

Application Number: 20/11417 Full Planning Permission

Site: MAPLE FIELD FARM, MARTIN ROAD, MARTIN SP6 3LR
Development: Convert redundant Agricultural Buildings into two holiday units; bay windows; pergolas; demolish existing polytunnel
Applicant: Mr & Mrs Snelgar
Agent: Richard Ashton RIBA
Target Date: 10/02/2021
Case Officer: James Gilfillan

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Impact on the character and appearance of the building, site, area and AONB
- 2) Impact on habitats and Appropriate Assessment.

The application is to be considered by Planning Committee due to a contrary view of the Parish Council

2 SITE DESCRIPTION

The site is on the north side of Martin Road at the west end of the village. It is opposite the Martin Club, a community hall. The site is largely surrounded by open countryside and falls within Cranbourne Chase AONB.

There is a single storey redundant barn and small polytunnel on site left over from previous agricultural and horticultural uses that have vacated the site.

The site is accessed from an unmade track that extends along the west edge of the field, serving a dwelling to the west and fields beyond. A Public Right of Way extends along the track. The track joins Martin Road adjacent to the south west corner of the site

3 PROPOSED DEVELOPMENT

Convert redundant Agricultural Buildings into two holiday units; bay windows; pergolas; demolish existing polytunnel

4 PLANNING HISTORY

2021: Application under regs 75-77 of the Habitats Regulations for consideration of need for an appropriate assessment to support temporary use of fields for camping (GPDO Part 4 class B) was refused. (21/10036)

Proposal	Decision Date	Decision Description	Status	Appeal Description
15/11447 Retention of single-storey timber dwelling for agricultural worker	17/02/2016	Refused	Appeal Decided	Appeal Dismissed
11/97845 Continued siting of temporary dwelling for an agricultural worker	09/02/2012	Refused	Appeal Decided	Appeal Allowed with Conditions
11/97547 Continued temporary siting of cabin for an agricultural worker	07/10/2011	Withdrawn by Applicant	Withdrawn	
10/95283 Continued siting of temporary dwelling for an agricultural worker	16/11/2010	Refused	Appeal Decided	Appeal Dismissed
09/93944 1 office/packing storage building; 2 shade tunnels; 1 polytunnel; access; hardstanding	11/12/2009	Granted Subject to Conditions	Decided	

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy STR1: Achieving Sustainable Development

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 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

DM13: Tourism and visitor facilities

DM20: Residential development in the countryside

DM22: Employment Development in the Countryside

Supplementary Planning Guidance And Documents

SPD - Mitigation Strategy for European Sites

SPG - Residential Design Guide for Rural Areas

Relevant Legislation

The Conservation of Habitats and Species Regulations 2017

Relevant Advice

NPPF 2019

Constraints

NFSFRA Surface Water and Fluvial
SSSI IRZ
Area of Outstanding Natural Beauty
Groundwater Protection Zone
Plan Area
Meteorological Safeguarding
Aerodrome Safeguarding Zone
Avon Catchment Area

Plan Policy Designations

Countryside

6 PARISH COUNCIL COMMENTS

Martin Parish Council: PAR4 Object to the impact of the development on the character of the area, features of nature conservation interest, highway safety, AONB dark skies status, residential amenity and flood risk. They also highlight the requirements of a condition seeking removal of building should it no longer be required for agricultural purposes.

7 COUNCILLOR COMMENTS

Cllr Edward J Heron - Objects to the failure of the Habitats Regulations Assessment to assess this scheme, repeating that for camping (proposed for the adjoining field) and the failure to support the application with an assessment demonstrating that the building is no longer suitable for agricultural purposes.

Cllr Heron has confirmed he would be content with a delegated decision for the reasons as set out in this report

8 CONSULTEE COMMENTS

HCC Rights of Way- Object to the conflict between construction vehicles and the Public Right of Way

Environment Agency - No objection subject to vehicles not being parked within 8m of a water course across the front of the site.

Cranborne Chase AONB - Object to the impact on the character and appearance of the AONB, most particular the dark skies status and the colour of external features such as flues. Concerns over conflict with highway and pedestrian safety and the loss of the building for agricultural purposes.

9 REPRESENTATIONS RECEIVED

Letters of representation have been received

For: 0

Against: 8

Objecting for the following reasons (summary)

- to the retention of buildings required for removal if redundant for agricultural use, poor appearance of the site and the approach of the applicant,
- lack of public transport,

- additional vehicle movements and impact on highway safety and road quality,
- no further need for such holiday accommodation,
- potential use as a residential property and planning creep,
- loss of agricultural employment,
- inappropriate design and landscape setting for the location,
- impact on features of Nature Conservation Interest.

10 PLANNING ASSESSMENT

Principle of Development

The buildings are already in situ. Their original use has ceased, and they have been used in the last year in conjunction with a campsite being operated on the adjoining field, within the applicant's control.

The NPPF directs LPA's to prepare policies and make decisions to support a prosperous rural economy. It states at para 83 (a) 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 para 84 *inter alia* it recognises decisions may have to support schemes outside existing settlements, in locations not well served by public transport.

Local Plan Part 2 Policy DM13 allows for visitor accommodation where it is being provided through the conversion of existing buildings, that are of an appropriate scale and appearance to its rural setting and structurally sound, so it can be re-occupied without major rebuilding. This is cross referenced to and re-iterated by Policy DM22

The buildings subject to the application are 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 structure of the buildings and are directly related to enhancement of the quality of the building for the intended use.

Comments received from residents highlight a condition on the 2009 permission for the barn and other structures across the site, (09/93944) requiring removal, in the event they become 'redundant' from agricultural use the reason for the condition being;

"Planning permission has been granted for these buildings on the basis that they meet an agricultural need. The buildings would be inappropriate to this countryside location if not needed for agricultural purposes."

The condition was very explicit as to which buildings it was referring to, the polytunnel and two shade tunnels. Whilst the buildings remain in place the agricultural justification for them no longer exists. However, consideration needs to be given as to the acceptability of the retention and re use of these building with respect to their proposed use for holiday accommodation in this countryside location. Furthermore, in any event this application needs to be considered on its merits and in line with the relevant Development Plan policies, described above, which were adopted after the 2009 consent and accordingly considered on its merits.

Comments received question whether the barn is redundant or not, or whether it could be put to alternative agricultural use. Neither DM13 or DM22 include 'redundancy' as a test as to whether re-use can be considered and accepted. Furthermore, it was evident from the dismissed appeal for retention of the 'Essential Agricultural Workers' dwelling on the site, that the agricultural use on the site was not viable.

Anecdotal suggestions that there is no need for the proposed use has been presented by comments received. Such a commercial consideration is not before the Council, nor has the council sought to review the prevalence of holiday accommodation locally in order to assess whether it is harming the character of the area or the availability of housing.

The application seeks conversion to use as self-contained holiday accommodation. Such a use would fall within use Class C3 of the Use Classes Order 2020, it would be appropriate to ensure the use remains as holiday lets by imposing a condition as an unrestricted residential use would not be appropriate in relation to relevant policy guidance. However, restricting the duration of stays or to a summer 'holiday' season would not be reasonable or appropriate. Based on recent restrictions on travel (Covid-19) there has been greater demand for such accommodation throughout the year. It would be a matter of fact and degree, under review, whether any over-winter lets or seasonal workers staying in the accommodation for longer periods would breach the use as holiday lets and not one that it would be considered necessary to limit by condition.

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

When under consideration, the buildings subject to this application were considered appropriately designed for the context and character of the area. The alterations proposed and effect of conversion to a residential use would inevitably give the building a more domestic appearance and include the trappings of residential occupation, such as flues, vents, aerials or satellite dishes, some of which could be controlled by condition or would not be readily visible or appreciated from outside the site.

External materials proposed to be used in the extensions would match those existing, compatible with the appearance of the building and in the case of removing the existing white UPVC, would enhance the appearance of the building.

Removal of the Poly tunnel and shade tunnels would enhance the appearance of the site as they have become unkempt and the site around the barn poorly maintained and generally untidy. However, removal is a requirement of previous permissions in any event, so minimal weight is given to such improvements.

Access and space for parking is largely as existing. Whilst a parking layout is shown on the site plan and adequate parking space can be accommodated it would be unnecessary to formalise a layout, leaving it to visitors to park as appropriate and retain the openness of the space.

Division of land around the site to enclose gardens which would not be readily reflective of agricultural sites and if the wrong form of enclosure was used would not compliment the character of the area. The application form references hedges and fences, without precision or detail shown on the plans, however this could also be subject to a condition to ensure appropriate design was secured.

Policies STR 2 and ENV4 refers to the special qualities and purposes of the Cranbourne Chase AONB and their settings need to retain and protect landscape character through sensitive development and specific reference is made to areas of intrinsically dark skies (Policy ENV4(iv)). There are existing buildings on the site although their existing agricultural use would have limited fenestration and light pollution from an agricultural use would be minimal. Additional fenestration is proposed but this is not unreasonable within its context. Furthermore, External lighting could be very subtle and low level bollard style, significantly reducing the

potential for light spillage beyond the site and any likely impact on Dark Skies within the AONB. A condition could be imposed securing details of the colour of external features to minimise visual intrusion

The maturity and size of trees and hedge along the roadside, southern boundary, would obscure views into the site for much of the year, limiting the effect of the changes proposed on the appearance of the street scene and character of the wider area.

Those trees and hedgerow that are either on the boundary or outside the site, are outside the control of the applicant and so should not be affected or removed. The position and scale of the buildings works proposed would preserve their health and retention.

Habitat mitigation

Policy ENV1 of the recently adopted Local Plan Part 1: Planning Strategy, sets out that all residential development, including that proposing overnight holiday accommodation, in the district would give rise to likely significant effects on designated Avon Valley European sites, alone and in combination with other such residential development.

Recreation habitats 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 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. 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.

Phosphates Mitigation

The applicant and their ecologist's report set out that wastewater would be captured and tankered away, that does not adequately deal with this issue or provide suitable mitigation that can be secured. Mitigation cannot be taken into account at screening stage for Appropriate Assessments as such in this instance an Appropriate Assessment of the Conservation of Habitats and Species Regulations is required.

It is the view of the applicant that an Appropriate Assessment is not required. The applicant believes the scheme can be screened out due to the distance of separation from protected habitats and the approach of capturing foul water in septic tanks and porta-loos before tanker collection and disposal off site by the employed contractor as appropriate to their permit. Natural England and the NFDC Ecologist do not concur with this view and consider that the conclusion of the applicant's ecologist in their Habitats Regulations screening report are not acceptable.

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 that site's conservation objectives having regard to

phosphorous levels in the River Avon. However, Natural England have recently 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 sets out mitigation measures for new development up to the end of March 2020, and thereafter relies 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, a further reason for refusal must be introduced.

Air Quality mitigation:

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_x, 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. 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.

On Site Biodiversity and protected species

The nature of the proposals would have negligible impact on species on and around the site. Landscape planting associated with 'gardens', boundaries and general landscape setting of the site could improve the diversity of plant species.

Highway safety, access and parking

The access is existing and served the agricultural use. The scale of the proposals would not give rise to a significantly different number of vehicle manoeuvres to conflict with highway safety, despite concerns from residents regarding high vehicle

speeds into the village. To a certain extent visitors using the site are unlikely to be familiar with the site and access so would be inclined to travel at lower speeds in order to identify their destination.

Equally the likelihood of conflict with pedestrians on the Public Right of Way would be very low and at slow speeds. Furthermore, due to the scale of construction works involved in the proposed conversion, the number of large vehicles visiting the site and the extent and duration of the works would negate the need for footpath diversion or formalised traffic management being employed.

Residential amenity

The location of the site and scale of use at 2 x 2 bed holiday units would minimise the potential for noise disturbance to be any greater than any other residential property in the area. Given the previous use for agriculture, it is likely there was higher potential for disturbance at unsociable hours of the early morning

There would be no impact of overshadowing, overbearing or overlooking arising from the development and its proposed alternative use.

Flooding

The stream passing the front of the site, beside the road, could flood across the application site. However, the building and the majority of the site is outside the area predicted to flood. Concerns regarding the position of parked cars and vulnerability in the event of a flood is given little weight.

11 CONCLUSION

The scheme has economic benefits of bringing a redundant building back in to use, with minor employment generated, social benefits for visitors and their support of local services and minor environmental benefits of reuse of an existing building.

However, the scheme would give rise to likely significant effects on the integrity of features of nature conservation interest in the River Avon European sites, that have not been and cannot be adequately mitigated. As such the proposals are unacceptable for these reasons and refusal of planning permissions is therefore recommended.

12 RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. 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, would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational and air quality pressures on these sensitive European nature conservation sites, contrary to Policy ENV1 of the New Forest District Local Plan Part 1: Planning Strategy 2020

2. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. The proposal will result in new units of residential accommodation which will potentially have an adverse impact through greater phosphates being discharged into the River Avon, thereby having an adverse impact on the integrity of the River Avon Special Area of Conservation (SAC), the Avon Valley Special Protection Area and the River Avon Ramsar site. A precautionary approach is required to be adopted and, in this case, an Appropriate Assessment has been carried out, with it not being possible to rule out adverse impacts on the integrity of the SAC, SPA and Ramsar site. As such, the proposal does not accord with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 in that at present there is no proof that the new dwellings will be phosphate neutral or that there is adequate mitigation in place. The proposal is therefore contrary to the provisions of the Conservation of Species and Habitats Regulations 2017 and Policy ENV1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District (outside of the National Park).

Further Information:

James Gilfillan

Telephone: 02380 28 5797

NFDC



New Forest
DISTRICT COUNCIL

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

Claire Upton-Brown
Chief Planning Officer
Planning
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

PLANNING COMMITTEE

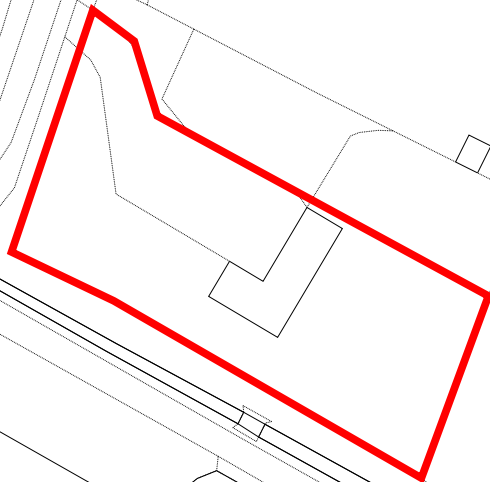
May 2021

MAPLE FIELD FARM, MARTIN ROAD
MARTIN SP6 3LR

20/11417

Martin Club

Maplefield Farm



67.7m

Springdale

Vine Cottage

Jasmine Co

Honey Pound

West End Cottage

Meadows Edge

67.1m

Juniper Cottage

Westerly



Scale 1:1250

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