

**Application Number:** 23/10806 Variation / Removal of Condition  
**Site:** BARN TO EAST OF SANDLE LODGE, MAIN ROAD,  
SANDLEHEATH SP6 1PF  
(PROPOSED LEGAL AGREEMENT)  
**Development:** Variation of condition 2 and 10, removal of condition 9 of  
application 20/10487 to allow changes to elevations and  
increase to x 4 no bedroom  
**Applicant:** Healthy Property Group Ltd  
**Agent:** Master Land & Planning Ltd  
**Target Date:** 14/09/2023  
**Case Officer:** Vivienne Baxter  
**Officer Recommendation:** Service Manager - Grant  
**Reason for Referral  
to Committee:** Contrary Parish Council view.

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the development including planning history
- 2) Impact on the character and appearance of the area
- 3) Impact on the residential amenities of the area
- 4) Highway matters including parking
- 5) Habitat mitigation

## 2 SITE DESCRIPTION

The site lies within the countryside adjoining the built up area of Sandleheath. It is accessed along a track off Scats Lane, although Sandle Lodge itself is accessed off Main Road and is within the built up area.

At the northern edge of the site, the access opens out into a field of which the site forms a small part. The track continues south across the field where levels drop. Although the site is open to its southern boundary, the northern boundary is well screened by trees and other vegetation with only glimpses of nearby dwellings visible from the site.

## 3 PROPOSED DEVELOPMENT

The proposal is made under Section 73 and seeks the variation of conditions 2 (plan numbers) and 10 (submission of a CEMP) and the removal of condition 9 (restriction of a mezzanine) of planning permission 20/10487. Condition 10 has been discharged.

#### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
21/10578 Demolition of existing barn and erection of replacement dwelling	12/10/2022	Granted Subject to Conditions	Decided	
20/10487 Demolition of existing barn and erection of replacement dwelling	09/12/2020	Granted Subject to Conditions	Decided	
19/10561 House; detached garage; demolition of existing barn	25/06/2019	Refused	Appeal Decided	Appeal Dismissed
19/10008 Use of agricultural barn use as residential dwelling (Prior Approval Application)	05/03/2019	Prior Approval not required	Decided	
16/10436 Use of barn as 1 residential unit; fenestration alterations (Prior Approval Application)	25/05/2016	Prior Approval not required	Decided	

#### 5 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**

DM20: Residential development in the countryside

##### **Supplementary Planning Guidance And Documents**

SPD - Design of Waste Management Facilities in New Development

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

SPD - Air Quality in New Development. Adopted June 2022

##### **Neighbourhood Plan**

None

##### **National Policy**

NPPF 2023

NPPG

## 6 PARISH / TOWN COUNCIL COMMENTS

**Sandleheath Parish Council:** Sandleheath Parish Council voted all in favour of PAR 4 and recommend Refusal for the following reasons:  
The previous application was adequate  
The increase in bedrooms increases footfall down a narrow track  
Building should remain on footprint of barn and not moved

## 7 COUNCILLOR COMMENTS

No comments received

## 8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

**Ecologist:** Comment only

**Natural England:** Obligations and conditions will address potential impacts on the New Forest and River Avon SACs

**HCC Highways:** Comment only

## 9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

- inadequate access
- damage to access from construction traffic
- over shadowing neighbouring property
- loss of privacy
- conversion under Class Q should not be a fall back
- proposal is larger than original permission
- provision for protected species is just a sweetener
- demolition of the barn has had a massive impact on the local environment
- additional traffic generation

For: 0

Against: 3

## 10 PLANNING ASSESSMENT

### Background

The site has a lengthy planning history dating back to 2016 and starting with two prior approvals. Shortly after the later prior approval, a planning application was submitted although this was refused and dismissed on appeal. Application 20/10487 for the replacement of the barn with a dwelling was approved in late 2020. This was for a single storey property with two bedrooms with a restrictive condition preventing the provision of a mezzanine floor.

It is the planning consent (20/10487) that is now the subject of this application to vary the details of the scheme..

The approval was subject to only one pre-commencement condition for this permission has been discharged and the appropriate payments made in respect of

Habitat Mitigation and Air Quality in line with the S.106 legal agreement secured under that consent.

The barn has subsequently been demolished although no further works have been implemented. This planning permission remains extant until 9th December 2023.

The site also benefits from an extant permission (21/10578) for a two storey dwelling with 4 bedrooms. This application was approved in October 2022.

The current proposal has the same footprint as the 2022 scheme although there are minor elevational differences as well as internal changes. Externally, there are two additional roof lights proposed and the gable feature to the rear elevation has been removed. In terms of the internal alterations, the proposal now includes an enclosed hallway with staircase and utility/boot room where the study was previously approved. The corner utility room off the kitchen is now proposed to be removed.

### Principle of Development

Given the background to this site, the principle of development in terms of a dwelling replacing the former barn on site has clearly been established and on this basis, there are no objections to the principle of the proposal to provide a 4-bed dwelling on site.

The three conditions requested to be changed are condition 2 which identifies the plan numbers, condition 9 which restricted the proposed to two bedrooms and no mezzanine floor and condition 10 which required the submission of a Construction Environmental Management Plan (CEMP). In determining this S.73 application, should approval be granted, condition 10 would be removed and replaced by a condition requiring the development to be undertaken in accordance with the approved details, condition 9 would be removed as the revised plans show a first floor and condition 2 would be amended to include the plans submitted as part of this application. Other previously imposed conditions can be amended as appropriate where policy has been updated since the permission in 2020.

The permission for a 4-bed dwelling in 2022 considered that as the height and appearance of the proposed dwelling was the same as that approved in 2020 for a 2-bed dwelling, the increase in floor space (in excess of the 30%) through the provision of additional first floor bedrooms would not have a harmful impact on the character of the area. The same considerations would apply in this instance.

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

The proposed dwelling would be sited as per the extant permissions. In terms of its appearance, the rear roof line would have straight eaves without the approved gable feature, the front doors would be solid rather than glazed and there would be extra roof lights in the front roof slope. There are no objections to these changes which provide a simpler form to the dwelling and are not considered to have an adverse impact on local character.

It is considered that the current proposal would have a lesser impact than the 2022 permission which has the gable feature to the rear and as such, a slightly greater

mass. Whilst there would be two additional roof lights (one for each bedroom), this is a relatively minor change which would not be visible from public vantage points.

### Residential amenity

The proposal does not include any first floor windows which face towards other residential properties and given the vegetation and distances between the site and these properties, it is not considered that the proposal would result in any loss of privacy. Similarly, the built form of the dwelling would not have any significant impact on light to the nearest dwellings.

The concern of third parties in respect of traffic generation is noted and whilst the proposal is for a larger dwelling than previously there is also an extant permission for a dwelling of this size. As such, it is not considered that the additional traffic generated by the proposal would harm amenity in terms of noise and disturbance.

Construction traffic would be a temporary disturbance and these details (phasing of works, delivery arrangements, contractor parking, hours of operations and associated compound locations) have been agreed following the discharge of condition 10 of the 2020 approval. A condition can be added to this consent ensure that the approved CEMP is adhered to.

### Highway safety, access and parking

The site contains adequate parking and turning for a 4-bed house to meet current parking standards. The Highway Authority has not raised any objections to the proposal advising that standing advice applies in this case. The standing advice for a single additional dwelling accessed off a non-classified road does not require the provision of turning space and recommends any gates are set back from the highway by a minimum of 6m. The proposal does not include any gates but provides turning facilities for future occupiers.

In order to comply with policy IMPL1, provision should be made to enable future occupiers to install an electric vehicle charging point should they require. This can be secured by condition.

### Air Quality

In response to the requirements of the recently adopted 'Air Quality Assessments in New Development Supplementary Planning Document 2022, the applicant has been asked 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. These will be that the development is away from the road, electric car charging points and provision for cycling infrastructure through the provision of cycle parking within the site.

### Ecology

No objections to the changes have been raised by the ecologist although a slight amendment to the position of the proposed swift boxes has been put forward and they are now indicated slightly higher up the building under the eaves on the west elevation. This is acceptable and can be secured for provision prior to occupation and retention in perpetuity.

### **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, but that such adverse impacts would 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. In this case, the applicant entered into a Section 106 legal agreement under 20/10487 and the appropriate contributions were paid earlier this year.

However, in view of the subsequent adoption of the Mitigation for Recreational Impacts on New Forest European Sites SPD since 20/10487 was approved and increase in the number of bedrooms, the contributions have now increased and the applicant has agreed to pay the appropriate uplift in contributions. This uplift will need to be secured in a further S.106 legal agreement which also enables the transfer of monies already paid, to the current scheme.

### Air Quality Monitoring

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<sub>x</sub>, 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.

As with the Habitat Mitigation contributions, the Air Quality SPD has been revised since the original approval for 20/10487 and the contribution already paid towards this has now increased. The necessary S.106 legal agreement will also need to secure the relevant uplift for air quality (£77.43) as well as ensure monies already paid are transferred across to the current scheme. However, at the time of writing, the applicant has not yet agreed to this additional payment.

### 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 River Avon European sites, in view of those sites' 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 case law, notably the Dutch case (Joined Cases C-293/17 and C-294/17 Coöperatie Mobilisation 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 the development's phosphate impact to be offset. Since the approval of 20/10487, such a project has now been secured and a Grampian style condition can be imposed that will secure the appropriate level of phosphate mitigation. As this is a different situation to when 20/10487 was determined, the current scheme has to be determined in accordance with the latest position which will require the imposition of the Grampian style condition for the appropriate number of phosphates credits to be purchased to mitigate the additional impact..

#### Developer Contributions

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

- Habitat Mitigation uplift
- Air Quality Monitoring uplift
- transfer of monies paid under 20/10487

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

Type	Proposed Floor space (sq/m)	Existing Floor space (sq/m)	Net Floor space (sq/m)	Chargeable Floor space (sq/m)	Rate	Total
Dwelling houses	130	100	30	30	£80/sqm	£3,276.92 *
Dwelling houses	48.1		48.1	48.1	£80/sqm	£5,254.00 *

Subtotal:	£8,530.92
Relief:	£0.00
Total Payable:	£8,530.92

## 11 OTHER MATTERS

The applicant has requested removal of condition 9 of 20/10487. There is no requirement for this condition to be imposed again as it has been discharged already. However, a replacement condition requiring the development to be implemented in accordance with the approved details of the CEMP is required to

prevent highway difficulties and minimise disruption to the amenity of neighbouring properties.

## 12 CONCLUSION / PLANNING BALANCE

The proposal would provide a single detached dwelling with the same footprint and very similar elevational treatment to two extant schemes. Subject to securing the necessary uplift in contributions, approval is recommended for the current proposals subject to the previously imposed conditions as amended or replaced where appropriate.

## 13 RECOMMENDATION

Delegated Authority be given to the Service Manager Development Management to **GRANT PERMISSION** subject to:

- (i) the completion of a planning obligation entered into by way of a Section 106 Agreement to secure the transfer of monies paid under application reference 20/10487 and the uplift contributions as follows:
  - Air Quality Monitoring £77.43,
  - Habitat Mitigation (infrastructure) £2,311.79 and
  - Habitat Mitigation (non-infrastructure) £416.71
- (ii) the imposition of the conditions set out below.

### Proposed Conditions:

1. The development hereby permitted shall be begun on or before 09 December 2023, which is within 3 years of the decision date of the original planning consent 20/10487.  
  
Reason: As this application is made under Section 73 and 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:  
  
1:1250 Site Location Plan  
A-191108-100 Rev 7 Proposed site plan  
A-191108-101 Rev 8 Floor Plans and elevations  
Preliminary Ecological Appraisal by Abbas Ecology dated 10/07/2020  
Tree Survey and Arboricultural Assessment by Hellis dated April 2020  
Planning Statement by Fowler Architectural and Planning  
  
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;
  - (e) a method and programme for its implementation and the means to provide for its future maintenance.

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 (including signage) 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 Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

6. 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.

- 7. 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 the Local Planning Authority for its written approval. Thereafter, the development shall be implemented in full accordance with the approved details and thereafter retained.

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).

- 8. Before the development is occupied, the recommendations for incorporation of wildlife enhancement measures into the development, as outlined in Preliminary Ecological Appraisal by Abbas Ecology dated 10/07/2020 and provision of swift boxes as indicated on drawing A191108-101 rev8, shall have first been implemented in accordance with the agreed details. These measures shall thereafter be retained in perpetuity.

Reason: To safeguard protected species in accordance with Policy ENV3 of the Local Plan Review 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been

granted.

Reason: To ensure the dwelling remains of a size which is appropriate to its location within the countryside and to comply with Policy DM20 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

10. The development hereby approved shall only take place in accordance with the approved Construction Environmental Management Plan (CEMP) method statement (Fowler Architecture and Planning (dated August 2021) and plan A-191108-120 dated 23 August 2021 as approved by the Council's discharge of condition decision notice dated 01 September 2021 under application 20/10487 unless otherwise first agreed in writing with the Local Planning Authority.

Reason: In order that the Planning Authority can properly consider the effect of the works on the residential 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.

**Further Information:**

Vivienne Baxter

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# New Forest DISTRICT COUNCIL

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## PLANNING COMMITTEE

October 2023

Barn to East of Sandle Lodge  
Main Road  
Sandleheath  
23/10806

Scale 1:600

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

