

**Application Number:** 23/11306 Full Planning Permission

**Site:** THE OLD FARMHOUSE, SALISBURY ROAD, BURGATE,  
FORDINGBRIDGE SP6 1LX

**Development:** Conversion and extension of outbuilding to two 4-bed dwellings; erection of an L-shaped building comprising one 3-bed dwelling and two 2/3-bed dwellings in place of two modern outbuildings; new access onto Fryern Court Road; associated parking; hard and soft landscaping

**Applicant:** Cordage 46 Limited.

**Agent:** CPC Planning Consultants Ltd.

**Target Date:** 20/03/2024

**Case Officer:** Vivienne Baxter

**Officer Recommendation:** Refuse

**Reason for Referral to Committee:** Contrary Town Council view

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

1. Principle of the development
2. Listed building matters
3. Impact on the character and appearance of the area
4. Impact on the residential amenities of the area
5. Highway matters including parking
6. Ecology/biodiversity
7. Trees

## 2 SITE DESCRIPTION

The Old Farmhouse is a Grade II Listed Building which occupies a site on the southern corner of the junction of Salisbury Road with Fryern Court Road in Burgate. There are residential properties to the northern side of Fryern Court Road and immediately to the south of the site on Salisbury Road. The neighbouring property to the south, Cross Cottage, is also Grade II Listed. The majority of land to the rear of the site (west) is allocated as part of SS18, although the site and the adjoining part of SS18 are both within the countryside. The approved strategic site scheme (planning permission 21/11237) indicates that the large barn adjacent to the site's boundary would be demolished and removed, and the immediate area would form part of the public open space proposals for that scheme.

The northern and eastern boundaries of the site consist of mature hedging to the extent that the existing listed building is very well screened and can only be glimpsed when passing. The existing access off Salisbury Road, however, is quite open, with the outbuilding proposed to be altered being visible from the road. The vegetation includes mature trees, although there are none which benefit from TPOs.

Within the site, there are four outbuildings in addition to the farmhouse. That furthest from the listed building is a modern workshop (E) with limited historic significance. Building C situated in the rear garden is also of little historic significance. Building D is sited very close to the rear elevation of the listed building and whilst the open sided cattle pen element of the structure is of no historic significance, the remaining elements of the building are considered to be curtilage listed and contribute to the farmyard layout. Building B is considered to be curtilage listed, although it is presently in a ruinous condition.

### 3 PROPOSED DEVELOPMENT

The proposal entails the refurbishment of the existing listed farmhouse (plot 1), the demolition of modern outbuildings (buildings C, D & E) and their replacement with an L-shaped building comprising one 3-bed dwelling and two 2/3-bed dwellings (plots 2 - 4) and the substantial rebuilding and conversion of an outbuilding (building B) into two 4-bed dwellings (plots 5 & 6). In total, therefore, 5 new dwellings are proposed.

There would be a communal parking courtyard accessed off Salisbury Road containing 10 parking spaces and serving plots 3 - 6. The bin store for plots 3 and 5 would also be within this courtyard. To the north of the site would be a new access and 4 parking spaces off Fryern Court Road which would serve plots 1 and 2. An area of grasscrete would be situated between the two parking areas.

The existing farmhouse refurbishment (plot 1) would result in a 4-bed dwelling (one ensuite) with living room, bathroom, dining room, breakfast area, kitchen and bike/refuse store at ground floor level.

The new build structure would accommodate three dwellings, each having a kitchen dining area, WC and either a living room (2) or bed 3/study (3 & 4) at ground floor level and two (3 & 4) or three (2) bedrooms and a bathroom at first floor level. Plots 2 and 4 would each have bike and bin stores in the rear gardens, with plot 3 having a bike store and shared bin store with plot 5 to the south-west corner of the site.

Plots 5 & 6 would comprise a hall, WC and open plan kitchen, dining, lounge area at ground floor level with 4 bedrooms (one ensuite) and a family bathroom at first floor level. They would each have bike stores within the private garden area, with plot 6 also having a bin store in the garden. Plot 5 would have a shared bin store with plot 3.

Hard and soft landscaping are also proposed as part of the development. This includes maintenance of existing vegetation as well as new planting. It is further noted that the revised site plan also includes the provision of a 2.1m high close-boarded acoustic fence to the southern boundary of the site which would form the rear garden boundary to plots 5 and 6.

### 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
21/11237 Hybrid planning application comprising: Outline planning application (all matters reserved except means of access only in relation to new points of vehicular access into the site) for residential development and change			Pending Committee

of use of land to Alternative Natural Recreational Greenspace, together with a community hub (to comprise a mix of some or all of; local food retail, local non-food retail, community use and business use) and all other necessary on-site infrastructure. Full planning application for the first phase of development comprising 112 dwellings, public open space, Alternative Natural Recreational Greenspace, surface water attenuation and all other necessary on site infrastructure

20/10352 Residential Development  
(Scoping Opinion)

29/05/2020

Opinion  
Given

Decided

## **5 PLANNING POLICY AND GUIDANCE**

### **Local Plan 2016-2036 Part 1: Planning Strategy**

Policy CCC2: Safe and sustainable travel  
Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites  
Policy ENV3: Design quality and local distinctiveness  
Policy IMPL1: Developer Contributions  
Policy IMPL2: Development standards  
Policy STR3: The strategy for locating new development

### **Local Plan Part 2: Sites and Development Management 2014**

DM1: Heritage and Conservation  
DM2: Nature conservation, biodiversity and geodiversity  
DM20: Residential development in the countryside

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

SPD - Air Quality in New Development. Adopted June 2022  
SPD - Housing Design, Density and Character  
SPD - Mitigation Strategy for European Sites  
SPD - Parking Standards

### **Neighbourhood Plan**

### **National Planning Policy Framework**

NPPF Ch.11 - Making effective use of land  
NPPF Ch.16 - Conserving and enhancing the historic environment  
NPPF Ch.12 - Achieving well-designed places

### **National Planning Policy Guidance**

## 6 PARISH / TOWN COUNCIL COMMENTS

### **Fordingbridge Town Council:**

Recommend PERMISSION as the plans sympathetically improve and develop an existing site which is in need of renovation. The Town Council recognises the economic necessity of developing the outbuildings and the application doesn't overdevelop the site. The Town Council has concern over the northern exit onto Fryern Court Road as this road floods for weeks or even months every year. To avoid further exacerbating the flooding issues, there is the opportunity for remedial work to explore and reinstate the culvert. A local resident has raised concern over light pollution, and we hope this will be considered also.

## 7 COUNCILLOR COMMENTS

No comments received

## 8 CONSULTEE COMMENTS

### **Environmental Health (Pollution)**

No objection subject to conditions

### **Environmental Health (Contaminated Land)**

Recommend condition

### **HCC Highways**

No objections in principle, refuse vehicle movement still looks tight

### **NFDC Trees**

No objection subject to condition

### **NFDC Ecologist**

Ecological enhancement measures should be secured

### **NFDC Conservation**

Proposal would result in significant less than substantial harm

## 9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received from a local resident.

- impact on neighbouring privacy due to loss of vegetation
- additional traffic generation on A338 and Fryern Court Road
- area is prone to flooding
- impact on the character of Fryern Court Road
- impact on biodiversity
- local amenities will be overwhelmed

## 10 PLANNING ASSESSMENT

### Principle of Development

The proposal involves refurbishment, demolition and new building works to provide new dwellings in the countryside. These considerations are subject to compliance with policy ENV3 of the Local Plan Part 1 which requires development to be sympathetic to its context, avoid unacceptable effects on residential amenity or local character and create buildings and spaces which are easy to navigate.

The principle of new dwellings in this location is considered under policy DM20 of the Local Plan Part 2 which is quite restrictive. The policy only permits new residential development in the countryside that satisfies one of four criteria. These are:

- a) **a limited extension to an existing dwelling;** the proposal does not include extending the existing dwelling **or**
- b) **the replacement of an existing dwelling, except where it:**
  - (i) **is the result of a temporary permission(s); and/or**
  - (ii) **is an unauthorised use; and/or**
  - (iii) **it has been abandoned;** the existing dwelling is not being replaced **or**
- c) **affordable housing to meet a local need, in accordance with Core Strategy Policy CS22;** the proposal is not for affordable housing **or**
- d) **an agricultural worker's or forestry worker's dwelling in accordance with Policy DM21** the proposal is not for agricultural or forestry workers.

In this case, the site is located within the countryside in the hamlet of Burgate. Whilst there are residential properties close by, the provision of new residential dwellings within the countryside is contrary to policy DM20 of the Local Plan Part 2 as clarified above. It is noted that the supporting Planning Statement does not include any reference to this policy and the proposal does not fall into any of the categories allowed by this policy. As such, the application, entailing 5 new dwellings in the countryside, would be contrary to this policy.

During the course of the application, the agent has indicated that the conversion of existing buildings into residential properties would be permitted development (under Class Q, Part 3 of the GPDO). However, as they fall within the curtilage of a listed building, this would not be the case.

The submitted Planning Statement does make reference to paragraph 11 of the NPPF which states that there is

'11. ... a presumption in favour of sustainable development.

... For decision-taking this means:

(c) approving development proposals that accord with an up-to-date development plan without delay; or

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'

Having regard to this, in particular part (d), it should be noted that the Council is currently unable to demonstrate a 5-year housing land supply. This means that permission should be granted unless other policies within the Framework which protect assets of particular importance (i.e. heritage assets such as listed buildings) provide clear reasons for refusing the development proposed. It is considered that these reasons exist and they are detailed below. The tilted balance does not, therefore, apply in this instance.

The applicant makes reference to paragraph 84 of the NPPF which states that the development of isolated homes in the countryside should be avoided unless one of the following circumstances 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; or*
- (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.*

There is no specific definition of what constitutes isolated, but it is clear from the surrounding area and documentation within the Heritage Assessment that the area is a hamlet and is easily accessible along the main Salisbury Road to Fordingbridge and other built-up areas outside of the District. It is not considered that paragraph 84 applies in this instance.

The proposal is not therefore considered to comply with either local or national policy with regard to the provision of new dwellings within the countryside.

#### Listed Building impacts

There is a duty imposed by Section 66 (1) of the Act requiring decision makers, be they officers, or Council Members, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The NPPF makes clear that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of the potential level of harm, and that any harm to the significance of a designated asset from its alteration, destruction or change to its setting requires clear and convincing justification.

Policy DM1 of the Local Plan Part 2 makes it clear that proposals should conserve and seek to enhance the historic environment and heritage assets which should be protected in proportion to their significance. Where development is necessary to secure the future of a heritage asset, the proposal should not materially harm the significance of the heritage asset and its setting.

The associated listed building consent application details the proposals in respect of the proposed physical alterations to the listed buildings. From a planning point of view, consideration therefore has to be given to the impact of the proposals on the setting of the listed buildings. The application is supported with a Heritage Assessment, although it is considered that there are some shortcomings in the understanding of the layout of the building types on site which has resulted in the dismissal of the value of some buildings and in turn this has an impact on the setting and significance of the listed farmhouse.

The supporting information and plans identify the buildings on site as follows:

Building A - the farmhouse

Building B - the curtilage listed building in a ruinous state to the south of the farmhouse (proposed plots 5 & 6)

Building C - smaller modern outbuilding to the west of the farmhouse

Building D - a range of buildings to the west of the farmhouse in varying states of repair

Building E - a modern workshop building to the west of the site.

Building E would be demolished in order to provide space for residential gardens. The structure is made up of two parts built at different times. Whilst the easternmost part could be considered to be curtilage listed, it has little functional link with the farm and overall, the building is not considered to contribute to the setting or significance of the listed building and has negligible historic or architectural interest in its own right. As such, there are no objections to the demolition of this building.

Part of Building D is a flat roofed, open sided cattle pen which is of no historic significance and not considered to be curtilage listed. However, the corrugated steel part with lean-to and tile/weather boarded structure in a poor state of repair, are considered historic and likely to have been built in the early 19th century. Their location close to the farmhouse is reflective of the origins of the farm, and they are considered to make a positive contribution to the setting and historic significance of the farmhouse. The loss of the cattle pen element of the building is considered to be of slight benefit to the setting of the listed building.

However, the positive contribution of the remaining parts of Building D is eroded as a result of the ruinous and overgrown condition of the eastern part of the building. Whilst these are not matters considered to necessitate or justify the removal of the whole of the building, the removal of the western part of Building D would significantly erode the historic layout of the farmstead and the evidence of its modest origins from two separate holdings in the mid -19th century. Its removal would therefore cause less than substantial harm to the setting and significance of the listed building.

Building C is located within the garden of the farmhouse and is of modern appearance. Whilst it may have been built on footings of older structures, it is of negligible historic interest and its condition suggests that it is not capable of repair, reuse or conversion. Its loss is not therefore of concern with regard to the setting of the listed buildings.

Building B is a curtilage listed building which has fallen into significant disrepair in recent years. The majority of the footprint has no roof and only partial walls, with the eastern gable of the remaining structure largely missing. This eastern section was previously stables with a hay loft, with the western section a barn with openings north and south.

From a listed building point of view, there are no objections to the restoration and reconstruction of building B into two dwellings. This would enable the restoration of a curtilage listed building and would enhance the setting of the listed buildings and farmstead. However, the proposed design of the two houses fails to reflect the historic character of the barn. Whilst the proposed form and massing of the building accords with that previously existing, the proposed pattern of fenestration, with extensive use of roof lights and multiple opening results in a building of incongruous appearance that fails to incorporate the basic elements that would identify it as a historic barn. Consequently, the proposed building would be a large massing with no clear historic relationship to the yard area or the listed farmhouse and would result in

less than substantial harm the setting and historic interest of the listed building.

As stated briefly above, the proposal includes the provision of a 2.1m high close-boarded acoustic fence along the rear garden boundary to plot 6. This is proposed to be at an angle to both Building B, with which it is associated, and the road, resulting in an awkward juxtaposition with the building which obscures much of the eastern elevation of the building from roadside views. It is also considered that the provision of this fence would have a harmful impact on the setting of the Grade II Listed Building at Cross Cottage to the south. Behind this fence to the east of the building would be the proposed bin and cycle stores for plot 6, which would be a further detraction from this property.

Overall, whilst the proposal includes many elements which would improve the setting of the listed buildings, the loss of much of Building D and the inappropriate detailing of the reconstructed Building B would be harmful to the setting of the listed farmhouse and associated curtilage listed farm buildings. There is also harm to the setting of the adjacent Cross Cottage due to the proposed siting of a 2.1m high fence. The proposal is therefore considered to conflict with policy DM2 of the Local Plan Part 2 by reason of the harm caused to the setting of the listed building through the loss of important buildings and the domestic nature of a reconstructed building.

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

The proposal alterations to the farmhouse would have a limited impact on the character of the area. Clearance of some of the overgrown garden areas would offer improvements to this corner plot.

The proposed plots 2, 3 and 4 are proposed as a new building to the west of the farmhouse and this is an acceptable location for built form, although there are concerns with regard to the scale and massing of the building. Historically, the main barn (Building B) would have been the dominant building within the farmyard, and the proposed height of the dwellings, being only 7m from this structure, would compete with it. As such, the new building accommodating plots 2, 3 and 4 would appear dominant and incongruous in the setting of the listed building.

The new building has been designed as a simple gabled and lean-to form with large roof spans and a material palette that is characteristic of smaller, single-storey farm buildings. Their use in a one-and-a-half storey building of significantly greater volume would appear incongruous in the setting of the listed building. The removal of the entirety of Building D will mean there is significantly increased visibility between the new building and the listed building. The height of the blank gable end facing the listed building will be prominent within the setting of the listed building and would accentuate the loss of Building D to the rear of the farmhouse. The harmful effects of these impacts will outweigh any benefit from the demolition of Building E. In addition to this, it is considered that the courtyard and associated access through the site would sever the farmhouse from its historic curtilage which would further impact on its setting.

The provision of an additional access point onto Fryern Court Road would result in the loss of part of the mature boundary hedge and the associated urbanisation of this part of the lane. It is noted that the majority of properties along this part of Fryern Court Road are situated to the north, with just simple farm accesses to the southern side. This new access would therefore have an adverse impact on the character of the area. Added to this, there is concern that the proposed new building to accommodate plots 2, 3 and 4 would have some adverse impact on Rosemary Cottage, a listed thatched cottage dating back to the early 16th century to the north, through its incongruous scale and character. However, this harm is



considered to be at the lower end of less than substantial harm.

### Residential amenity

Policy ENV3 of the Local Plan Part 1 requires development to avoid unacceptable effects on residential amenity such as overlooking, overbearing impact, shading and noise and disturbance. Development should be visually appealing and enjoyable to be in.

The existing dwelling that is proposed to be refurbished has one first floor bedroom window to the rear elevation. The proposed dwellings behind this would be sited so as not to harm the level of amenity currently enjoyed by this dwelling. The only windows which would face towards this dwelling are in excess of 21m away and relate to bathrooms which could be obscure glazed in any case. The east facing gable end of plot 2 is less than 21m away but has no windows. Any new windows at first floor level in this elevation would require planning permission unless they were designed so as to have high cills and obscure glazing to prevent overlooking. It is noted that the proposed parking spaces for plot 6 are relatively close to the south facing living room window to the existing dwelling. However, they would be screened by a hedge from this window and the room does benefit from east and west facing windows in addition to that to the south.

Cross Cottage to the south of the site is separated from the proposed development by a track in separate ownership, over which the occupants have a right of access to access their car port. The dwelling has a single first floor window facing the site which would be approximately 18m from the rear elevation of plot 6. The proposed new dwellings (plots 5 & 6) are set at an angle to Cross Cottage and would largely face towards the side garden of the property. Given the intervening vegetation outside of the applicant's control combined with the recessed nature of the window within a thatched roof and proposed roof lights serving bedrooms in the proposed dwellings, it is not considered that the proposal would result in a significant loss of privacy to this property.

The existing access could be used for agricultural uses at present, and it is noted that the farmyard contains several vehicles. The use of the access for 4 dwellings is unlikely to give rise to unacceptable noise and disturbance to Cross Cottage.

Moving to the proposed new dwellings, upper floors have been designed to include rooflights for all main habitable rooms, which would prevent overlooking between dwellings. In terms of the level of amenity space available for the proposed dwellings, it is noted that plot 6 has a very restricted garden area for a 4-bed property, with a 2.1m high fence proposed less than 5m from the windows of habitable rooms which face south. This is not a good setting and would offer a poor level of amenity for this dwelling.

The local concern with regard to a loss of privacy due to the removal of vegetation is noted, although this refers to the impact of properties across Fryern Court Road. It is not usual to object to privacy where windows face each other across a public highway.

Overall, the residential amenities of both existing and future occupiers would largely be preserved through the careful design and positioning of the proposed dwellings. However, plot 6 is shown as being a 4-bed family dwelling with a very restricted garden area. Within this garden area would be bin and cycle stores and the provision of a 2.1m high fence surrounding it. This is considered to represent an unattractive form of development which would have an impact on how attractive the property is for future occupants, contrary to policy ENV3 of the Local Plan Part 1.

### Highway safety, access and parking

Policy ENV3 of the Local Plan Part 1 requires development to integrate an adequate level of car and cycle parking in order to meet realistic needs. The proposal generates a parking requirement of between 15.5 and 16.5 parking spaces should the spaces be provided on plot or 11.2-12 spaces where they are provided on a communal basis. The submitted plan indicates 14 communal spaces, although they are shown as being specific to certain properties. This amounts to two parking spaces for each dwelling, with plots 5 and 6 having a third space each. All 6 dwellings would have a bike store which would accommodate two cycles securely. This is slightly less than the recommended levels for the 4-bed houses, and there are no short stay, visitor spaces indicated. However, it is considered that were approval to be recommended, the site could accommodate additional short stay cycle parking, thus complying with the requirements of policy ENV3.

The same policy requires developments to create streets and spaces that are safe and easy to navigate. In this regard, the applicant has provided swept path movements for a refuse vehicle (being the largest vehicle requiring access) entering and leaving the site. The Highway Authority has advised that the plans appear tight, with refuse lorries potentially overrunning the carriageway/boundary wall of the neighbouring properties. They further indicate that this issue could be addressed through the inclusion of topography on the drawing to indicate these features as being outside of the swept paths. However, the application is being determined on the basis of the submitted plans which are not able to fully demonstrate that access for all necessary vehicles is safe and easy in accordance with the relevant policy.

As such, although the Highway Authority has not raised any concerns in respect of the visibility splays for either the existing access or the new proposed access onto Fryern Court Road, the proposal would be contrary to policy ENV3 on that it has not been demonstrated that adequate access for refuse vehicles can be achieved without overrunning the carriageway or neighbouring property walls.

### Ecology/On Site Biodiversity and protected species

Policy DM2 of the Local Plan Part 2 requires development to incorporate features to increase biodiversity and where possible, enhance existing features of nature conservation value within the site.

The submitted Preliminary Ecological Assessment indicates that the listed farmhouse has moderate potential to support roosting bats, whilst other buildings and nearby trees offer a negligible potential. Given the limited nature of the proposals to the farmhouse, no further surveys are proposed at this time and this is considered acceptable. With regard to reptiles and great crested newts, it is considered that more survey work should be undertaken as slow worms and grass snakes have been noted locally (within 300m), and the site lies within an area of high potential for great crested newts.

The application was submitted prior to the mandatory requirement for the submission of a biodiversity metric.

Overall, whilst there are some elements which are considered to require further survey work, there are no overriding objections to the proposal from an ecology point of view subject to securing ecological enhancements referred to in the PEA such as bee bricks, native planting, sensitive lighting and hedgehog accessible boundaries. The proposal is therefore considered to comply with policy DM2 of the Local Plan Part 2.

## Trees

This site is densely covered by trees and shrubs, particularly to the eastern and northern boundaries. The trees consist mainly of coniferous species including Leylandii, Monterey Cypress and Western Red Cedar, most of which have not been sympathetically managed in the past. There is a maturing Cedar tree at the front of the existing farmhouse which has potential to be a good specimen tree. However, given its close proximity to the listed building this tree cannot reach its full mature size without significant containment pruning in the future, and this would detrimentally affect the amenity of the tree.

Overall, despite the number of trees present on site, they are of not sufficient quality to be worthy of further protection by a Tree Preservation Order and therefore are not considered a constraint to development.

Whilst the amended site plan indicates the provision of new tree planting within the scheme, together with the retention of some larger specimens, were permission to be recommended, a fully detailed landscaping plan indicating the size, location and species of these new trees would be required.

## **Habitat Mitigation and off-site recreational impact**

Proposals for new residential development are subject to compliance with policy ENV1 which requires development to provide mitigation or monitoring to address the impact from their provision in relation to International Nature Conservation Sites. This usually takes the form of financial contributions secured through the completion of a legal agreement.

## 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 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. 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 and the proposal is therefore contrary to policy ENV1 of the Local Plan Part 1.

## 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 caselaw, 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 the proposed development with a phosphate budget that will enable the development's phosphate impact to be offset. Such a project has now been secured and, were permission to be recommended, a Grampian style condition could be imposed that would secure the appropriate level of phosphate mitigation.

#### 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<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. A financial contribution is sought towards air quality monitoring and secured through the completion of a S.106 legal agreement. Given other concerns raised in this report, there has been no request for this to occur and the proposal is therefore in conflict with policy ENV1 in this respect.

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 would be the inclusion of cycle storage and promotion of sustainable transport and soft landscaping and tree planting to encourage biodiversity.

## Developer Contributions

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

- Habitat Mitigation (£39,743)
- Air Quality Monitoring (£545)

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

Type	Proposed Floor space (so/m)	Existing Floor space (so/m)	Net Floor space (so/m)	Chargeable Floor space (so/m)	Rate	Total
Dwelling houses	798.5	318.5	480	480	£80/sqm	£56,270.77 *

Subtotal:	£56,270.77
Relief:	£0.00
Total Payable:	£56,270.77

## **11 OTHER MATTERS**

The Town Council and local resident have raised concerns about flooding in the area. It is acknowledged that land to the east of the A338, Salisbury Road falls within Flood Zones 2 and 3, although this designation does not breach the road and the site and access provisions are fully outside of this area.

Whilst the applicant has been willing to address concerns raised during the course of the application, there was no pre-application advice sought prior to the submission of the proposal. The changes likely to be required in order to address these concerns, including the principle of new dwellings in the countryside, are such that it is considered a fresh application would be required.

## **12 CONCLUSION / PLANNING BALANCE**

The proposal does not offer any justification for the provision of 5 additional homes within the countryside and is therefore contrary to both local and national policy. Whilst the scheme does offer some benefits to the listed farmhouse on site, there are significant concerns with regard to the proposed demolition and reconstruction of the remaining buildings within the site in terms of their adverse impact on the setting and significance of the listed buildings both within and adjacent to the site. The concerns raised amount to less than substantial harm to the setting of the listed building. Moreover, it is considered this 'less than substantial' harm would be at the more significant end of the spectrum of such harm. Weighing up the scheme's public benefits against this harm, it is considered that any public benefits associated with the renovation/rebuilding of a dilapidated building and refurbishing the listed farmhouse and front garden area would be materially outweighed by the scheme's negative heritage impacts.

In addition to these concerns, the proposed plot 6 would have unduly poor levels of residential amenity in view of its small external amenity space bound by a 2.1m high fence, and it has also not been demonstrated that the largest vehicles required to enter the site can be fully accommodated along the proposed access route.

Finally, in the absence of a S.106 legal agreement, the proposal would have an adverse impact on designated international nature sites.

Given the adverse heritage impacts and other harm identified, and also given the timing of the application, it is not considered that the Council's lack of a 5-year housing land supply would provide any justification for permitting this proposal, noting that the so called 'tilted balance' does not apply.

Therefore, carefully balancing all of the above factors, it is not considered that there are any material planning considerations that would justify a decision contrary to policy. Accordingly, it is recommended that the application be refused.

## **13 RECOMMENDATION**

### **Refuse**

#### **Reason(s) for Refusal:**

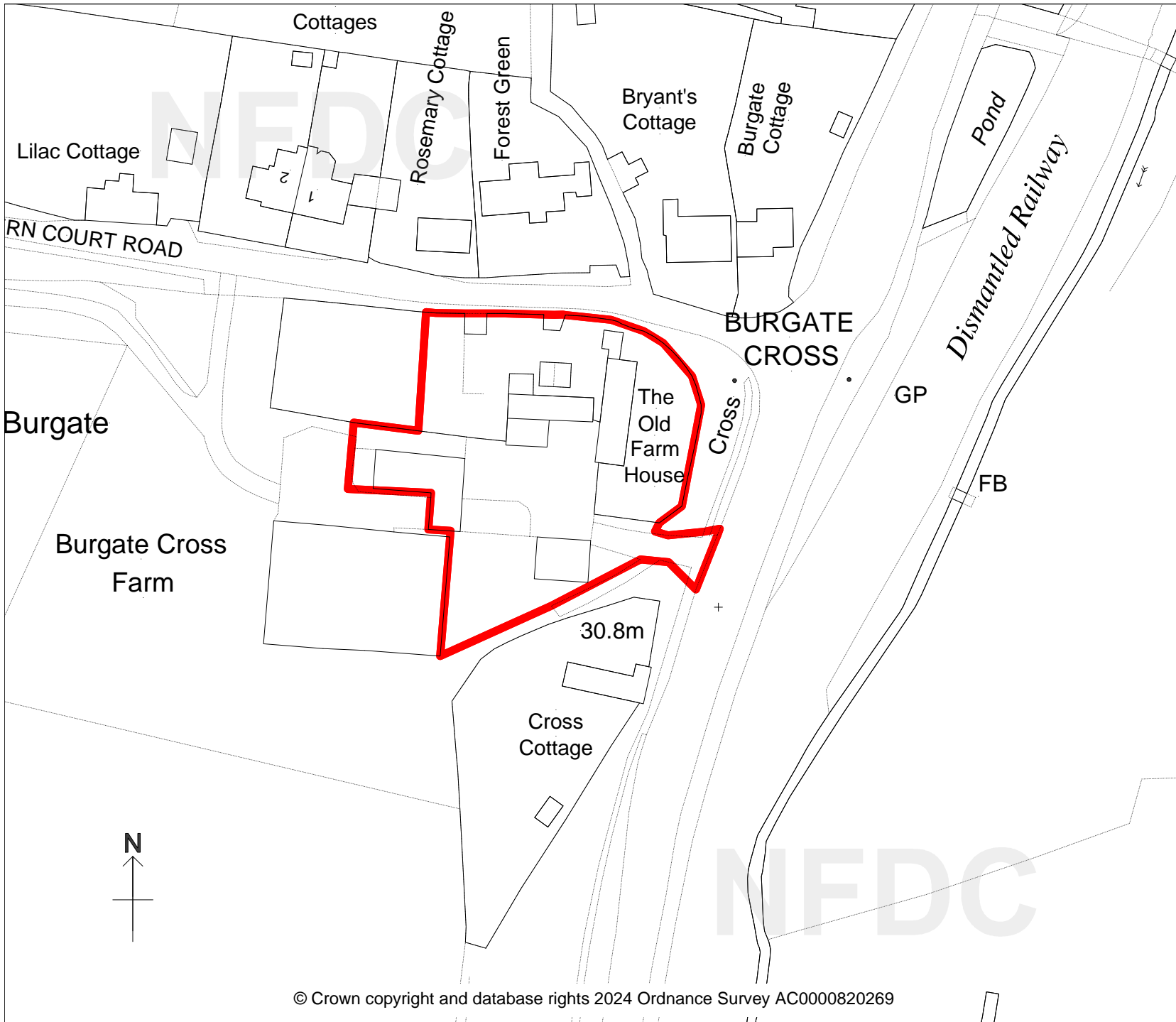
1. The proposal would result in 5 new dwellings in the countryside which would be harmful to the rural character of the area and would significantly alter the impact of built form on the site within its setting. In the absence of any material considerations to justify these dwellings, the proposal is contrary to policy DM20 of the Local Plan Part 2.
2. The proposal would result in less than substantial harm to the character, appearance and setting of the listed building on site by reason of the demolition of much of Building D, the design of the reconstructed Building B (plots 5 and 6) and the scale and massing of the proposed dwellings (plots 2, 3 and 4) in relation to the listed building, whilst a proposed 2.1 metre boundary fence would also cause less than substantial harm to the setting of the adjacent Grade II Listed Building at Cross Cottage. In combination, this harm is considered to be at the more significant end of the spectrum of less than substantial harm. The proposal would therefore be contrary to policy ENV3 of the Local Plan Part 1 in that it would be an unsympathetic form of development in relation to the adjoining buildings and policy DM1 of the Local Plan Part 2 in that it does not adequately address the nature of the significance of the heritage assets.
3. The proposal would offer poor and unsatisfactory levels of residential amenity for the 4-bedroom dwelling on plot 6 by reason of the limited amount of proposed external amenity space and the 2.1m high boundary treatment surrounding this area. The proposal would therefore be contrary to policy ENV3 of the Local Plan Part 1.
4. It has not been demonstrated that the use of the access by refuse vehicles would not overrun the limitations of the carriageway resulting in harm to highway safety. The proposal is therefore in conflict with policy ENV3 of the Local Plan Part 1.

5. 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 on these sensitive European nature conservation sites, contrary to Policy ENV1 of the Local Plan 2016-2036 Part One: Planning Strategy and the Council's Supplementary Planning Documents "Mitigation for Recreational Impacts on New Forest European Sites" and 'Air Quality in New Development'.

**Further Information:**

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**PLANNING COMMITTEE**

**November 2024**

The Old Farmhouse  
Salisbury Road  
Burgate  
23/11306 and 24/10054

Scale 1:1000

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