

Application Number: 15/11652 Full Planning Permission

Site: Land of LOWER PENNINGTON LANE, LYMINGTON SO41 8AL

Development: Bungalow; access

Applicant: HJC Land Trust

Target Date: 03/02/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Town Council View

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside, Green Belt

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

- 1. Special qualities, local distinctiveness and a high quality living environment
- 3. Housing
- 8. Biodiversity and landscape

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS6: Flood risk
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

- DM3: Mitigation of impacts on European nature conservation sites
- DM20: Residential development in the countryside

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Mitigation Strategy for European Sites
SPG - Residential Design Guide for Rural Areas

6 RELEVANT PLANNING HISTORY

None

7 PARISH / TOWN COUNCIL COMMENTS

Lymington & Pennington Town Council:- Recommend permission

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Hampshire County Council Highway Authority:- No objection
- 9.2 Environment Agency:- No objection in principle as the dwelling would be located in flood zone 1, although a Flood Risk Assessment is still required as a small part of the site is within Flood Zone 3a/b.
- 9.3 Natural England:- No objection
- 9.4 Land Drainage:- No objection subject to condition
- 9.5 Building Control:- Fire Authority access would need to be carefully considered.
- 9.6 Ecologist:- Views awaited

10 REPRESENTATIONS RECEIVED

- 10.1 2 letters of objection from local resident:- inappropriate development in the Green Belt; unjustified new dwelling in the countryside; increased traffic and flooding.

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwelling built, the Council will receive £1152 in each of the following six years from the dwelling's completion, and as a result, a total of £6912 in government grant under the New Homes Bonus will be received.

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments.

Based on the information provided at the time of this report this development has a CIL liability of £20,627.20.

Tables setting out all contributions are at the end of this report.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council

take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case, the application proposals were not the subject of pre-application discussions. The development raises fundamental objections that cannot be addressed through negotiation and, therefore, the application can only be recommended for refusal.

14 ASSESSMENT

- 14.1 The application site is a small field to the west side of Lower Pennington Lane, that is about 0.75 hectares in area. The field is situated to the north side of Iley Lane (which is a public right of way) and to the south side of a recent (and still ongoing) barn conversion at Black Salt Farm. Lower Pennington Farmhouse to the north-west of the site is a Grade II Listed Building. There is a recently constructed solar farm, fairly close to the west side of the site. The application field is currently an area of rough grassland with brambles. There are mature trees along the site's eastern boundary with Lower Pennington Lane and along parts of the site's southern boundary. The site's northern and western boundaries are more open.
- 14.2 The submitted application seeks to erect a detached single storey dwelling on the site. The dwelling would be accessed, by using the existing field gate access in the south-eastern corner of the site, adjacent to the existing junction of Iley Lane with Lower Pennington Lane.

- 14.3 The application site is within the Green Belt. The proposal constitutes inappropriate development in the Green Belt and is contrary to national planning policies in respect of Green Belts. The provision of this proposed new dwelling in the countryside would also be contrary to Local Plan Part 2 Policy DM20. Planning permission should therefore be refused for this development unless there are very special circumstances to justify the dwelling in this Green Belt location and unless there are material considerations that would override a clear conflict with policy.
- 14.4 The applicants recognise their proposal is contrary to policy. They seek to justify their proposal on the basis that the site is in a sustainable location, and on the basis that the proposal would be an appropriate infill development. They point out that there were previously large buildings on the site that have since been removed, and they also suggest that what is proposed would be a much smaller scale than the dwellings that previously existed on the site. They suggest that the development would result in economic and social benefits and they moreover believe the development would not have any adverse effect on the openness of the Green Belt.
- 14.5 The applicant's justification for permitting a dwelling contrary to policy is considered to be weak and unconvincing. The arguments put forward are largely of a generic nature and do not form a reasonable justification to permit a new dwelling in this Green Belt location. There is nothing unusual about the application site in that there are many other countryside / Green Belt locations where there are similar patterns of scattered residential development along rural lanes. To permit this development on the basis that there are other dwellings close by is simply not a reasonable or appropriate justification for a new dwelling in the Green Belt. It is noted that there were previously agricultural buildings on the site, although it appears that these were demolished a number of years ago. These would have had a very different character to the dwelling now proposed. The fact that there may have been agricultural buildings on the site a number of years ago is not a reasonable justification to permit a residential proposal which is contrary to policy and which is quite clearly inappropriate development in the Green Belt.
- 14.6 The proposed dwelling would have a relatively large footprint. In conjunction with the long driveway that is proposed, the development would result in a harmful urbanisation of this rural site. It would compromise the openness of the Green Belt and would cause material harm to the rural character and appearance of the area. The design and appearance of the bungalow would be somewhat suburban and would not in any sense reflect a traditional rural vernacular. The dwelling would not be a positive addition to the built environment.
- 14.7 Given its single-storey design and distance from neighbouring dwellings, the proposed development would not have a material impact on the amenities of neighbouring properties. As the proposed dwelling would be more than 80 metres away from Lower Pennington Farmhouse, it is not considered the dwelling would impact on the setting of this Listed Building.
- 14.8 The application is accompanied by a biodiversity report, which considers the ecological interest of the site, and which puts forward a number of ecological mitigation measures. The views of the Ecologist have been sought and are currently awaited.

- 14.9 The dwelling itself is not within a flood risk area and would not therefore be at risk of flooding. However, a small part of the eastern boundary of the site including the site's main access point is within Flood Zone 3a / 3b. In line with the advice of the National Planning Policy Framework, a Flood Risk Assessment should have been submitted. None was submitted, and therefore the proposal does not accord with policies on flood risk.
- 14.10 In line with Core Strategy Policy CS15, it is considered that the development is one that would not be acceptable unless it were to make appropriate provision towards affordable housing. In this case, because the dwelling is outside of the defined built-up area, policy does not stipulate exactly what rate of affordable housing should be secured. In these circumstances, it is felt the most appropriate rate to apply is the rate that would apply in the nearest built-up area (ie Lymington and Pennington), where a 50% rate of provision is sought. In these circumstances, it is considered that an affordable housing contribution of £48,675 would apply. The applicants have not entered into a Section 106 legal agreement to secure such a contribution, and therefore the proposal would not be consistent with the Council's policies and objectives for seeking additional affordable housing.
- 14.11 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission were to be granted for the proposed development, a condition would be required that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. In this case, the full mitigation contribution that would be required would be £5350, which could potentially be partly met through CIL payments.
- 14.12 Overall, the proposed development would not be consistent with local or national planning policies. The proposed development would result in the introduction of an unjustified new dwelling within the Green Belt that would cause material harm to the rural character and appearance of the area. There are not considered to be very special circumstances to override policy. The development would have a poor design in this rural context, and the proposal also fails to adequately address flood risk issues. As such, the application can only be recommended for refusal.
- 14.13 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	£48,675	0	-£48,675
Financial Contribution			
Habitats Mitigation			
Financial Contribution	£5350		

CIL Summary Table

Description of Class	GIA New	GIA Existing	GIA Net Increase	CIL Liability
Dwelling houses	257.84	0	257.84	£20,627.20

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed development would result in an unjustified new dwelling in an area of countryside that is designated as Green Belt, contrary to the policy advice of the National Planning Policy Framework (notably paragraphs 87-89), Policy CS10 of the Core Strategy for New Forest District outside of the National Park and Policy DM20 of the Local Plan Part 2: Sites and Development Management.
2. The proposed development would result in significant new built-form within an open rural context which, in combination with the domestic paraphernalia and activity associated with a residential use, would result in a harmful urbanisation of this area of countryside, and a material loss of openness within the Green Belt. The development's adverse visual impact in this rural setting would be materially compounded by the proposed dwelling's suburban design and appearance that would not have any regard to more traditional and locally distinctive rural building forms. As such, the development would cause significant harm to the character and appearance of the area, contrary to Policies CS2 and CS10 of the Core Strategy for New Forest District outside of the National Park, Policy DM20 of the Local Plan Part 2: Sites and Development Management, and the "Residential Design Guide for Rural Areas" Supplementary Planning Guidance.
3. The application site lies partly within an area at high risk of flooding (a flood zone 3a/3b area). In the absence of a Flood Risk Assessment, it has not been adequately demonstrated that the flood risk to the proposed development would be adequately mitigated and managed, and the proposal would therefore be contrary to Policy CS6 of the Core Strategy for New Forest District outside of the National Park and the policy advice of the National Planning Policy Framework (notably Paragraph 103).

4. The proposed development would fail to make any contribution toward addressing the substantial need for affordable housing in the District. The proposal would therefore conflict with an objective of the Core Strategy for the New Forest District outside the National Park 2009 and with the terms of Policies CS15 and CS25 of the Core Strategy.

Notes for inclusion on certificate:

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In this case, the application proposals were not the subject of pre-application discussions. The development raises fundamental objections that cannot be addressed through negotiation and, therefore, the application could only be refused.

Further Information:

Major Team

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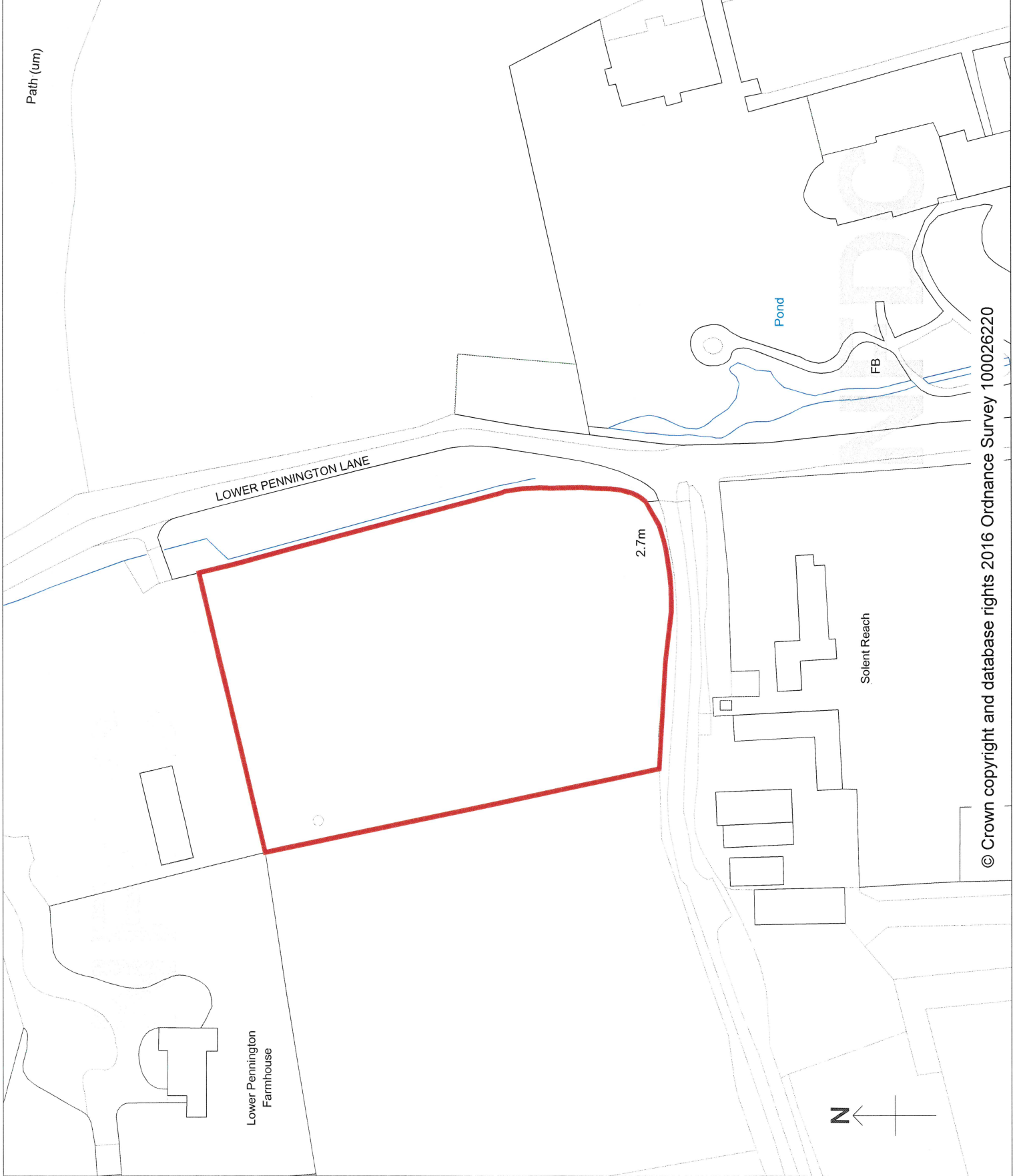
**Planning Development
Control Committee
February 2016**

Item No: 3i

Land of
Lower Pennington Lane
Lymington
15/11652

Scale 1:1250

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



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