

Application Number: 21/10578 Full Planning Permission

Site: BARN TO EAST OF SANDLE LODGE, MAIN ROAD,
SANDLEHEATH SP6 1PF

Development: Demolition of existing barn and erection of replacement dwelling

Applicant: Healthy Property Group Ltd

Agent: Fowler Architecture & Planning Ltd

Target Date: 15/06/2021

Case Officer: Stephen Belli

Extension Date: 14/10/2022

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

1. The Principle of Development
2. Residential Development in the Countryside
3. Design, site layout and impact on local character and appearance of area
4. Highway safety, access and parking
5. Residential amenity
6. Ecology
7. Air Quality
8. Habitat Mitigation
9. Housing Land Supply

This application is considered by Committee due to a contrary Parish Council view.

2 SITE DESCRIPTION

The proposal relates to a single storey agricultural building of relatively recent construction (mid-late 1970's), constructed of timber cladding and metal corrugated iron roof. It is set in the countryside outside but adjoining Sandleheath's built-up area as shown in the adopted Local Plan and is accessed from Main Road into Scats Lane and then via a partially metalled undadopted private track. The site benefits from consents granted in March 2019 to convert to a 2 bed dwelling, and in December 2020 to demolish and replace with a 3 bedroom dwelling.

3 PROPOSED DEVELOPMENT

The current proposal seeks planning permission, which would involve removal of the existing structure from the site, replacing it with a larger 4 bedroom dwelling, the design of which would be in an agricultural style and externally would appear the same as the replacement structure approved in December 2020. The dwelling would be finished with a brick plinth, timber weatherboard cladding, clay tile roof and conservation rooflights. Off street parking would be provided for three cars, with a separate hardstanding storage area for cycles. The garden curtilage is to be quite tightly arranged around the footprint of the proposed building, with fencing to the north and east and hedge planting to the south and west.

4 PLANNING HISTORY

20/10487 Demolition of existing barn and erection of replacement dwelling	09/12/2020	Granted Subject to Conditions	
19/10561 House; detached garage; demolition of existing barn	25/06/2019	Refused	Appeal Dismissed
19/10008 Use of agricultural barn use as residential dwelling (Prior Approval Application)	05/03/2019	Prior Approval not required	
16/10436 Use of barn as 1 residential unit; fenestration alterations (Prior Approval Application)	25/05/2016	Prior Approval not required	

5 PLANNING POLICY AND GUIDANCE

Local Plan Part 1

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 IMPL1: Developer Contributions
Policy IMPL2: Development standards
Policy STR2: Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park
Policy STR3: The strategy for locating new development
Policy STR5: Meeting our housing needs

Local Plan Part 2 Sites and Development Management Development Plan Document

DM2: Nature conservation, biodiversity and geodiversity
DM20: Residential development in the countryside

Supplementary Planning Guidance

SPD - Mitigation Strategy for European Sites
SPD - Parking Standards
SPD - Sandleheath Village Design Statement
SPG - Residential Design Guide for Rural Areas
SPD - Housing Design, Density and Character
SPD - Air Quality Assessments in New Development 2022

Relevant Advice

Chap 5: Delivering a sufficient supply of homes
Chap 12: Achieving well designed places

Constraints and Plan Policy Designations

Countryside beyond the Built-up Area
Plan Area
Avon Catchment Area

6 PARISH / TOWN COUNCIL COMMENTS

Sandleheath Parish Council - recommend a PAR4 REFUSAL for the reasons listed:

1. The existing planning permission under 20/10487 was adequate for the location, giving the applicant an extra 30 sq. m accommodation from the existing barn.
2. The increase to a 4 bedroom house would give a higher potential for extra vehicle traffic on an already unsuitable access road that has a dangerous access point on Scats Lane.
3. The addition of 2 extra bathrooms gives potential for extra waste water. A concern noted on previous consultations on this site.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Environmental Health Contaminated Land - no objections

Ecologist - generally, my views are the same as previously communicated for application 20/10487 from an ecological perspective. No objection subject to the mitigation and enhancement measures detailed in Sections 4,5 and 6 (and Figure 3) of the Abbas Ecology Ecological Appraisal and Impact Assessment report dated April 2020 and the subsequent Preliminary Ecological Appraisal: Bat Check and dusk activity surveys report Dated 10th July 2020 being secured with a short letter report being provided by the attending Ecologist of actions taken. The short letter report should confirm that the actions detailed in the method statement are undertaken by a suitably qualified ecologist and to report any findings (or lack of). I am content that we can determine the application with the age of data, especially with the extant planning permission. An informative should be applied to any decision regarding legal protection afforded to bats.

Scottish and Southern Electricity - give informatives

Southern Gas Networks - give informatives

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

- The site is a green field site, which should be preserved.
- Detriment to highway safety caused by additional traffic
- Damage caused to the access by construction traffic
- Disturbance caused by construction activity
- The development is beyond the settlement boundary, within the countryside
- A new dwelling should not be permitted on this site, beyond that permitted by Class Q

For: 0

Against: 2

10 PLANNING ASSESSMENT

Principle of Development

The principle of residential development has been established on this site through previous approvals, which have approved both conversion and replacement of the existing barn on the site for residential development.

Residential Development in the Countryside

Policy DM20 of the Local Plan Part 2 is pertinent to consideration of the proposal. It specifies that residential development in the countryside will only be permitted where it is for the replacement of an existing dwelling, for affordable housing or to meet the needs of an agricultural or forestry worker. It goes on to state that replacement dwellings must not increase the floorspace of the existing dwelling by more than 30%. In all cases development should be of an appropriate design, scale, appearance and in keeping with the rural character of the area. Paragraph 2.107 of the Local Plan Part 2 states that 'new housing development is very tightly restricted in the countryside'. Paragraph 170b of the NPPF states that planning 'decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside'.

In determining the appeal for a dwelling on the site, the Inspector concluded that the proposal would be contrary to Policy DM20 of the LPP2, which amongst other things, seeks to secure development that is designed to respect the character, identity and context of the area's towns, villages and countryside; contributes positively to local distinctiveness and sense of place; and not to cause unacceptable effects by being, for example, visually intrusive. The other key difference between the appeal proposal and the later approval for a replacement dwelling was that the appeal proposal was not on the same footprint as the original building and was larger and designed to replicate a large two storey house rather than a barn conversion.

While the proposed development is not related to an existing dwelling, it is related to a single storey agricultural building with consent to convert it to a two bed dwelling. Consequently the 30% floor space threshold applied by Policy DM20 is useful in determining the impact of the proposal on the countryside, in terms of how its scale and massing might impact upon openness and visual amenity. The dwelling approved under the prior approval consent ref. 19/10008 had a floor area of 100 sq.m, occupying ground level only and with only minor changes to fenestration.

A subsequent planning application was approved under reference 20/10487 with an internal floor area of 130 sq.m, constituting a 30% increase in floor area, in compliance with Policy DM20. Within the countryside, limits are placed on floorspace increases, to provide a degree of control over alterations to the scale and visual impact of dwellings, ultimately to protect the character and appearance of the countryside. It is clear from comparison of the elevations and dimensions of the existing building with the building approved under ref. 20/10487 that the proposal would be of greater scale and mass than the existing structure. The existing building is 5.2m in height compared to 6.8m for the proposed development and over a larger footprint. The eaves are low to the rear, but higher to the front and the proposed dwelling would have a greater impact upon the openness and appearance of this countryside location than the existing structure.

However, the dwelling has been designed to replicate the appearance of a traditional agricultural barn building and would be constructed of acceptable materials, against a backdrop of mature vegetation and with a hedgerow to the front, which would all assist with its integration into the landscape.

While the current proposal would result in a larger floor area (218 sq m as opposed to 130 sq m) than the proposal approved under ref. 20/10487, through introduction of a first floor, it is on the same footprint and its external dimensions and appearance would be exactly the same as the previously approved scheme. The impact on the appearance of the area must therefore be considered neutral when judged against the earlier approval. It follows that if the earlier 130sq m new build considered under DM20 was acceptable then so must be the current building even though it has a much greater floor area internally.

The proposed car parking and garden curtilage are modest in terms of their extent. In these respects the proposal represents a significant improvement to the proposal dismissed at appeal and it is considered that it has addressed the concerns of the Inspector. Consequently the proposed dwelling could fit comfortably within the rural context, being of acceptable scale and design, subject to conditions to remove permitted development rights for extensions and outbuildings and to ensure appropriate landscaping is implemented, in accordance with the Council's principle countryside protection Policy DM20. A slavish adherence to the 30% floorspace rule could not be considered a substantive and defensible reason for refusal on this occasion.

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

Policy ENV3 of the Local Plan seeks to ensure that all new development is appropriate and sympathetic to its setting. It must be considered whether the siting, scale, design and form of the development proposed would be acceptable in this countryside location and whether it follows the guidance offered by the Council's adopted SPD - Residential Design Guide for Rural Areas. The 2019 NPPF Section 12 states that 'achieving well designed places encourages high quality buildings and places and good design is a key aspect of sustainable development. Planning decisions should ensure developments are inter alia visually attractive and sympathetic to local character. Para 130 states that permission should be refused for development of poor design.

The proposed dwelling would be sited in an attractive rural location, to the south of Sandheath's built-up area and north of Reeve's Copse. It would be viewed on approach from the south along a country track against a backdrop of vegetation, rather than in an urban context. The previous section has explained that the Council considers the proposed dwelling could be acceptable in terms of form, design, massing and scale in this countryside location.

The Rural Design Guide states that 'new dwellings should respect the local traditional building style and employ materials and detailing which reinforce local character', going on to state that replacement structures 'should normally be positioned close to the original location'. 'The scale, depth roofline and plan format should be sympathetic to the locality and the character should respect the local vernacular'. The proposal adheres closely to the footprint of the original building and its design, scale, materials and form respect the local traditional building style and vernacular. This exact design and location has already been approved under the earlier permission noted above.

Consequently, the proposal complies with the design and character related provisions of the Residential Design Guide for Rural Areas, NPPF section 12 and Policies ENV3 and DM20.

Highway safety, access and parking

While the proposed development may result in increased use of the private access road compared to the existing situation, as the agricultural building is not in regular use, the fall-back position is that the applicant may convert the building to a dwelling in any case or even revert back to a more intensive agricultural use of the building. While the proposed dwelling would be larger than the prior approved dwelling, the resultant increase in traffic would be modest and could not substantiate a reason for refusal on highway grounds. The proposal provides adequate access, parking and turning arrangements. The Highway Authority previously raised no specific concerns over the proposal, subject to conditions. Adequate off-street parking provision (3 spaces) is made for a dwelling of this size. There is no requirement for this scale of development to consult with the Highway Authority as there are no alterations to the public highway.

The comments of the Parish Council are noted but the single dwelling scale of this proposal does not support a reason for refusal. Neither is the point of access onto Scats Lane and then Main Road unacceptable. Visibility in both directions is reasonable and traffic speeds are adjudged to be inherently slow in this part of the 30mph limit. The increase in size from a 3 bed dwelling to a 4 bed dwelling does not create any further unacceptable highway impact.

Policy IMPL2 relates to development standards and places a requirement on new developments to make provision to enable the convenient installation of charging points for electric vehicles, details of which are secured by condition.

Residential amenity

Policy ENV3 also seeks to ensure that all new development shall not cause unacceptable effects to adjoining land uses in terms of visual amenity and adverse impacts upon the residential amenity of existing and future occupiers. The proposal will not impact upon the amenity of neighbouring residential properties, being well separated from other houses in the locality and well screened from other residential curtilages by mature trees, such that there would be no overbearing impact or loss of privacy. Furthermore the unfenestrated, catslide roof arrangement to the north ensures that no loss of privacy would result to dwelling or their curtilages to the north.

Ecology

From 7th July 2020 the Council has sought to secure the achievement of Biodiversity Net Gain (BNG) as a requirement of planning permission for most forms of new development in accordance with Policy DM2. The application is supported by a biodiversity report, undertaken by a suitably qualified professional ecologist and the Council's Ecologist is content that it represents a suitable assessment of the habitats on site and its potential to support protected or notable species. A planning condition is recommended requiring the development to be implemented in accordance with the recommendations of the Preliminary Ecological Appraisal.

Air Quality

In response to the requirements of the recently adopted 'Air Quality Assessments in New Development Supplementary Planning Document 2022, the applicant has provided information explaining the measures that they will take to reduce the potential adverse impact new development can have upon air quality, thereby lessening the negative effects upon health and wellbeing. These will be provision of EV charging point, cycle parking and backland location with reduced exposure to pollution.

Habitat Mitigation

a) Recreational Impacts

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest 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 was to mitigate that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect. The applicant has completed a Section 106 Agreement dated 25th August 2021, which secures the recreational mitigation contribution.

b) Air quality monitoring

Following adoption of the Local Plan in July 2020 an air quality monitoring contribution is required by Policy ENV1, to be secured via s.106 or unilateral undertaking. The applicant has completed a Section 106 Agreement dated 25th August 2021, which secures the air quality monitoring contribution.

c) Phosphate neutrality and impact on River Avon

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 New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to phosphorous levels in the River Avon. However, Natural England has drawn attention to the fact that the submitted Appropriate Assessments (AA) rely on the delivery of the phosphate neutrality measures set out in the River Avon SAC – Phosphate Neutral Development Plan Interim Delivery Plan (Wood Environment & Infrastructure Solutions UK Limited – January 2019). The Interim Delivery Plan set out mitigation measures for new development up to the end of March 2020, and thereafter relied on the delivery of the Wessex Water River Avon Outcome Delivery Incentive (ODI), if fully in place. Natural England's view is that, as the initial Interim Delivery Plan period has now concluded, the submitted AAs should not simply be rolled forward, at least without a valid evidence-based justification that provides the required reasonable certainty for phosphate neutrality. They also note that circumstances are different from those of when the Interim Delivery Plan was first agreed because of external developments in caselaw, notably the Dutch case (Joined Cases C-293/17 and C-294/17 Coöperatie Mobilisatie for the Environment UA and Others v College van gedeputeerde staten van Limburg and Others).

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

loading to be offset. Such a project has now been secured and a Grampian style condition can be imposed that will secure the appropriate level of phosphate mitigation.

Housing Land Supply

The Council cannot demonstrate a five-year supply of deliverable housing land and it is anticipated that the updated housing land supply position will remain below the required 5 years. In such circumstances the NPPF (para 11d) indicates that the tilted balance is engaged, whereby in applying the presumption in favour of sustainable development even greater weight should be accorded in the overall planning balance to the provision of new housing. The current proposal is for a modest level of housing provision and in the absence of any identified harm, there is little to weigh against the proposal.

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	218	100	118	118	£80/sqm	£12,090.46 *
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Subtotal:	£12,090.46
Relief:	£0.00
Total Payable:	£12,090.46

11 CONCLUSION

The proposal would make a modest contribution towards meeting the Councils' housing land supply targets and raises no significant concerns in respect of its impact upon the character of the area, adjoining amenity, ecology or highway safety. It has mitigated its impact upon European sites through completion of the legal agreement and is accordingly recommended for approval, subject to conditions.

12 RECOMMENDATION

Grant Subject to Conditions

Proposed Conditions:

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

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

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

Drawing number MBN AH/1 Existing Elevations
Drawing number MBN AH/2 Existing Plans
Drawing number A-191108-01 Rev 1 - 1:1250 Site Location Plan
Drawing number A-191108-100 Rev 5 Site Plan
Drawing number A-191108-105 Rev 1 - Barn Design Scheme
Drawing number A-191108-120 - Site Management Plan
Preliminary Ecological Appraisal by Abbas Ecology dated 10/07/2020
Further Ecological Appraisal by Abbas Ecology dated April 2020
Tree Survey and Arboricultural Assessment by Hellis dated April 2020
Planning Statement by Fowler Architectural and Planning
Construction Method Statement dated August 2021

Reason: To ensure satisfactory provision of the development.

3. Prior to any development above slab level of the dwelling hereby permitted, samples or exact details of the facing, fenestration and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with policy ENV3 of the Local Plan Part 1 Strategy for the New Forest District outside the National Park.

4. Prior to any development above slab level of the dwelling hereby permitted, a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) other means of enclosure;

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To ensure that the development takes place in an appropriate way and to comply with Policy ENV3 of the Local Plan Part 1 Strategy for the New Forest District outside the National Park.

5. All external works (hard and soft landscape) shall be carried out in accordance with the approved plans and details within one year of commencement of development and maintained thereafter as built and subject to changes or additions only if and as agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the achievement and long term retention of an appropriate quality of development and to comply with Policy ENV3 of the Local Plan Part 1 Strategy for the New Forest District outside the National Park.

6. 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 AA, 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).

7. No other first floor windows other than those hereby approved shall be inserted into the roofslope of the building unless express planning permission has first been granted.

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

8. The works hereby approved shall be undertaken in strict accordance with the mitigation and enhancement measures detailed in Sections 4,5 and 6 (and Figure 3) of the Abbas Ecology Ecological Appraisal and Impact Assessment report dated April 2020 and the subsequent Preliminary Ecological Appraisal: Bat Check and dusk activity surveys report Dated 10th July 2020. Thereafter, a short letter report should be submitted to the local planning authority to confirm that the actions detailed in the method statement are undertaken by a suitably qualified ecologist and to report any findings (or lack of).

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

9. The development shall be implemented in full accordance with the Construction Method Statement dated August 2021 and drawing number A-191108-120 - Site Management Plan.

Reason: In order that construction activity does not have any significant adverse impact on the amenity and highway safety of the locality in accordance with Policy ENV3 of the Local Plan Part 1 Strategy for the New Forest outside of the National Park.

10. Before first occupation of the dwelling hereby approved, a scheme for the provision of infrastructure and facilities to enable the installation of charging points for electric vehicles to serve the new dwelling shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be provided before the approved dwelling has been occupied and shall thereafter be retained in accordance with the approved details.

Reason: In the interests of sustainability and to ensure that provision is made for electrical charging points in accordance with Policy IMPL2 of the Local Plan Part 1 Planning Strategy for the New Forest (outside of the National Park).

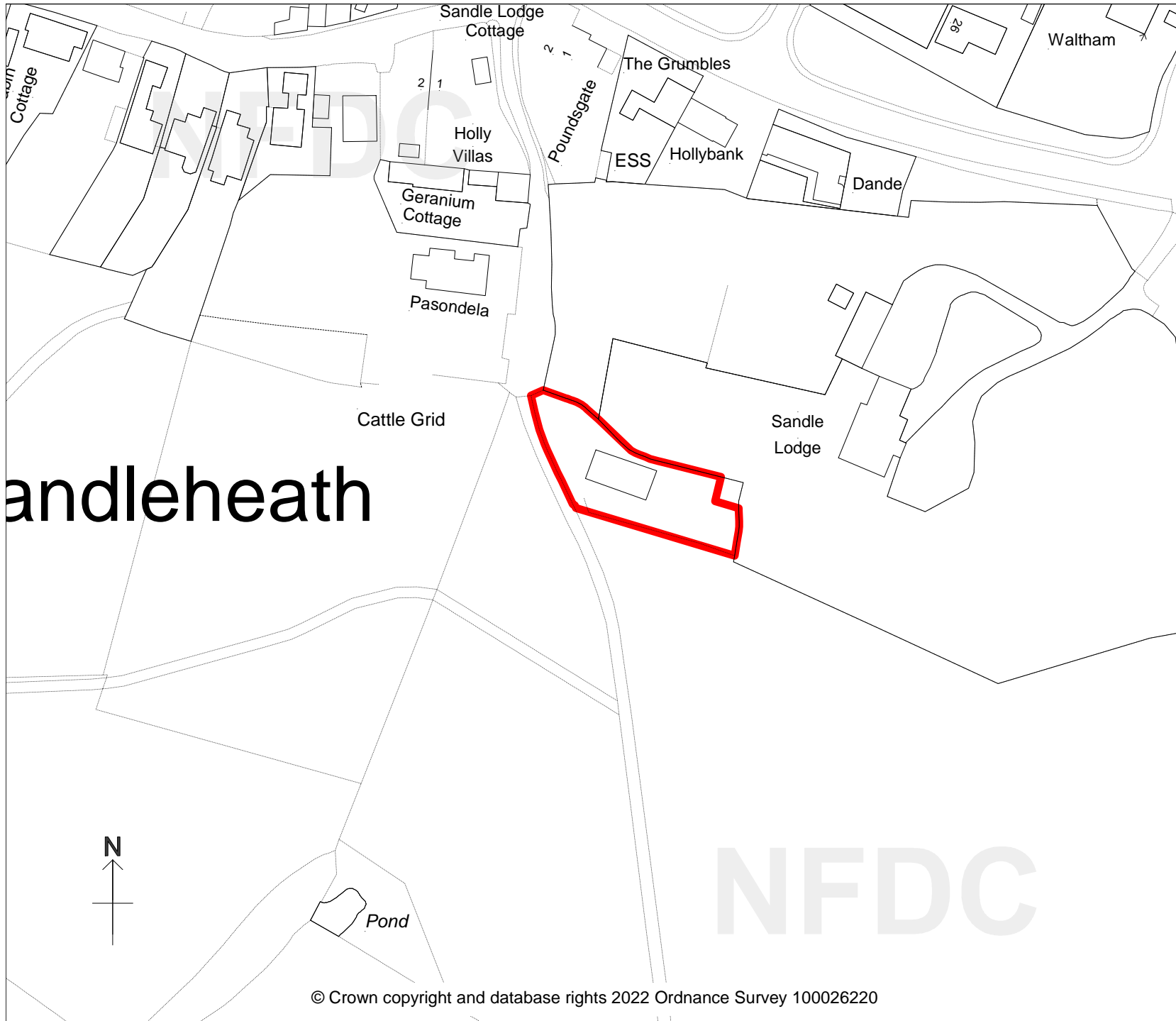
11. The development hereby approved shall not be occupied unless:
- A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person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

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

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

Further Information:

Stephen Belli
Telephone: 023 8028 5430



Sandleheath



New Forest
DISTRICT COUNCIL

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

Claire Upton-Brown
Executive Head of Planning,
Regeneration and Economy
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

PLANNING COMMITTEE

October 2022

Barn to East of Sandle Lodge
Main Road
Sandleheath
21/10578

Scale 1:1250

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