

Application Number: 24/10670 Full Planning Permission

Site: THE BARN (opposite Lansdowne House), MIDGHAM ROAD,
FORDINGBRIDGE SP6 3BX

Development: Change of use of agricultural barn to a dwelling including fenestration alterations; demolition of existing pole barn and part demolition of stables

Applicant: Mr Wilson

Agent: Pro Vision

Target Date: 18/09/2024

Case Officer: Jessica Cooke

Officer Recommendation: Refuse

Reason for Referral to Committee: Councillor referral

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of development outside of the defined built-up area.
- 2) Design & the impact on the rural character of the area
- 3) Residential amenity
- 4) Matters relevant to highway safety, access and vehicular parking
- 5) Habitat mitigation and nutrient neutrality
- 6) Air quality
- 7) Ecology
- 8) Climate Change

2 THE SITE

The subject building is located to the east of Highfield Farm. It is located outside of any defined settlement boundary and is within a highly prominent location within the countryside, being very visible from the highway which runs close to the western side of the building.

The building is a large brick building which is 7.6m in height, 9.2m in width and 18.7m in length (giving a footprint of about 172 square metres) and is accessed from Midgham Road via existing high metal gates with brick pillars. The building is constructed of brick, with large double doors to the ground floor and a pitched tiled roof. Decorative brick headers have been installed in the building, though these do not typically relate to existing or former physical openings.

The appearance of the building has evolved over time since it was first erected in around 2009 as an open sided steel pole barn with a sheet metal roof. A number of unauthorised works have been undertaken, which are set out in the planning history section below.

3 THE PROPOSED DEVELOPMENT

The proposal seeks to change the use of the existing building to a large, detached dwellinghouse with a stable to the rear and an associated rear garden. A large area of gravel driveway is proposed to the front of the dwelling.

The proposed dwelling would be a 4no. bedroom dwelling with 4no. en-suite bathrooms and an additional upstairs bathroom. To the ground floor, a large sitting room, snug, boot room, cloakroom and downstairs toilet and kitchen dining room are proposed. The existing building has decorative brick headers, most of which are placed over former unauthorised physical openings which were required to be bricked up by an enforcement notice. The proposed physical works would result in this brickwork being removed to facilitate the insertion of a significant amount of glazing which includes sash windows in a number of different sizes.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description
23/10514 Changes to the elevations and roof of the existing agricultural barn (Retrospective)	04/07/2023	Refused
23/10084 Change of use of barn to dwelling house (Prior Approval Application)	21/03/2023	Prior Approval refused
20/10835 Alteration of a building for agricultural use (Prior Approval Application)	10/09/2020	Details not required to be approved
13/10632 Agricultural barn (Agricultural Prior Notification)	20/06/2013	Refused
12/98415 Continued use of land and buildings for mixed agricultural and equestrian use (DIY livery) to include retention of manege, retention of stable block (housing stables 12-15), retention of storage containers and farm office, retention of rest room (adjacent to stable 11)	27/02/2013	Granted Subject to Conditions
10/95604 Replacement barn	23/09/2010	Withdrawn

Relevant application in close proximity to the application site:

Proposal	Decision Date	Decision Description
22/11191 New Barn (Agricultural Prior Notification)	14/11/2022	Details not required to be approved
22/10532 New barn; removal of pole barn and stables (Agricultural Prior Notification)	26/05/2022	Details not required to be approved
21/10294 Use of first floor of detached garage building as annex accommodation (Lawful Use Certificate for retaining an existing use or operation)	03/06/2021	Was Lawful

21/10280 Use of second floor of dwelling as bedrooms (Lawful Use Certificate for retaining an existing use or operation)	19/05/2021	Was Lawful
12/98415 Continued use of land and buildings for mixed agricultural and equestrian use (DIY livery) to include retention of manege, retention of stable block (housing stables 12-15), retention of storage containers and farm office, retention of rest room (adjacent to stable 11)	27/02/2013	Granted Subject to Conditions

5 POLICY CONTEXT

In addition to the aims and objectives of the NPPF are:

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 IMPL2: Development standards

Policy STR1: Achieving Sustainable Development

Policy STR3: The strategy for locating new development

Policy STR4: The settlement hierarchy

Policy STR5: Meeting our housing needs

Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity

DM20: Residential development in the countryside

Supplementary Planning Guidance And Documents

SPD - Parking Standards

SPD - Planning for Climate Change

SPD - Mitigation Strategy for European Sites

SPD - Design of Waste Management Facilities

SPG - Residential Design Guide for Rural Areas

National Planning Policy

NPPF 2024

NPPG

Plan Policy Designations

Countryside

6 PARISH / TOWN COUNCIL COMMENTS

Fordingbridge Town Council

Recommend **REFUSAL**. The proposed development does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated. It would result in an isolated dwelling in the countryside, with a domesticated appearance, and would set a precedent for future development.

7 COUNCILLOR COMMENTS

Councillor David Millar

Whilst I have every confidence in you and your experienced officers, concerns

have been expressed to me by the resident about the transparency of the decision-making process. Whilst I am confident that his concerns are not grounded, with planning matters it is often the appearance of the decision-making process as much as the decision itself that raises eyebrows among the population. And I am very keen that NFDC is seen as a beacon of probity by the community.

So, in the interests of making a strong, long-term decision, and for the purposes of detailed scrutiny, I would ask that we make this decision not on the basis of a delegated officer's report but with reference to the planning committee.

Councillor Malcolm Wade

In support of Cllr Millar I request application : 24/10670, Midgham Road near Fordingbridge be brought to committee.

8 CONSULTEE COMMENTS

Ecologist

No objection - raised an initial objection and requested an ecological survey, the submission of which has addressed the initial concerns.

HCC Rights of Way

No objection.

9 REPRESENTATIONS RECEIVED

No representations received.

10 OFFICER COMMENTS

Planning History and Background

The application site and the wider site owned by the applicant is a mixed-use agricultural and equestrian facility. The building subject of this application has a complex planning history which is set out below.

It is understood that the 'existing' barn was originally erected without planning permission on the application site in around 2009 to replace a much smaller barn damaged by a storm in the winter of 2007-2008. However, the barn that was constructed at that time was very different to the building now in situ - originally being only a simple structure with an exposed steel frame with a metal sheet roof.

Aerial imagery demonstrates a building of a similar footprint to that of the existing building has been in situ on the land since approximately 2009.

An application to regularise the unauthorised barn was submitted in 2010 but was withdrawn. The barn thus remained in situ as an unauthorised structure.

In 2013, an application for Prior Approval under Part 6 of the General Permitted Development Order (GPDO) (ref 13/10632) for an agricultural barn on the site (to replace the above replacement barn) was refused, as the Council was not satisfied the barn would be used for the purposes wholly or primarily related to agriculture due to the extent of the DIY livery and equestrian business at the farm.

An Enforcement Notice was served by the Council in June 2013 for the removal of the unauthorised barn, and this notice was subsequently appealed (Appeal reference: APP/B1740/C/13/2202662). The Appeal was allowed in January 2014 and the decision noted that the land in question was in a mixed agricultural and equestrian use. The Inspector found that the barn did not conflict with the Development Plan, concluding that the retention of the building would be justified for the storage of hay in association with the mixed use agricultural and equestrian facility.

In September 2020, an application for Prior Approval under Part 6 of the GPDO (ref. 20/10835) was permitted to add brick walls and a metal sheet roof, along with 2no. double timber doors, a single door to the ground floor and 2no. high level openings to the existing barn approved via the above appeal. The agricultural justification for this barn was set out in the Planning Statement, which explained the barn was proposed to be enclosed to provide dry storage for the hay that is produced on the land at Highfield Farm and for the storage of other hay that is purchased for feeding. This approved proposal was not then undertaken in accordance with the approved plans, resulting in unauthorised works to the building (see details below).

On the wider site, but relating to the ongoing agricultural business, 2no. GPDO Part 6 applications (refs. 22/11191 and 22/10532) were submitted in 2022, both of which were approved but which have not yet been implemented. Application 22/11191 would be sited adjacent to the manège on the opposite side of Midgham Road and application 22/10532 would be sited adjacent to the large barn opposite the application site. The Planning Statements for these applications set out the expansion of the business and advised the buildings were *essential* for the ongoing development of and expansion of the business. The permission for these two applications is extant and both could still be implemented until 2027.

In 2023, an application (23/10084) was submitted for Prior Approval under Class Q of the GPDO to convert the application site building from an agricultural barn to a residential use. However, during this application it was established that the 2020 agricultural prior approval had not been implemented in accordance with the submitted plans. A significant number of window and door openings had been added within the brickwork, and the doors to the north elevation of the building, as previously approved, has not been installed, whilst other doors and openings had been installed instead. The window and door openings were installed with decorative brick headers above them which is typical of a domestic building and would not characteristically be included in a building used for agricultural purposes. In addition, the roof of the barn had been tiled (contrary to the approved details) and white uPVC rainwater goods, fascias and soffits had been added to the building.

These unauthorised alterations materially altered the building's appearance and domesticated the building, with the building no longer having the appearance of an agricultural barn. These unauthorised openings, domestic detailing and non-traditional materials (typically used in agricultural buildings) were evidently designed to facilitate the residential use which is now being applied for, rather than being designed for the purposes of agriculture.

The unauthorised works raised questions over the lawful status of the existing building. Application 23/10084 was duly deemed to fail to meet the provisions of Schedule 2, Part 3, Class Q of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) and was refused as development had taken place under Part 6 of the GPDO.

Whilst the report for this application states there were no significant concerns relating to the appearance of the building, the Prior Approval application was not considered with regard to the policies of the Development Plan and Framework, as it failed to meet the provisions of the GPDO in principle. Following the refusal of the application, it has further been established that Permitted Development Rights would not apply to the site in any case as the site is within a mixed use.

A further application (23/10514) was submitted to regularise the unauthorised works undertaken to the agricultural barn. It should be noted that there were discrepancies in the dimensions of the approved building of application 20/10835 and the plans for 23/10514. This application was subsequently refused on the grounds of the appearance of the barn being of a domestic appearance rather than agricultural and its resultant adverse impact upon the character of the sensitive countryside location, as well as due to the difference in size and scale from that of the approved drawing.

An Enforcement Notice was subsequently served on the building and required the uPVC rainwater goods to be removed and the window openings to be blocked up, as well as the tiled roof to be removed. The Enforcement Notice was amended to allow the tiles on the roof to remain, and the notice was subsequently considered to be complied with.

This application has now been submitted to change the use of the building to a residential dwelling and to carry out various external alterations as described in Section 3 above.

Principle of Development

The site lies outside any established settlement boundary and within a sensitive area of open countryside. Policies STR1 and STR3 of the Local Plan seek to restrict development beyond the built-up area boundary of settlements unless the development is appropriate in a rural setting in accordance with other relevant policies of the development plan.

Local Plan Part 2 Policy DM20 states that residential development in the countryside will only be permitted where it is for a replacement dwelling, affordable housing or an agricultural worker's dwelling. The policy goes on to state that in all cases, development should be of an appropriate design, scale and appearance, in keeping with the rural character of the area.

In assessing the proposal against this policy, the proposal is not a replacement dwelling, nor is it for an agricultural worker or for affordable housing. On this basis, this proposal for a new dwelling in the countryside does not accord with policy. While there is nothing in the policy which specifically relates to the conversion of existing buildings into new separate residential uses, it is clear that the proposal for new residential development in the countryside is only in accordance with policy DM20 if it is a replacement dwelling, or for affordable housing or an agricultural worker - which this proposal is not.

The submitted Planning Statement refers to NPPF Paragraphs 84 and 124 (d) (now para 125 (d) NPPF 2024) as a justification for the proposal and states that Policy DM20 should be given little weight as a result.

Paragraph 84 of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more 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.*

Firstly, given the location of the site across the road from Lansdown House, it is questionable whether the site even qualifies to be considered against paragraph 84 as the proposed dwelling would arguably not be in a completely “isolated” location, though it is in a remote and wholly unsustainable location in considerable distance away from settlements, local services and amenities or public transport facilities. However, notwithstanding this, it is the view of Officers that the proposal still fails to accord with the criteria of Paragraph 84 even if they were applicable. In consideration of these criteria:

- a) the application does not demonstrate any essential need for a rural worker;
- b) the building is not considered to be a heritage asset;
- c) the application advises that the building is an agricultural building which is used for the storage of hay and straw together with farm machinery for the making of hay used at the site and for the selling of hay and straw to third parties, and it is not therefore redundant or disused. The applicant has a substantial mixed-use agricultural and equestrian (livery) business on the application site and the wider site and has recently submitted 2no. Part 6 applications (refs. 22/11191 and 22/10532) both of which were approved. The Planning Statements for these applications set out the expansion of the agricultural and equestrian business and advised the buildings were *essential* for the ongoing development of and expansion of the business. In any event, it is not considered the proposed external works would enhance the setting of the building - as is discussed further below.
- d) the building is not an existing residential building.
- e) the proposal is not considered to be of exceptional quality; nor is it considered to meet the tests of the subparagraphs of point (e) in that it is not truly outstanding and does not reflect the highest standards of architecture; nor would it significantly enhance its immediate setting or be sensitive to the defining characteristics of the area. The proposal would result in a significant encroachment of the countryside and it would not comply with Development Plan or Rural Design Guide SPD, which is set out further in the sections below.

Paragraph 125 (d) of the NPPF states that planning decisions should promote the development of underutilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively. The Planning Statement sets out that the building is still in use for agriculture, and the planning history on the wider site demonstrates that the mixed-use agricultural and equestrian business on the site is expanding. Therefore, it is not considered that Paragraph 125(d) would apply in this instance, as the building is not genuinely redundant.

5 year Housing Land Supply

In determining planning applications there is a presumption in favour of the policies of the extant Development Plan unless material considerations indicate otherwise (Section 38(6) of the Act). Material considerations include the National Planning Policy Framework (NPPF).

NPPF Paragraph 11 clarifies what is meant by the presumption in favour of sustainable development. It states that for decision making it 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 [8], granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance [7] provides a strong 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 particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Footnote [8] of the NPPF clarifies that :

This includes, for applications involving the provision of housing, situations where: the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78; or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

NFDC cannot currently demonstrate a five-year supply of deliverable housing land supply. In such circumstances, para. 11(d) of the NPPF is engaged.

It is considered that in this case the development must be considered in accordance with the NPPF paragraph 11(d).

Taking the first limb of paragraph 11(d), as this report sets out, in this case there are specific policies in the NPPF which protect areas of assets of particular importance referred to within footnote 7 of the NPPF, namely habitat sites and heritage assets. Therefore, a judgement will need to be reached as to whether

policies in the Framework provide a strong reason for refusing the development. Where this is found to be the case, the development should be refused.

The second limb of paragraph 11(d), namely whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole (the so called 'tilted balance'), will only apply if it is judged that there are no strong reasons for refusing the development having applied the test at Limb 1.

The 2024 NPPF requires particular regard to be had to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination when applying the said tilted balance.

The following sections of the report assess the application proposal against this Council's adopted local planning policies and considers whether it complies with those policies or not. Following this Officers undertake the Planning Balance to weigh up the material considerations in this case.

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

The application seeks planning permission to convert the existing agricultural building into a large detached residential dwelling with an associated gravel driveway, patio and garden area and partial retention of the existing stables.

Chapter 12 of the NPPF 2024 seeks to achieve well-designed places. Paragraph 131 of the Framework says that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, and that good design is a key aspect of sustainable development. Paragraph 135 says developments should be visually attractive as a result of good architecture, and be sympathetic to local character, including the surrounding built environment and landscape setting, as well as establishing and maintaining a strong sense of place.

Local Plan Policy ENV3 (Design quality and local distinctiveness) is relevant to this application and requires that all development should achieve high quality design that contributes positively to local distinctiveness, quality of life and enhances the character and identity of the locality. In particular, development should be:

- Functional: well connected to surrounding uses, and logically laid out so that different elements work well together in a manner that is safe to access, easy to navigate, convenient to use and that makes effective use of both developed land and open spaces;
- Appropriate: sympathetic to its environment and context, respecting and enhancing local distinctiveness, character and identity; and
- Attractive: visually appealing and enjoyable to be in

Midgham Road is located in the open countryside and has a strong rural character. Highfield Farm spans both sides of Midgham Road to the east and the west. To the west of Midgham Road is a manege with associated agricultural buildings; and Lansdowne House, a large, detached 7-bedroom neo-Georgian dwelling owned by the applicant. To the east of Midgham Road, where the application building is sited, there are stables and a large barn for livery.

Whilst the application building is existing, its functional and physical use relates to the mixed-use agricultural and equestrian business owned by the applicant, where agricultural development within the countryside can be acceptable.

There are two extant Prior Approval applications (refs. 22/11191 and 22/10532) for the erection of agricultural barns, submitted by the applicant due to the proposed expansion of their mixed-use agricultural and equestrian business. Whilst 22/11191 was submitted as an alternative to 22/10532, both applications remain extant for a period of 5 years from their decision dates which expire in 2027, and therefore both of these prior approval applications are indicative of a continuing agricultural need. With regard to the building which is proposed to be converted, the building is still in use for the purposes of agriculture as submitted in the application. Given this context, there is not considered to be a compelling justification for the proposed conversion of the building to a dwelling.

The NFDC Residential Design Guide for Rural Areas of the New Forest District SPG sets out the guidance for rural design, and seeks to protect the character and appearance of the countryside. Section 4E of the SPG relates to the conversion of buildings and specifies the following:

- Conversions should demonstrate minimal and subtle change through imaginative design;
- Should maintain simple enclosures and external definition;
- Car parking and residential external sub-division should be kept low key;
- Encroachment into surrounding agricultural land to expand domestic curtilage or established boundaries is not permitted;
- Rooflines should be kept simple, avoiding chimneys on agricultural buildings;
- Sturdy materials and details should be used, avoiding ornament or pretension, using matching materials;
- Conspicuous external elevations should not be affected by major change.

The application site occupies a prominent and highly visible position on Midgham Road. The building lies in close proximity to the road and therefore the building is exposed by reason of its large mass and scale, and lack of vegetation and trees to provide screening, and it is relatively isolated.

The proposed external alterations are significant and would result in a building that would have a rather suburban appearance instead of having the appearance of a traditional rural barn conversion, exemplified by the significant number of large sash style windows with decorative brick headers and the domestic porch and front door detailing, none of which are typical of agricultural buildings.

The proposed elevations would be over-fenestrated and excessively detailed, with an inappropriate number of large and poorly proportioned windows and doors, including a non-traditional window hierarchy where a number of large upper floor windows would be sited above smaller sash windows. These factors are contrary to the design related provisions of the Residential Design Guide SPG for the conversion of buildings within the countryside.

As a whole, the proposed external alterations to the building are considered to be unsympathetic to the rural character of the area. The proposed dwelling would have an imposing and inappropriately grand appearance that would be discordant and intrusive. The proposed alterations would not reflect the proportions of a simple or traditional rural/agricultural building or make any reference to the building's original 'agricultural' character, as would be expected in a highly prominent rural location such as this.

When viewed from Midgham Road, the building would appear out of context with the other agricultural buildings on the wider site due to its domesticated appearance. The proposed building would not respond positively to its rural countryside location.

There are additionally concerns about the proposed dwelling's setting. Large areas of hardstanding are proposed, including a large gravel driveway measuring 140m². Whilst only 3no. parking spaces are annotated on the plan, at least an additional 4no. vehicles could be accommodated on the driveway. In addition, a patio area is proposed to the south, and a front, side and rear path, with additional hardstanding to the front and side of the retained stable outbuilding. Whilst there is some existing hardstanding surrounding the building and particularly to the front, this comprises trod gravel rather than a domestic patio, and it serves the functional need of the agricultural and equestrian business where agricultural development is acceptable in the countryside.

The extent of the proposed residential curtilage of the building and associated paraphernalia is significant and would encroach into the countryside. The site area extends to 1215m² and the building occupies 172m² of the site, resulting in an inappropriately large domestic residential curtilage of 1043m². In addition to the parking of vehicles related to the equestrian element of the business, there would also be domestic parking arising from the proposed conversion and by reason of the site layout, the frontage of the proposed dwelling would be likely to be dominated by vehicles on the frontage, whilst the extent of the proposed driveway is excessive for this rural location. The driveway and associated domestic paraphernalia would extend well beyond the immediate area surrounding the building and in doing so would harmfully erode the rural character and appearance of the area. As such, the proposal would result in an excessive domestication of the land which is not considered to be appropriate to its location within the sensitive area of countryside.

There would additionally be a lack of meaningful landscaping proposed as part of the application. Whilst it is recognised that further landscaping details could have been secured by condition if the proposal was otherwise acceptable, it is not considered additional landscaping could make this scheme acceptable.

The introduction of the proposed residential use in this location would result in an intrusive and unacceptable form of residential development in the countryside and would be harmful to the visual amenities of the countryside. The proposal would introduce residential built form to the east of Midgham Road, which has a more open character which is distinctive from the residential land associated with Landsdowne House which is sited to the west of Midgham Road.

It is noted that the Town Council have raised a very strong objection to the proposal, stating that the proposed development does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated; and in addition, it would result in an isolated dwelling in the countryside, with a domesticated appearance, and would set a precedent for future development. The Town Council have recommended refusal of the application.

Overall, it is concluded that the proposal would result in an incongruous development in a highly prominent location, which would be harmful to the character and appearance of the countryside by reason of its design and appearance of built form, site layout including the significant areas of hardstanding and extent of the domestic garden and curtilage. The proposal would erode the rural character of this location and would harm the character of the countryside.

For the reasons set out above, the proposal is considered to be contrary to the provisions of the Development Plan and the Chapter 12 of the NPPF. In particular, the proposal would fail to accord with the requirements of Policies ENV3, ENV4, STR2 and STR3 of the New Forest District Council Local Plan Planning Strategy (2020) which seek high quality development that contributes positively to local distinctiveness, being sympathetic to its context, and it would fail to meet the provisions of the NFDC Residential Design Guide SPG and Chapter 12 of the NPPF.

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.

The standard of accommodation proposed would be of an acceptable level for the proposed 4no. bedroom dwelling, and the proposal does not raise concerns in respect of the residential amenities of future occupiers. The proposed dwelling is not located near to residential properties, and therefore it would not result in adverse impacts upon the residential amenities of neighbouring properties. As such, the proposal is not considered to result in harmful impacts to the residential amenities of the existing or future residents.

Highway safety, access and parking

The site benefits from an existing vehicular access off Midgham Road, and this is shared with other barns and stables associated with the applicant's livery business. As the proposal would retain the existing access into the site and the proposal comprises only one dwelling, Hampshire County Council's Standing Advice applies.

The proposal comprises one 4no. bedroom new dwelling and NFDC Parking Standards require 3no. on plot parking spaces for a dwelling of this size. 3no. parking spaces are proposed to the front of the dwelling within the gravel driveway. As such, the proposal meets policy requirements in respect of parking.

In terms of cycle storage, no cycle storage is proposed. However, the details could have been secured by planning condition if the proposal was otherwise acceptable.

One additional dwelling would not create significant traffic generation and any additional vehicular movements would be readily absorbed into the existing highway network. However, in light of NPPF para 11(d)(ii), which states particular regard should be afforded to key policies directing development to sustainable locations. The application site is located in a highly unsustainable location which is remote from the closest villages and towns and their respective public amenities, with no public transport facilities serving the development, resulting in a high dependency on private vehicles to access such facilities.

The proposal is otherwise not considered to have adverse impacts upon highway safety and therefore complies with Policy CCC2 of the Local Plan Part One.

Ecology and Biodiversity Net Gain

As of 2nd April 2024, developers must deliver 10% Biodiversity Net Gain (BNG) on 'smaller' sites such as this as a requirement of planning permission and in this instance, BNG is mandatory. The submitted Planning Statement states that the proposal is exempt from BNG under the de minimus exemption as the proposal is for change of use only and no additional hardstanding is proposed; nor is any removal of vegetation required and the proposal does not impact a priority habitat or non-priority habitat. The proposal would not result in a loss of habitat of more than 25 sq.m, and therefore the proposal is considered to be development below the exemption threshold.

The Council's ecologist was consulted on the proposal and registered an objection, requesting an ecological assessment. The survey was undertaken and the Council's ecologist was satisfied that the concerns had been addressed.

Policy DM2 of the Local Plan Part Two seeks to conserve nature and enhance biodiversity and states that the Council will use planning conditions to provide mitigation and where appropriate, enhancement measures. No ecological enhancement measures were included in the submitted plans, though 2no. House Martin Nest Cups are included in Appendix D of the ecology report. Whilst these enhancements are welcomed, the House Martin Nest Cups alone are not considered sufficient to address the requirements of Policy DM2. However, additional details of ecological enhancement measures could have been secured by planning condition if the proposal was otherwise acceptable.

Habitat Mitigation

The site lies in close proximity to the New Forest SAC, SPA and Ramsar, River Avon SAC and Avon Valley SPA and Ramsar. As the proposal would result in an additional dwelling, there is a likely cumulative impact on the New Forest European Sites from recreational disturbance and habitat mitigation should be provided in line with the adopted mitigation strategy and Policy ENV1 of the Local Plan Part One.

a) Recreational Impacts

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 European designated 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. In the absence of a completed Legal Agreement to secure the contribution, the proposal is contrary to Policy ENV1 of the Local Plan Part One and a further reason for refusal must be introduced.

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. In the absence of a completed Legal Agreement to secure the contribution, the proposal is contrary to Policy ENV1 of the Local Plan Part One and a further reason for refusal must be introduced.

Air Quality Statement

In response to the requirements of the adopted 'Air Quality Assessments in New Development Supplementary Planning Document 2022', the applicant is required to submit 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. No Air Quality Statement has been submitted as part of this application. However, it would have been required by planning condition if the proposal was otherwise acceptable.

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 Mobilisatie for the Environment UA and Others v College van gedeputeerde staten van Limburg and Others).

With regard to current proposals, Natural England agrees with the competent authority that the plan or project for new residential development, without mitigation, has a likely significant effect on the River Avon Special Area of Conservation (SAC). The site is also listed as a Ramsar site and notified at a national level as the River Avon System and River Avon Valley Sites of Special Scientific Interest (SSSIs). Listed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Natural England considers that impacts of phosphates on the Ramsar interest features are likely to be similar to the impacts on the SAC. As the

Council cannot now rely on the Interim Delivery Plan to address phosphate levels in the River Avon, 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. Such a project has now been secured and a Grampian style condition could have been imposed to secure the appropriate level of phosphate mitigation if the proposal was otherwise acceptable.

Climate Change SPD

In response to the requirements of the adopted 'Planning for Climate Change Supplementary Planning Document 2024', the applicant is required to submit information explaining the measures that they will take to address climate change through the development in order to meet the Local Plan requirements of Policies STR1 and ENV3 of the Local Plan Part One. No Climate Change Statement has been submitted as part of this application. However, it would have been required by planning condition if the proposal was otherwise acceptable.

11 OTHER MATTERS

It should be noted that the Drawing No. 07 and Drawing No. 08 contain the incorrect scale bars and scale title which states the drawings are 1:500. However, the drawings themselves are at scale 1:250.

12 THE TILTED BALANCE

Planning Committee Members will be aware that 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'

As set out earlier in this report the NPPF is a material consideration. Paragraph 11 of the Framework is considered to be engaged and clarifies the presumption in favour of sustainable development.

Paragraph 11(c) states for decision making this means approving development proposals that accord with an up-to-date development plan without delay.

The lack of a demonstrable five-year land supply however, means that the tilted balance in NPPF paragraph 11(d) is engaged for this application.

As is set out above, the first limb of paragraph 11(d) of the NPPF advises that applications should be refused if:

- (i) *the application of policies in this Framework that protect areas or assets of particular importance [7] provides a strong reason for refusing the development proposed.*

Furthermore, paragraph 195 of the NPPF sets out that:

"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site"

The Local Planning Authority as “Competent Authority” has, through the Appropriate Assessment been able to conclude that the proposed development would not have an adverse affect on the integrity of the Habitat Sites if the appropriate mitigation is secured.

Whilst the application lacks a completed s106 agreement to provide the necessary mitigation from the development on Habitat Sites, the applicant has indicated a willingness to enter into such an agreement. Had the application been acceptable in other regards the applicant would have entered into a section 106 agreement and provided the required mitigation.

It is appropriate therefore, to move to the second limb of paragraph 11(d) of the NPPF; the so called “tilted balance”.

In considering the harm of the development, the proposed conversion of the existing agricultural barn to create a residential dwelling with an extensive site area of 1215m², would constitute an inappropriate form of development in this sensitive countryside location.

The introduction of a proposed new dwelling in a location that is outside of the defined settlement boundary and within the open countryside would be contrary to Policy DM20 of the Local Plan. Moreover, the proposal would constitute an unsustainable, intrusive and unacceptable form of residential development in the countryside which would be harmful to the visual amenities of the countryside by reason of the domesticated, suburban design and appearance of the building and a significant encroachment (1215m²) of residential curtilage into the countryside, within this sensitive rural setting.

The Town Council have raised a strong objection to the provision of a new dwelling in this location and to the appearance of the building. . The above report considered the design solution for the proposal and found it to be unacceptable. Paragraph 11(d)(ii) now requires particular regard to be had towards well designed places; the application is considered to conflict with this requirement.

Furthermore, in the absence of a completed legal agreement pursuant to section 106 of the Town and Country Planning Act (1990) the proposal would result in an unmitigated impact in respect of recreational impacts, air quality and phosphates mitigation on protected Habitat Sites.

Whilst the proposal would result in one additional dwelling, this would make a very modest contribution to housing stock and the benefits of the provision of a single dwelling would not significantly and demonstrably outweigh the adverse impacts that have been identified in the report above.

As such, the proposal would conflict with local plan policies relating to residential development, and it would be contrary to Policy DM20 of the Local Plan Part One, NPPF 2024 Paras 84 and 125(d), Chapter 12 of the NPPF and the NFDC Residential Design Guide for Rural Areas SPD.

The application is therefore recommended for refusal.

13 RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The proposed development, entailing the conversion of an existing agricultural building to a dwelling with an extensive residential curtilage, in what is a sensitive area of open countryside outside of a defined settlement boundary, would result in an intrusive and unacceptable form of residential development in the countryside where development is restricted unless specific criteria are met in accordance with both the Council's Development Plan and the NPPF 2024. The proposed development would not meet any of these specific criteria, and therefore it would be contrary to Policies ENV3 and STR1 of the New Forest District Local Plan Part 1: Planning Strategy for the New Forest outside of the National Park, Policy DM20 of Local Plan Part 2 for the New Forest outside of the National Park and Chapter 13 of the National Planning Policy Framework.
2. The proposed conversion of the existing building and its resulting residential paraphernalia would constitute an intrusive and discordant form of residential development in the countryside that would be harmful to the visual amenities of the countryside by reason of the converted building's suburban and inappropriately grand appearance, which would be exemplified by an excess of poorly proportioned and dominant fenestration, unsympathetic detailing and an unduly decorated appearance. Furthermore, the significant amount of hardstanding would result in a vehicle dominated frontage, whilst the inappropriately large domestic residential curtilage (1215m² site area) would result in an unacceptable erosion and domestication of the countryside, which would erode the rural character of this location and would harm the character and special qualities of the countryside and its landscape character. These harmful impacts would be compounded by the proposed development's prominent roadside position. As such, the proposed development is considered to constitute a poor and contextually inappropriate design that would be contrary to the provisions of Policies ENV3, ENV4, STR2 and STR3 of the adopted Local Plan 2016-2036 Part 1: Planning Strategy for the New Forest District outside the New Forest National Park, the NFDC Residential Design Guide SPG, Policies DM20 and DM21 of the Local Plan Part 2 of the adopted Local Plan Part 2: Sites and Development Management for the New Forest District Council outside of the New Forest National Park and Chapter 12 of the NPPF 2024.
3. The recreational and air quality impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Dorset Heathlands Special Protection Area and the Dorset Heaths Special Area of Conservation, would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures or potential air quality impacts on these sensitive European nature conservation sites, contrary to Policy ENV1 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside the National Park and the New Forest District Council Mitigation Strategy for European Sites Supplementary Planning Document.

Further Information:

Jessica Cooke

Telephone: 023 8028 5909



New Forest
DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

Mark Wyatt
Service Manager
Development Management
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

PLANNING COMMITTEE

January 2025

The Barn (opposite Lansdown House)
Midgham Road
Fordingbridge
24/10670

Scale **1:1000**

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

