

Application Number: 23/10345 Full Planning Permission

Site: LAND AT WOODPECKER WOOD, COURT HILL, DAMERHAM
SP6 3HL

Development: Conversion of the existing building to form a single residential dwelling with associated access, parking, landscaping and package treatment plant (revised scheme)

Applicant: Mr & Mrs French

Agent: Spruce Town Planning Ltd

Target Date: 09/06/2023

Case Officer: Vivienne Baxter

1 REASON FOR COMMITTEE CONSIDERATION

The application is brought to Committee due to a contrary view of the Parish Council.

2 RECOMMENDATION

Refuse.

3 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the development
- 2) Impact on the character and appearance of the area including the AONB
- 3) Impact upon Site of Importance for Nature Conservation (SINC) and protected trees (TPO)
- 4) Ecology
- 5) Highway matters including parking

4 SITE DESCRIPTION

The site lies in the countryside between Sandleheath and Damerham and within the Cranborne Chase Area of Outstanding Natural Beauty. It is accessed through the trees off Court Hill together with a residential property known as Yafflewood. Approximately 150m from the road, the site opens out into a small clearing (approximately 15m x 20m) where there is a single storey concrete building. Land adjoining the site predominantly to the south and extending to around 2.3ha is also in the ownership of the applicant.

The site and immediate surrounding area is designated as the Higher Court Wood Site of Importance for Nature Conservation (SINC) for its ancient semi-natural woodlands. Much of this area, including small parts of the site is also the subject of a Woodland Tree Protection Order (TPO).

5 PROPOSED DEVELOPMENT

The proposal is for the conversion of the existing building on site into a dwelling with associated access, parking, landscaping and package sewage treatment plant. The dwelling would comprise kitchen/dining room, boot room with WC, dayroom, bedroom, shower room and externally accessed store.

6 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
22/10720 Conversion of the existing building to form a single residential dwelling; associated access, parking and landscaping	19/10/2022	Withdrawn by Applicant	Withdrawn

7 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

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

Policy ENV3: Design quality and local distinctiveness

Policy IMPL1: Developer Contributions

Policy 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

DM2: Nature conservation, biodiversity and geodiversity

DM20: Residential development in the countryside

Supplementary Planning Guidance And Documents

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

National Planning Policy Framework

NPPF 2021

NPPG

8 PARISH / TOWN COUNCIL COMMENTS

Damerham Parish Council

Damerham Parish Council would recommend PAR 3 on the understanding that Section 106 is signed to tie in the habitat mitigation, woodland management and light pollution.

9 COUNCILLOR COMMENTS

No comments received

10 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Ecologist: Raises concerns

Cranborne Chase & West Wiltshire Downs AONB: Comment only

NFDC Tree Team:Objection

Building Control: Access provisions are not appropriate for the fire service. Roof would require replacing if asbestos.

11 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

Against: 1

- provision of mains services would undermine protected tree roots within a SINC

12 PLANNING ASSESSMENT

Principle of Development

In principle, new residential development is not usually acceptable within the countryside unless it is for agricultural or forestry workers or affordable housing. The proposal to convert the existing building on site into a dwelling does not fit into either of these categories and is therefore contrary to local plan policy DM20. However, more up to date policy guidance is included in Paragraph 80 of the NPPF which allows for the provision of isolated homes in the countryside where one or more of the following criteria apply:

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

In consideration of these criteria:

- a) the application does not demonstrate any essential need for a rural worker;
- b) the building is not considered to be a heritage asset;
- c) the application advises that the building is a former agricultural building although at the time of the officer's site visit, it appeared to be used for storage purposes.

The application is supported with a structural report. In terms of the principle of the use, it needs to be assessed as to whether it is practical to convert the existing building or whether the proposals are tantamount to a new building in the countryside. In considering this report it is noted that both the NE and SW elevations have large cracks within the concrete fabric which lead to questions about whether the building is structurally sound and capable of conversion rather than rebuilding. In addition, it is noted that the proposal does not make use of any existing openings proposing to insert new windows and close or reduce the size of

existing openings. Furthermore, the structural report indicates that the roof could be asbestos. Advice from Building Control indicates that this would need to be replaced were the property to become residential suggesting that the building is not suitable for conversion. The combined impact of these changes would leave very little of the existing structure available for conversion and as such the conclusion reached is that this would result in a new building in the countryside.

The application is also for parking and landscaping but there is limited detail as to how the land surrounding the building would be surfaced or enhanced in order to comply with this criteria;

d) is not applicable to this case and

e) it is not considered that the proposal represents either a truly outstanding design, reflecting the highest standards in architecture or would significantly enhance its immediate setting.

Having regard to this, there are very limited circumstances which would support the provision of a dwelling in this location. As such, having considered the submitted information the proposals are not accepted to be a conversion but rather a new building for residential use in the countryside. As such, the principle of development as proposed is unacceptable in policy terms.

Impact on local character and appearance of area

Although the application site extends from the building to the public highway, the length of the access (approximately 150m) is such that the proposed dwelling would not be visible from public vantage points. The current building is constructed of concrete and most probably, has an asbestos construction which does not enhance the character of the area. The provision of timber cladding and a slate roof would result in a more attractive finish to the building although it is noted that neither dwelling located in this part of Court Hill (Yafflewood and Court Lodge) are constructed in these materials.

The proposal indicates a relatively small curtilage for the property although most of this would appear to be for the parking or turning of vehicles. This could have a negative impact on the character of the rural area. It is noted that the proposed dwelling has an indicative patio area to the south and a strip of grass to the north although there are no other surfacing details provided within the site.

With regard to the AONB, comments made during the course of the previous application are valid here too. These draw attention to the desire to provide photo voltaic panels to buildings, the removal of permitted development rights relating to external lighting and controls relating to the future enlargement of the proposed dwelling. It is noted that the proposal doesn't include photo voltaics and given the site's location within a woodland, it is unlikely that they would provide a reliable source of renewable energy.

The proposal does not include any meaningful landscaping scheme to demonstrate how the immediate area would be maintained or kept separate from the other land in the applicant's ownership. This has raised concerns from both Ecologist and AONB Office. Having regard to paragraph 80 of the NPPF, an isolated home in the countryside could be acceptable if it enhances the setting of a redundant building. Without any details as to how the immediate setting of this building might be enhanced, it is not considered that the proposal would represent an acceptable scheme in this countryside location.

Site of Importance for Nature Conservation (SINC)

Higher Court Wood SINC is designated for its semi-ancient woodland and extends to around 4ha incorporating all of the land in the applicant's ownership but excluding the area currently occupied by Yafflewood and its associated curtilage.

The application is supported with an Ecological Assessment which indicates that a CEMP (Construction Environmental Management Plan) is required to manage the potential for construction impacts on the SINC and ancient woodland. A further report provided by the Woodland Trust identifies that a Woodland Management Plan is also necessary and neither of these have been provided at this stage.

From an ecological point of view, there are concerns that the change of use could lead to a change in the management/use of the woodland which could lead to its deterioration. Likewise there are concerns that there could be potential future impacts on the woodland should the use of the site for residential purposes be agreed in principle. This concern is reflected in the comments made by the AONB office having regard to the potential for extensions or a larger, replacement dwelling following on from any initial approval for residential use. The Woodland Trust report also identifies a potential concern for enlarging the footprint in terms of the impact of this on the ancient woodland.

There are also concerns regarding the potential conflict between access to light for a residence within this woodland and the risk of trees being felled in the future to remedy this. In recent years this woodland SINC has been subject to other impacts from encroachment associated with an adjacent land use and any further cumulative impacts would have an adverse impact.

Trees

The Woodland Tree Preservation Order area is very similar to the extent of the SINC although the accesses within the area are excluded from the TPO along with a clearing including pond within land in the applicant's ownership. This designation offers a level of protection not only to the trees, but ground cover within the area too.

The application has been supported with documentation relating to the crown spreads of nearby trees, the sensitivity of the trees and the magnitude of the impacts of the proposed development although does not include any specific tree survey in order to inform the proposed methods. However, the proposed conversion would not require the removal of any trees given there is already a vehicular access to the building at present.

Associated with the conversion is the need to provide services for future occupants. Whilst it is noted that the building already has an electricity connection, there is no water main which is proposed to be located underground along the access into the clearing. The proposed utilisation of trenchless techniques is potentially feasible in accordance with BS5837:2012; however, this site does present challenges with regard to this process which would involve excavations within the Root Protection Areas (RPAs) of protected trees contrary to the guidance set out in section 7.7.2. (BS5827:2012).

Furthermore, there is no specific information provided to demonstrate the condition of the trees either side of the access track or their tolerance to ground disturbance. It is further noted that there is a veteran tree located within the route of the water main as highlighted within the submitted Woodland Trust restoration report. The Risk Assessment and Method statement document provided from the Impact Molding

contractor is generic and very limited in scope and is considered inadequate to satisfy the specific conditions and precautions required to be encountered on this site.

The position of the proposed septic tank and wastewater storage tank is shown outside of the RPAs of retained trees so would be acceptable in terms of tree protection, provided construction is undertaken outside of the RPA/Tree Protective fencing. The concern from the AONB Office in relation to the septic tank is noted although the plan appears to show the property would have both overground and underground tanks.

Ecology

There is historic evidence of use of the building by barn owls. The information provided within the Ecological Assessment offers an acceptable approach for mitigation and these measures should be secured should permission be forthcoming. With regard to bats, the report identifies that there should be no new external lighting. This too is an acceptable approach and should be secured. The report details further recommendations for internal lighting and whilst these are welcomed, it would be difficult to secure these measures through a planning condition, particularly as the statement advising no pendant lighting would be used as all lights would be recessed into the ceiling may conflict with the likely internal space where vaulted ceilings could be present.

Highway safety, access and parking

The site already benefits from a vehicular access from the highway and this is shared with the adjacent residential property, Yafflewood. Beyond the combined access is a five bar gate which leads along the lengthy access track to the clearing where the building is situated. The proposal includes adequate space for the parking of two vehicles and associated turning facilities. The proposed external storage element of the building could be utilised for an appropriate level of cycle parking.

Building control has advised that the access provisions for the fire service are not appropriate and a fire strategy plan is required in order to support the proposal.

Habitat Mitigation and off-site recreational impact

Habitat Mitigation

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest 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.

Phosphate neutrality and impact on River Avon SAC

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the

Habitat Regulations') an Appropriate Assessment was carried out as to whether granting planning permission would adversely affect the integrity of the 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 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, any approval would require a Grampian style condition in order to address this matter.

Air Quality

To ensure that impacts on international nature conservation sites are adequately mitigated, a financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site. There is potential for traffic-related nitrogen air pollution (including NO_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.

In response to the requirements of the recently adopted 'Air Quality Assessments in New Development Supplementary Planning Document 2022, were approval to be recommended, the applicant would have been requested to provide 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. In view of the recommendation, this has not been sought.

Developer Contributions

As part of the development, the following would need to be secured via a Section 106 agreement:

- Habitat Mitigation
- Air Quality Monitoring

As part of the development, subject to any relief being granted the following amount Community Infrastructure Levy will be payable:

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	60		60	60	£80/sqm	£6,553.85 *

Subtotal:	£6,553.85
Relief:	£0.00
Total Payable:	£6,553.85

13 OTHER MATTERS

N/A

14 CONCLUSION / PLANNING BALANCE

The proposal would represent an inappropriate form of development in this countryside location and is also designated as a SINC, and as such it would conflict with local plan policies relating to residential development and nature conservation. The proposed provision of necessary services to the building would also have significant implications for protected trees. The application is therefore recommended for refusal.

15 RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed new dwelling would represent an inappropriate form of development in this unsustainable countryside location for which no overriding need has been demonstrated. Neither does the application demonstrate that the building is capable of conversion without the need to significantly rebuild and as such, the proposed development would be contrary to Policy DM20 of the Local Plan Part 2 (Sites and Development Management) and Paragraph 80 of the NPPF.

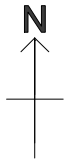
2. The provision of a new dwelling within this sensitive location is not considered to provide adequate public benefits to outweigh the harm to the Site of Importance for Nature Conservation (SINC) designation. The proposal is not supported with adequate information to demonstrate that the provision of services for future occupiers of the development would not harm trees protected within a Woodland Tree Preservation Order and SINC, designated for its ancient woodland. In addition to this, the proximity of the proposed dwelling to mature trees could result in future pressure to lop or fell them resulting in the degradation of the ancient woodland and an unsympathetic impact on the environment. The proposal is therefore contrary to policy DM2 of the Local Plan Part 2 (Sites and Development Management), Policy ENV3 of the Local Plan Part 1 (Planning Strategy) and paragraph 174 of the NPPF.

3. The recreational and air quality impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area and the New Forest Ramsar site would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures and air quality impacts on these sensitive European nature conservation sites, contrary to Policy DM3 of the New Forest District Local Plan Part 2: Sites and Development Management.

Further Information:

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NFDC



New Forest
DISTRICT COUNCIL

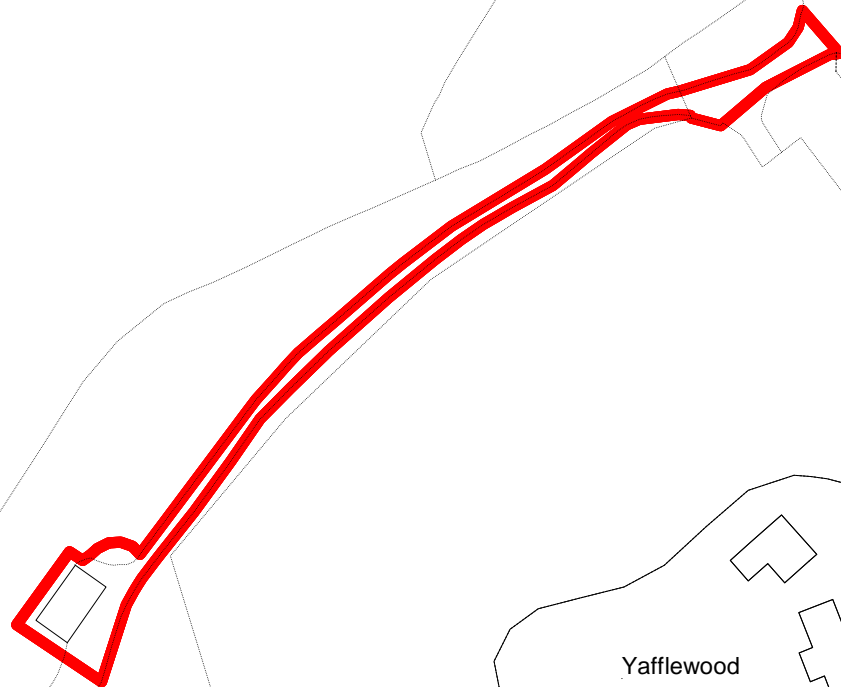
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PLANNING COMMITTEE

July 2023

Land at Woodpecker Wood
Court Hill
Damerham
23/10345



Pond

NFDC

Scale 1:1250

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