

3).Effect on the significance of the listed buildings and their setting

- 11.14 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 building or its setting or any features of special architectural or historic interest which it possesses.
- 11.15 Local Plan Part 2 Policy DM1 states that development proposals should conserve and seek to enhance the historic environment and heritage assets, with particular regard to local character, setting, management and the historic significance and context of heritage assets. This includes a balancing exercise between impact on Heritage Assets against public benefits which is also referred to in the National Planning Policy Framework (NPPF) 2019.
- 11.16 Paragraph 192 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 193 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 assets conservation. Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, where appropriate securing its optimum viable use.

- 11.17 The application is accompanied by a Heritage Statement. Avon Farmhouse and its barn are separately listed and included within the list description are the attached buildings to the barn. Accordingly, all buildings within the courtyard are Grade 2 listed and are all designated heritage assets. The significance of the buildings derive from their architectural and historic interest.
- 11.18 Historically, Avon Farm forms part of a collection of farms in the area associated with former arable (corn) and cattle rearing, dating back to the 17th Century. Avon Farm is of a regular courtyard plan with linked buildings ranged around a yard. These farmsteads generally represent the application of modern farming methods of the late 18th and early 19th Centuries with regard to management of farm methods and processes.
- 11.19 At present, the site is under one ownership, and is formed of a farmhouse which is divided into two elements with one element being rented out. The associated outbuildings are currently in ancillary use to the main farmhouse as storage, home office and workshops. The farmhouse and outbuildings are a set of attractive and well proportioned farm buildings constructed of locally used red/orange brick with clay tiled roofs, similar to other local farmsteads at Court Farm and London Farm. In general, the complex of buildings is in good condition. The main structures, roofs, walling, openings, arrangement, courtyard siting and some internal features all survive with little alteration or adaptation.
- 11.20 The applicant considers that the proposal to convert the two buildings would accord with Paragraph 192 of the NPPF which seeks the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses. In particular, it is stated that there have been several unsympathetic alterations to the 'West Range' building including modern ceilings, first floors and staircases and the proposal would re-introduce the historic features.
- 11.21 The proposed conversion of the 'West Range' would be all contained at ground floor and would result in the removal of stud walls, first floor, staircase, and ceilings. As such, the conversion would reveal the historic features of this former agricultural barn internally, by opening up the full height space to expose the roof. In addition, the proposal would not create any new openings externally. It is considered that this would be a significant benefit.
- 11.22 The conversion to 'The Stables' building would all be contained on the ground floor and it is considered that the internal and external works would be at the lower level of harm. Indeed, the proposal would result in low key changes and their function as ancillary accommodation can be tied to the main dwelling. Overall, it is considered that the proposal has demonstrated how both buildings can be serviced with indiscernible changes to the internal and external appearance. This view is agreed by the Conservation Officer.

- 11.23 It should be noted that the existing group of buildings are not in need of urgent repair, although there is small cob building which is a Building at Risk currently sited within the garden of the farmhouse. Although it is considered that the best use for a historic building is its original use, which in this case is ancillary accommodation to the main farm house, the proposed conversion works to the 'West Range' which include the removal of the unsympathetic ceiling and floors and would be an improvement to this Heritage Asset.
- 11.24 The Conservation Officer preference would be to retain the buildings for ancillary accommodation and takes the view that the creation of a new dwelling on the site, would result in the 'breaking up' of Heritage Assets. In particular, the Conservation Officer considers that Avon Farmhouse and its outbuildings, form a coherent historic group and as such, the subdivision of the outbuilding would erode the existing group setting of a farmhouse and its ancillary buildings.
- 11.25 In order to balance off heritage assets against this issue, the Conservation officer has suggested that the proposal could secure the repair and renovation of the Cob building, which is the Building at Risk within the existing garden of the farmhouse. This would essentially be 'enabling development' and would accord with the criteria set out under Paragraph 79 of the NPPF, which states that 'new dwellings in the countryside should be avoided, unless it would be appropriate enabling development to secure the future of heritage assets. It is considered that this would provide an overriding benefit.
- 11.26 In response, the applicant has considered alternative uses for the 'West Range' and 'The Stables' taking advice from land and building surveyors. It has been concluded that office use would require significant investment and the repayment period would be extensive. Equally, the conversion of the 'West Range' to a holiday let would be similar to that of a dwelling, but the repayment periods would also be extensive.
- 11.27 Accordingly, all the proposed alternative uses do not release profit within a reasonable time after expenditure of costs. Whereas, a dwelling would have greater certainty on capital or sale to enable the applicant to spend on the repair and renovation works to the Cob building. On this basis, the applicant is prepared to offer a pre commencement planning condition that states that prior to the construction of the work on the 'West Range' building, a schedule of works to be agreed for the repair of the Cob building with implementation and completion prior to commencement of works on the 'West Range'.
- 11.27 In summary, the impact on heritage assets is very balanced, as there are some benefits and a degree of harm. The balancing exercise, as set out in both local plan policy and the NPPF, together with the statutory test will be applied at the end of the assessment under the Planning Balance and Conclusion section.

4).The effect on the character and appearance of the area

- 11.28 In assessing the effect on the character of the area, given that the proposed changes entail the conversion of existing buildings and re-using existing doors and windows, there would be minimal impact on the rural context. Indeed, most changes proposed to the buildings would be facing into the existing courtyard, rather than the elevation facing the public domain. The proposed wall would be sited to the rear of the building. Moreover, the existing gravel courtyard would be retained for car parking

and existing buildings provide space for additional bikes, garden machinery and any other storage. Accordingly, the proposal would result in minimal impact or harm on the rural character of the area.

5).Residential amenity matters

- 11.29 In assessing the effect on the living conditions of the adjoining neighbouring properties, there are currently two existing residential properties at Avon Farm. It is considered that the proposal to create a single dwelling within one of the barns would not result in an unacceptable increase in noise and disturbance to these neighbouring properties. In addition, each dwelling would benefit with large garden areas which back onto the River Avon.
- 11.30 It is also considered that the proposed additional dwelling and alterations to create additional residential accommodation would have minimal impact on the living conditions of the adjoining 5 cottages to the north of the site. This is because the site is located a considerable distance away from these neighbouring properties and the extent of external changes to the buildings would be minimal.

6).Public Highway Safety Matters

- 11.31 Access into the site would be gained from the existing accesses onto Ringwood Road. The main issue is whether the increase in the use of the existing accesses onto Ringwood Road is acceptable and ensuring that car parking, turning and access is acceptably achieved.
- 11.32 The key policy test is set out under Paragraph 109 of the National Planning Policy Framework which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 11.33 Ringwood Road has a 30MPH speed restriction and the Highway Authority considers that the accesses width, alignment and visibility would be acceptable and the increase in the use of the accesses would not prejudice public highway safety.
- 11.34 Based upon the Councils adopted car parking standards, the level of car parking spaces would equate to 3. The existing courtyard provides sufficient space for both existing and proposed dwellings and would therefore accord with the car parking standards.
- 11.35 Overall it is considered that the proposal would not result in severe harm to public highway safety and sufficient car parking would be provided to serve the development.

7).Ecological matters

- 11.36 Concerning ecology matters and nature conservation, the application is within close proximity (200 metres) of the Avon Valley Special Protection Area and Ramsar and the River Avon SAC. The application is within 200 metres of River Avon SSSI. Natural England.
- 11.37 The application is accompanied by an Ecological Report, which concludes that 'West Range' building is a bat roost. In addition, bats were observed in the vicinity of the two buildings and within the garden adjacent to the River Avon. The report states that no work can be carried out to the 'West Range' between October to April due to the presence of bats. A Method

Statement will need to be followed and continued provision for bats will be required by putting bat access tiles into the roof of 'West Range'. In summary, work to 'West Range' can be carried out as the proposed works will not cause any deterioration or destruction of a bat resting place. A European Protected Species Licence from Natural England is not required. Enhancement measures will include bat boxes into existing trees and the provision of 4 bat tiles within the roof.

- 11.38 The comments of the Ecologist and Natural England will be updated when available.

11.39 Off-site recreational impact

Policy 10 now applies and replaces the earlier Policy DM3 of the Local Plan Part 2.

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 conclude 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.

11.39 Phosphate 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 planning permission 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 phosphorous levels in the River Avon. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional phosphate loading on the River Avon, but that the adverse impacts will be avoided through the future implementation of mitigation projects which will, in the short term, be paid for by the Council from its CIL receipts.

- 11.40 The Council has been advised by Natural England and the Environment Agency that existing measures to off-set the amount of phosphorous entering the River Avon as set out in the Hampshire Avon Nutrient Management Plan will not be sufficient to ensure that adverse effects on the integrity of the River Avon Special Area of Conservation do not occur. Accordingly, new residential development within the catchment of the Hampshire Avon needs to be "phosphate neutral". In order to address this matter the Council in conjunction with Natural England, the Environment Agency and adjoining local authorities propose to develop appropriate phosphorous controls and mitigation measures to achieve phosphorous neutrality. A Memorandum of Understanding to that effect has been signed by the aforementioned parties. In accordance with the Portfolio Holder for Planning and Infrastructure Decision of 11 December 2018, this Council has ring fenced up to £50,000 of held CIL funds to direct towards a suitable infrastructure project upstream to provide suitable mitigation, therefore there is no further requirements on developments.

12 CONCLUSION ON THE PLANNING BALANCE

- 12.1 In conclusion, it is considered that special regard has been paid to the desirability of preserving the setting of the Listed Building as set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 12.2 Moreover, in accordance with paragraph 193 of the NPPF 2019 it is considered that the proposal would result in less than substantial harm to the significance and setting of the Heritage assets. It is noted that the degree of harm would be at the lower end of the scale of less than substantial harm.
- 12.3 In applying the balancing exercise, the proposal would provide social and economic benefits including employment for construction workers and increased spending in local shops. The proposal would provide an additional dwelling, although a very modest contribution. The proposal would secure the long term use of the buildings and would result in improvements to the 'West Range' through the removal of existing unsympathetic features. The proposal would have limited impact on the character of the area, neighbouring properties or public highway safety.
- 12.4 The negative impact would be the 'breaking up' of the existing Heritage Asset removing its significance which is derived from a farmhouse and its ancillary outbuildings. This weighs against the proposal. Moreover, the proposal would result in a new dwelling in the countryside which is not supported by local plan policy, albeit the degree of harm on the rural character of the area is minimal.
- 12.5 In balancing out the issues, it is considered that the inclusion of the repair and renovation works to the small Cob outbuilding provides an considerable heritage benefit, which outweighs the less than substantial harm to the significance of the Heritage Assets and therefore a policy exception can be made in this case. Accordingly, permission is recommended.

13 OTHER CONSIDERATIONS

Other matters

Local Finance

If this development is granted permission, the Council will receive New Homes Bonus £4896 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 has a CIL liability of £0.

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. 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, Block plan, 2016-28-19 Rev B, 2016-28-18 Rev C, 2016-28-14 Rev A, 2016-28-21 Rev B, 2016-28-22 Rev B, 2016-28-13, 2016-28-21 Rev A.

Reason: To ensure satisfactory provision of the development.
3. 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.

- 4. The installation of fittings and fixed appliances in the dwelling(s) hereby approved shall be designed to limit the consumption of wholesome water to 110 litres per person per day in accordance with Regulation 36(2)b of Part G of the Building Regulations 2010 as amended.

Reason: The higher optional standard for water efficiency under Part G of the Building Regulations is required in order to reduce waste water discharge that may adversely affect the River Avon Special Area of Conservation by increasing phosphorous levels or concentrations and thereby contribute to the mitigation of any likely adverse impacts on a nationally recognised nature conservation interest.

- 5. The building hereby approved identified as 'The Stables' shall only be used in conjunction with the existing accommodation as an extended family unit ancillary to the use of Avon Farm House as a single dwelling house and at no time shall a separate dwelling be created, unless otherwise formally agreed in writing by the Local Planning Authority.

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

- 6. Prior to the construction works on the 'West Range' building hereby approved, a schedule of works to repair and renovate the Cob building shall be submitted to and approved in writing to the Local Planning Authority. The approved repair and renovation works to the Cob building shall be completed and implemented in full, prior to the commencement of works to the West Range building.

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

7. Prior to the commencement of development, and in accordance with the kpecology Ecology Report dated 2nd July 2019, further details of a method statement in relation to the proposed conversion works, biodiversity mitigation, compensation and enhancement shall be submitted to, and approved in writing by the Local Planning Authority. These shall include measures as outlined in the kpecology Ecology Report Dated 2nd July 2019. All works shall then proceed in accordance with the details and recommendations as approved in the strategy with any amendments agreed in writing. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to safeguard protected species in accordance with Policy CS3 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM2 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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New Forest DISTRICT COUNCIL

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New Forest District Council
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PLANNING COMMITTEE

January 2020

Item No:

Avon Farm, Ringwood Road
Avon, Sopley
BH23 7BQ
18/11595

Scale 1:2500

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

