

Application Number: 24/10315 Full Planning Permission
Site: THE FORGE, CHRISTCHURCH ROAD, DOWNTON,
HORDLE SO41 0LA
Development: Change of use of garage building from ancillary residential to
a short term holiday let (Retrospective)
Applicant: Mr Paglia
Agent: ET Planning
Target Date: 27/06/2024
Case Officer: Jessica Cooke
Officer Recommendation: Service Manager - Grant
**Reason for Referral
to Committee:** Parish Council contrary view

1 SUMMARY OF THE MAIN ISSUES

- 1) Principle of development
- 2) Design, layout and impact upon the character and appearance of the area
- 3) Tourism and visitor facilities and the local economy
- 4) Residential amenity
- 5) Parking provision
- 6) Habitat mitigation
- 7) Nutrient mitigation

This application is to be heard at Planning Committee due to the recommendation being contrary to the views of the Parish Council.

2 SITE DESCRIPTION

The site relates to a detached garage associated with the property 'The Forge' which lies within the Green Belt and is within the parish of Hordle. It is located on a corner plot close to the junction of Christchurch Road with Hordle Lane, and is adjacent to the site of a Listed Building, Barn Cottage. The application building is located to the rear of the dwelling and lies adjacent to the rear northern boundary of the site. The building is set back from the road opening and benefits from its own driveway and access through the provision of a graveled area accessed directly from Hordle Lane.

The Forge additionally benefits from a residential annexe named Jacks Cottage.

3 PROPOSED DEVELOPMENT

A previous application (ref.19/10764) granted permission for the detached garage and a planning condition was attached securing its use solely for incidental purposes. The building was subsequently converted to ancillary accommodation which breached this condition and the building has subsequently been in use as a self-contained holiday let since at least August 2021 and it is currently listed on Airbnb.

This application seeks planning permission for the continued use of the building to be used as a self-contained short term holiday let and this would regularise the breach of condition.

The holiday let has one bedroom and an open plan living, dining and kitchen area as well as a bathroom. The holiday let benefits from its own private access off Hordle Lane where there is space for 3no. vehicles.

The existing building measures 8.5m in length, 5.86m in width and 4.9m in height.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
19/10764 Detached garage/store	14/10/2019	Granted Subject to Conditions	Decided	
15/10326 Detached garage with room over	19/05/2015	Granted Subject to Conditions	Decided	
14/11162 Detached garage/store	15/10/2014	Refused	Appeal Decided	Appeal Dismissed
13/10933 Detached garage/store	29/10/2013	Refused	Decided	
08/91966 Detached double garage with storage above	08/05/2008	Granted Subject to Conditions	Decided	

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy STR1: Achieving Sustainable Development

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 ENV2: The South West Hampshire Green Belt

Policy ENV3: Design quality and local distinctiveness

Policy IMPL1: Developer Contributions

Local Plan Part 2: Sites and Development Management 2014

DM3: Mitigation of impacts on European nature conservation sites

DM13: Tourism and visitor facilities

DM22: Employment development in the countryside

The Local Plan Part 1: Core Strategy 2009 (Saved Policies)

CS19: Tourism

CS21: Rural economy

Supplementary Planning Guidance And Documents

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

SPD - Air Quality in New Development. Adopted June 2022

National Planning Policy Framework

NPPF 2023

Plan Policy Designations

Green Belt
Countryside

6 PARISH / TOWN COUNCIL COMMENTS

Hordle Parish Council:

We recommend refusal.

The Parish Council had many concerns regarding this retrospective application.

- The Case Officer of the original application (15/10326) stated that "The Parish Council has requested that a condition is added to any forthcoming consent restricting the use of the garage. Even though the size of the building has been reduced, there could be capacity to utilise the first floor for additional accommodation and taking into account the restrictions on additional floorspace in the countryside and its position adjacent to the boundary with Barn Cottage a restrictive condition would be justifiable in this instance". This and the subsequent application (19/10764) was therefore conditioned that:

"4. The building the subject of this permission shall only be used incidental to the dwelling on the site and not ancillary to its main accommodation. Reason: To protect the character and appearance of the countryside in accordance with Policy CS2 of the Local Plan for the New Forest District outside of the National Park (Core Strategy) and Policy DM20 of the Local Plan for the New Forest District outside of the National Park. (Part 2: Sites and Development Management)."

This current retrospective application is clearly in contravention of this condition.

- The Parish Council considers this inappropriate development in the Green Belt, with the possibility this now residential development could be severed from the property in the future. If the application is approved, it could set a precedent for similar developments. Its current iteration could be detrimental to the grade II listed property to the north of the site.
- increased volume of cars present in vicinity of busy junction with compromised sightlines and increased danger caused by car parking / manoeuvrings.
- Frequent parking of cars on HCC Highway verge due to inadequate parking provision for main residence and AirBnB.
- Presence of surface water in the area which causes significant flooding on junction, leading to increased traffic issues.
- The Parish Council is concerned that an AirBnB property in this location could be detrimental to neighbour amenity through noise disturbance.

The Parish Council requests this application be refused.

7 COUNCILLOR COMMENTS

No comments received.

8 **CONSULTEE COMMENTS**

HCC Highways

No objection

9 **REPRESENTATIONS RECEIVED**

No representations received.

10 **PLANNING ASSESSMENT**

Background

A number of applications have been submitted on the site for detached garages. The most recent application (ref. 19/10764) was a resubmission of application ref. 15/10326 which granted approval for a replacement garage with a first floor. A planning condition was attached to both permission restricting the building for uses incidental to the main house taking into account the restrictions on additional floorspace within the countryside and its proximity to the boundary of Barn Cottage.

Principle of Development

The site lies outside any established settlement boundary and within a sensitive area of open countryside designated as part of the South West Hampshire Green Belt. Policies STR1 and STR3 of the Local Plan seek to protect such areas from inappropriate and harmful development.

The proposal would create a single unit of accommodation for a holiday let (tourism) within the open countryside and Green Belt. Local Plan Part 2 Policy DM13 Tourism and Visitor Facilities only permits development providing tourism and visitor facilities outside the defined built-up areas subject to limited criteria as set out within the policy. This includes the conversion of existing buildings in accordance with Policy DM22, which refers to the re-use of existing permanent buildings which are structurally sound so that they can be re-occupied without major rebuilding or extension. Saved Policy CS19 subparagraph (d) supports new tourist provision in the countryside through the reuse of existing buildings. As such, given these policies, it is considered that the conversion of the existing building (which is structurally sound and of permanent construction) to provide of a new self-contained holiday let would be acceptable in principle.

Tourism and visitor facilities

As previously mentioned, the proposed use of the detached garage as a holiday let would be subject to the tourism related provisions of Policy DM13 which supports tourism and visitor facilities outside of the built up area and within the countryside, subject to compliance with the specific criteria as set out in the policy. This includes the conversion of existing buildings in accordance with Policy DM22, paragraph b) - the re-use of existing permanent buildings which are structurally sound so that they can be re-occupied without major rebuilding or extension.

Additionally, Saved Policy CS19, paragraph (d) supports rural tourism through the conversion of existing buildings, with particular encouragement of enterprises that have little adverse environmental impacts.

However, notwithstanding the local policy context as set out, a more up to date position is set out in the NPPF (2023). Paragraph 88 states that planning decisions should enable the sustainable growth and expansion of all types of business in rural

areas, both through conversion of existing buildings and well-designed, beautiful new buildings.

The proposed holiday let would contribute towards the rural economy and provide accommodation within the countryside through the conversion of an existing building. On the basis of the policy context as set out above and the weight afforded to paragraph 88 of the NPPF, the proposal is considered to accord with both national policy in respect of tourism facilities and supporting the rural economy.

South West Hampshire Green Belt

Guidance in relation to development within the Green Belt is contained within Chapter 13 of the NPPF, the advice of which is broadly echoed within Policy ENV2 of the Local Plan Part 1 which attaches great importance to protecting the Green Belt. NPPF Paragraph 142 advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, with the essential characteristics of Green Belts being their openness and permanence.

The application site lies outside of the defined built-up area and within the Green Belt where NPPF Paragraph 152 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except in very special circumstances. National policy further requires local planning authorities to ensure substantial weight is given to any harm to the Green Belt.

However, NPPF Paragraph 155 sets out certain forms of development which are not inappropriate within the Green Belt provided they preserve openness. One of these, as set out at subparagraph (d), is the re-use of buildings provided that the buildings are of permanent and substantial construction. In this instance, the proposal comprises the re-use of an existing permanent building within the Green Belt which is considered to be of substantial construction and capable of conversion. As such, the proposal is not considered to constitute inappropriate development in the Green Belt.

The proposal is therefore considered to comply with Local Plan Part 1 Policies ENV2: The South West Hampshire Green Belt, STR1 Achieving Sustainable Development and NPPF Paragraphs 152-156.

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

Policy ENV3 requires all developments to contribute positively to local distinctiveness, and to be sympathetic to the environment and their context.

The provision of the building at this size and scale as a detached garage was accepted under application reference 19/10764. When compared to the approved plans of application 19/10764, a number of windows and doors have been added at ground floor level. However, the amendments to the design are of an acceptable appearance and do not raise any concerns in respect of the design of the building.

The proposal remains similar to that approved under application 19/10764, and the external alterations are contained within the boundary of the property and are not visible from the streetscene - though they are of an acceptable appearance in any case. As such, the proposal is considered to comply with the design related provisions of Policy ENV3 of the Local Plan Part One.

Listed Buildings

Policy DM1 seeks to conserve and enhance the historic environment and heritage assets, with particular regard to local character, setting and the historic significance and context of heritage assets.

Barn Cottage is a Grade II Listed Building which lies adjacent to the application site. Concerns were expressed by the Parish Council that the proposal would result in detrimental impacts upon the setting of the Listed Building.

Barn Cottage is sufficiently set away from the proposed holiday let and the impact of the existing building on the setting of the Listed Building has already been accepted in application ref. 19/10764. It is not considered that the proposed use of the existing building as a holiday let would be harmful to the setting of the Listed Building and as such, the proposal is considered to comply with the provisions of Policy DM1 of the Local Plan Part Two.

Highway safety, access and parking

The holiday let benefits from its own driveway and parking area which is accessed from Hordle Lane. Off road parking for approximately 2-3 vehicles lies adjacent to the holiday let, directly to the east of the building.

Concerns were raised by the Parish Council in respect of highway safety and inadequate parking.

The proposal comprises a one-bedroom holiday let which requires 2no. parking spaces in accordance with NFDC Parking Standards and therefore sufficient spaces are provided on the existing driveway, in accordance with the Parking Standards SPD. Furthermore, Hampshire County Council Highway Authority were consulted on the proposal and raised no objection in respect of highway safety or parking provision and therefore the proposal is not considered to result in any material harm to highway safety. In terms of parking provision for the existing property, the property benefits from two driveways one of which both for The Forge and Jacks Cottage (annexe) which is within the blue line of the site. Both driveways have sufficient space for a number of vehicles for the host dwelling, the annexe and the holiday let.

As such, the proposal does not raise concerns with regard to parking provision, or highway safety and access and is considered to comply with Policy CCC2 of the Local Plan Part One and the NFDC Parking Standards SPD.

Residential amenity

Policy ENV3 of the NFDC Local Plan Part 1 requires the impact on the residential amenity of existing and future occupiers to be taken into consideration in making planning decisions. NPPF Para. 135, subparagraph (f) states development should promote health and wellbeing, with a high standard of amenity for existing and future users.

Given the modest size of the holiday let unit and its distance from Barn Cottage to the north, the proposal would have no significant impact on the amenities of this neighbouring dwelling. The use would have a greater impact on the occupants of The Forge, noting the entrance to the holiday let faces southwards. However, again the intensity of use would not be so significant as to be materially harmful and the occupation of the holiday let could easily be controlled from the main dwelling.

The Parish Council has raised concerns regarding additional noise coming from the application site. However, given the nature of the holiday let (only being 1-bedroom), it is not considered the proposal would generate levels of noise that would be harmful to residential amenities. In any event, occupation of the holiday let unit is fully in the control of the occupants of The Forge.

The area of amenity space for the holiday let comprises a small area of patio with planting and a lawn with a seating area and a jacuzzi. The amenity space is of an adequate size for a 1-bedroom short term holiday let and is enclosed by boundary treatment comprising fencing, creating a level of privacy for the users.

Rooflights were approved as part of the 19/10764 application and are therefore existing. These rooflights face towards the host property with a separation distance of only 9m. If the holiday let use were to operate entirely independently from the residential occupation and ownership of The Forge, then this would be a problematic relationship, as there would then be inappropriate overlooking of The Forge. However, provided that the holiday let use is linked to the residential occupation of The Forge (so that the owners of The Forge have control on how the holiday let is occupied) then the relationship is considered to be justified. As such, a planning condition is recommended to ensure that there continues to be a link between the occupation of the holiday let and the residential occupation of The Forge. Such a condition would also mitigate other potential amenity impacts.

Overall, the proposed use of the detached garage as a holiday let would not lead to additional amenity impacts by reason of the spatial characteristics of the application site, and the proposal would not cause unacceptable impacts on privacy, loss of light and outlook available to the adjacent properties and the proposal is therefore considered to comply with the amenity related provisions of Policy ENV3.

Ecology On Site Biodiversity and protected species

As of 2nd April 2024, developers must deliver achievement of Biodiversity Net Gain (BNG) on 'smaller' sites such as this as a requirement of planning permission. However, certain exemptions apply including a change of use to a development where there is no or only a de minimis impact on on-site habitat. The proposal comprises the conversion of an existing building whereby no loss of habitat occurred as a result of this change of use and therefore the requirement for BNG is not legally mandatory in this instance.

Habitat Mitigation

a) Recreational Impacts

In accordance with policy ENV1 and 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 European sites, in view of those sites' 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. This contribution will be secured by a completed Legal Agreement prior to any decision being issued.

b) Air quality monitoring

Since July 2020 the Council is required to ensure that impacts on international nature conservation sites are adequately mitigated in respect of traffic-related nitrogen air pollution (including NO_x, nitrogen deposition and ammonia). 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. 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. This contribution will be secured by a completed Legal Agreement prior to any decision being issued.

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:

- Development designed to reduce site user's exposure to pollutants - the applicant considers that the proposal accords with all parameters outlined;
- Modal shift – encourage or require travel by vehicles other than the car including measures to improve public transport or promote use;
- Installation of an electric vehicle charge point.

Nitrate neutrality and impact on the Solent SPA and SACs

In accordance with policy ENV1 and the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of those sites' conservation objectives, having regard to nitrogen levels in the Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied. In accordance with the Council Position Statement agreed on 4th September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development.

As the application is retrospective, a Grampian style condition cannot be imposed on the application and an appropriate mitigation package will be secured prior to any decision being issued.

Developer Contributions

As part of the development, the following will be secured via a Legal Agreement prior to a decision being issued:

- Habitat Mitigation (Infrastructure)
- Habitat Mitigation (Non-infrastructure)
- Air Quality

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	70		70	70	£80/sqm	£8,206.15 *

Subtotal:	£8,206.15
Relief:	£0.00
Total Payable:	£8,206.15

11 OTHER MATTERS

The Parish Council raised concern relating to surface water which causes significant flooding on the junction outside of the site, leading to increased traffic issues. This application relates to an existing building and a change of use would not result in additional impacts on flooding by virtue of additional surface water.

12 CONCLUSION / PLANNING BALANCE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determination of planning applications:

'If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'

The proposal would provide a single unit of tourism accommodation within the countryside through the conversion of an existing building. The proposal complies with Policies DM13 and DM22 of the Local Plan Part Two and saved policy CS19, as well as the provisions of the NPPF, particularly paragraph 88. Though it is small scale, it is widely recognised that holiday makers contribute to local economies and the proposal would contribute positively to the rural / tourist economy. In the absence of any harm to the character and appearance of the area or residential amenity, the proposal is acceptable.

As such, the recommendation is for approval subject to the prior completion of a necessary legal agreement and then conditions as set out below.

13 RECOMMENDATION

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

- i) the completion by of a planning obligation entered into by way of a Section 106 Agreement or Unilateral Undertaking to secure:
 - Habitat Mitigation (Infrastructure) (in respect of both New Forest and Solent sites)
 - Habitat Mitigation (Non-infrastructure)
 - Air Quality Contribution

- ii) the completion of a nutrient (nitrate) mitigation package including:

A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings which will need to demonstrate that no more than 110 litres of water per person per day shall be consumed within the development;

A mitigation package addressing the additional nutrient input arising from the development. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites

- iii) the imposition of the conditions set out below.

Proposed Conditions:

1. The development permitted shall be carried out in accordance with the following approved plans:
 - 11437 PRE 01 Location & Block Plan
 - 11437 PRE 02 Proposed Floor Plans & Elevations
 - Air Quality Statement

Reason: To ensure satisfactory provision of the development.

2. The development hereby permitted shall only be used for the purpose of holiday accommodation and shall not be occupied by any one person for more than 28 days in any calendar year and shall not be used at any time as an independent residential dwelling.

Reason: To ensure the building is not used as an independent dwelling, which would be contrary to Policy ENV3 of the Local Plan Part 1 2016-2036 and DM13 of the Local Plan Part 2 for the New Forest outside of the National Park.

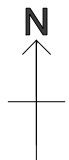
3. The holiday let use hereby approved shall only be operated by the owner / occupier of The Forge (Christchurch Road, Downton, Hordle, SO41 0LA), and at no time shall the holiday let use be operated independently of the residential ownership / occupation of The Forge (Christchurch Road, Downton, Hordle, SO41 0LA).

Reason: This is the basis on which the application has been assessed, and to ensure an acceptable use of the building in the interests of amenity and 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.

Further Information:

Jessica Cooke

Telephone: 023 8028 5909



NFDC

25.6m

The Barn

Barn Cottage

The Forge

A 337

CR

25.6m

The Old Post House

Mistletoe Cottage

North Breeze

Smallacres

Garage

TCB

Box

11.91m

4

2

W Co

Kenn Co

Me

Badge

5

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D

PLANNING COMMITTEE

July 2024

The Forge
Christchurch Road
Downton
24/10315

Scale 1:1000

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