

Application Number: 24/11008 Full Planning Permission
Site: THREEWAYS COTTAGE, ROCKBOURNE SP6 3NL
Development: Use of existing ancillary accommodation as an independent dwelling with associated car parking, highways works and ancillary infrastructure.
Applicant: Mr and Mrs Branagan
Agent: Pell-Stevens Architects
Target Date: 23/01/2025
Case Officer: Jessica Cooke
Officer Recommendation: Refuse
Reason for Referral to Committee: Parish Council contrary view.

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 including the Cranborne Chase National Landscape
- 3) Impact upon the Conservation Area and nearby Listed Buildings
- 4) Residential amenity
- 5) Matters relevant to highway safety, access and vehicular parking
- 6) Habitat mitigation and nutrient neutrality
- 7) Air quality
- 8) Ecology
- 9) Climate Change

2 SITE DESCRIPTION

The subject building is a stable block which is located on a separate piece of land which is within the ownership of Threeways Cottage and is located to the west of Threeways Cottage which is a Grade II Listed Building .

The site is located outside of any defined settlement boundary and within the countryside, in a sensitive location designated as the Cranborne Chase National Landscape and within the Rockbourne Conservation Area.

The building is a semi-dilapidated single skin timber stable, which has 5 bays and a detached store to the north, a single fence panel adjoins these two buildings. The stable building is 17m in length, 3.6m in width and 3.17m in height. The store is 4.87m in length, 3.6m in width and 3.3m in height.

The site is accessed via a private track from Rockbourne Road, which is the main road running through Rockbourne. The private track serves Cruck Cottage which is a Grade II Listed Building sited to the north east of the site and Primrose Cottage which is a Grade II Listed Building sited to the north of the site.

3 PROPOSED DEVELOPMENT

The proposal seeks planning permission to change the use of the existing stable building to a detached dwellinghouse with a detached store/utility room. A large area of residential curtilage is proposed around the building equating to 2233 sq.m.

The proposed dwelling would be a 2no. bedroom dwelling, one of which has an en-suite bathroom, and a kitchen/dining/living room. The detached store/utility would also be shared with cycle and bin storage.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
23/10365 Use of stables as annexe (Lawful development certificate that permission is not required for proposal)	03/08/2023	Was Lawful	Decided
22/10396 Use of stables as annexe (Lawful development certificate that permission is not required for proposal)	17/06/2022	Was Not Lawful	Decided

5 PLANNING POLICY AND GUIDANCE

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

Local Plan 2016-2036 Part 1: Planning Strategy

Policy HOU1: Housing type, size, tenure and choice

Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites

Policy ENV3: Design quality and local distinctiveness

Policy ENV4: Landscape character and quality

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 - Air Quality in New Development.

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 Framework 2024

NPPF Ch.12 - Achieving well-designed places

NPPF Ch.15 - Conserving and enhancing the natural environment

NPPF Ch.16 - Conserving and enhancing the historic environment

NPPG

6 PARISH / TOWN COUNCIL COMMENTS

Rockbourne Parish Council

PAR 3: We recommend PERMISSION, for the reasons listed:

- The building would remain the same height.
- The proposal is very different to others which are right alongside a Public Right of Way.
- It was noted that there was no problem with flooding or environmental issues.
- The building cannot be seen from the road and is not on the Public Footpath that runs behind the proposers property.
- The track is already used and there is some traffic data in the report together with a recommendation to change access. Previously, horseboxes etc. have used the track.
- In terms of the building process, they can access this from the rear of the property too.
- Previous objections to plans including flooding, footpath access, road traffic, conversion to holiday lets, proposals not looking right for the village, such as solar panels being visible from the road etc. do not apply here.

7 COUNCILLOR COMMENTS

No comments received.

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Cranborne Chase National Landscape

Objection - Seems to be some confusion as to whether the stables are existing ancillary accommodation or remain as stables and store. There is a perceived need in the National Landscape for affordable housing. No detailed site plan showing car parking and ancillary infrastructure or landscape plan. It is unclear what landscape works are proposed. Not possible to assess relevant information e.g. drainage, materials, type of dwelling, Biodiversity Net Gain.

The layout indicates the dwelling would not provide much living space and therefore the likely use is not for affordable housing but for holiday accommodation. There is no indication of what the field to the west is used for and whether there would be a need for replacement stables in the future, resulting in further development outside the settlement boundary, encroaching into the countryside and potential impacts on the settlement from the Public Right of Way (PRoW). No external lighting should be installed in this International Dark Sky Reserve unless it complies with IDSR criteria and is explicitly approved by the LPA.

Despite the large number of drawings submitted, the crucial ones have not been provided. The lack of information means it is not possible to comment on whether the proposal would contribute to address the shortage of affordable housing stock, submitted application is definitely not good enough to approve.

NFDC Conservation Officer

Objection - As a result of the incongruous form, character and orientation of the dwelling proposed and its associated urbanising elements, the proposal will result in

less than substantial harm to the character and appearance of the Rockbourne Conservation Area and cause some less than substantial harm to the setting and significance of the Grade II Listed Building Primrose Cottage.

Paragraphs 212 and 213 of the NPPF state that in determining applications great weight should be given to conserving the significance of the identified assets and any harm should require clear and convincing justification. Whilst the harm is less than substantial it is not clear what public benefits are secured by the application, and on the basis of the level harm, as per paragraph 215 of the NPPF the application should be refused.

HCC Rights of Way

Comment only - No comments specific to the application.

HCC Highways

Comment only - Initial request for further information, upon review the Highway Authority felt the highway works were unnecessary and would not raise an objection on the basis that the existing access remained in its existing form.

Ecologist

No objection subject to condition(s)

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

- Objection in strongest terms from Cruck Cottage. Realistic increase in traffic with noise and pollution is unimaginable.
- Concern with loss of privacy to Cruck Cottage, concern the building will be used as a B&B and will impact on privacy and mental health.
- Concern with machinery required to access the site, the track is designed for light access at best and it cannot be widened to accommodate heavy machinery.
- Concern with additional traffic entering the highway on the blind bend.
- Rockbourne is a beautiful conservation area, the proposed dwelling would be out of character, do not understand any reason for the siting of a commercial dwelling here as it will not fit with the landscape.
- Frustrating with approach taken by the applicant.
- Previous application submitted to change the stable block to an annexe. The stable block was not changed to an annexe and no building work has been carried out to suggest it is an annexe or habitable.
- Concern that the description of development differed between a letter sent to the neighbour from the agent and the Council's description on the application.
- Concern with loss of privacy to the rear windows of Primrose Cottage.
- Concern with highway safety - the dirt track is owned by Cruck Cottage, in order to leave Primrose Cottage by car, must reverse out of a confined space and use a tight turning circle exactly where the proposed highways works are.
- Concern with impacts on Conservation Area and AONB.
- Concern with impacts on ecology - rare breed of bats roosting in the stables. These nests have been seen in the agricultural meadow and are protected by the Wildlife and Countryside Act 1981.
- Proposed building is not in keeping with the landscape and surrounding area of thatched brick and cob cottages. Ample number of holiday lets already in Rockbourne and surrounding parishes.
- Concern the bat survey was carried out by the owners or Threeways rather than an independent ecologist.

- Current building does not have any glazing/windows, the proposal would therefore create light pollution and reflect directly into Primrose Cottage.
- Concern with lack of information submitted in respect of materials, sustainability information and details on treatment works, type of lighting, power cables etc.
- No details on proposed plans for the rest of the land within the boundary, concern with privacy and harm to the character of the Conservation Area as a result.
- Concern with potential tree works.

For: 0

Against: 2

10 PLANNING ASSESSMENT

Background

An application (ref. 22/10396) was made in April 2022 for a Lawful Development Certificate (proposed) for the use of the stables as an annexe. The Council was not satisfied on the balance of probabilities that the proposed use would occur within the established curtilage of Threeways Cottage and would amount to a development for which planning permission was required. The application was therefore refused.

A further application was made (ref. 23/10365) for a Lawful Development Certificate (LDC) (proposed) for the use of the stables as an annexe to Threeways Cottage. Whilst this LDC was issued, the decision notice makes it very clear that the change of use as granted by the Lawful Development Certificate, does not cover any building or engineering works which might need to be carried out in conjunction with the change of use to the extent that such works would materially affect the external appearance of the Stables and thus constitute development. This information was added as an informative to the Certificate and sets out that any such works would require express planning permission:

'N.B. In particular this certificate does not cover any building or engineering works which might need to be carried out in conjunction with the change of use to the extent that such works would materially affect the external appearance of the Stables and thus constitute development. (Threeways Cottage is a listed building. As such, if the Stables is in the curtilage of Threeways Cottage, by virtue of paragraph E.1(g), the permitted development right provided for by Schedule 2 Class E(a) allowing the "maintenance, improvement or other alteration" of a building in a residential curtilage does not apply. If the stables is not within the curtilage of Threeways Cottage then the permitted development right in Class E(a) does not apply because it only applies to a building in the curtilage of a dwellinghouse. Either way, an application for express planning permission will be required for any building or engineering works which would materially affect the external appearance of the Stables and thus be development.)'

Schedule 2, Part 1, Class E of the Town & Country Planning (General Permitted Development) (England) Order 2015 gives permitted development rights to erect, maintain, improve or alter buildings incidental to the enjoyment of a dwellinghouse within the curtilage of a house. These rights do not however include buildings that are sited within the curtilage of a listed building (Class E (g)).

As Threeways Cottage is a listed building, if the Stables are accepted as being within the curtilage of Threeways Cottage, by virtue of paragraph E.1(g), the permitted development right provided for by Schedule 2 Part 1, Class E(a) allowing the "maintenance, improvement or other alteration" of a building in a residential curtilage does not apply.

If the stables are not within the curtilage of Threeways Cottage then the permitted development right in Class E(a) cannot be applied because it only applies to a building in the curtilage of a dwellinghouse. In both cases, an application for express planning permission is required for *any* building or engineering works which would materially affect the external appearance of the Stables and thus be development.

The description of the development on this current application for the use of the stable building as an independent dwelling, refers to the stable building as 'existing ancillary accommodation'. Further statements made in the Planning Statement refer to the stable building being in 'an existing residential use'. However, it is important to note, that the stable building has not yet been converted and it is not currently in use as a residential annexe, nor is it capable of being used as such without the required express planning permission as set out above. Furthermore, following a site visit to the building in December 2024, the building is not fully enclosed, is predominantly open to the frontage and is currently in use for storage purposes.

Principle of Development

The site lies outside any established settlement boundary and is within a sensitive area of countryside designated as the Cranborne Chase National Landscape. Policies STR1, STR3 and STR4 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.

National Landscapes are designated for conservation due to their significant landscape value and are of national importance. The statutory purpose of National Landscapes is to conserve and enhance the natural beauty of the area of outstanding natural beauty.

Guidance in relation to development within a National Landscape is contained within Chapter 15 of the NPPF, the advice of which is broadly echoed within Policy STR2 of the Local Plan Part 1 which attaches great importance to the Cranborne Chase National Landscape. NPPF Para 189 states great weight should be given to conserving and enhancing the landscape and scenic beauty in National Landscapes, which have the highest status of protection relating to the natural environment.. It goes on to state that the scale and extent of development within National Landscapes should be limited, with development sensitively located and designed to avoid or minimise adverse impacts. Further government guidance for developments in National Landscapes was issued in December 2024 which requires relevant authorities to take appropriate, reasonable, and proportionate steps to explore measures which further the statutory purposes of Protected Landscapes. In determining applications it should be considered if the proposed development is appropriate and proportionate to its function and its implications for the area; and whether the proposals contribute to the conservation and enhancement of the Protected Landscape in terms of wildlife, ecological value and quality, geological and physiographical features, water environment, cultural heritage, dark skies, tranquillity, opportunities for access to nature, and landscape character for which the area was designated.

Local Plan Part 2 Policy DM20 states that residential development in the countryside will only be permitted where it is for a limited extension to an existing dwelling, 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 and in keeping with the rural character of the area.

In assessing the proposal against Policy DM20, the proposal is not an extension to an existing dwelling, nor a replacement dwelling, nor is it for an agricultural worker or for affordable housing. On this basis, the proposed 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 considered to be in accordance with policy DM20 if it is a replacement dwelling, or for affordable housing or an agricultural worker. The current proposal is not for any of these purposes..

The submitted Planning Statement refers to NPPF Paragraphs 84 as a justification for the proposal. 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.*

The site is located to the rear of the meandering rows of dwellings sited on Rockbourne Road, which is the main road forming the village. A number of dwellings in Rockbourne are sited to the rear of the dwellings which front Rockbourne Road, including Primrose Cottage which is located to the rear of Cruck Cottage and is 26m from the stable building which is the subject of this application. Given the location of the site and its close proximity to a number of existing dwellings, it is not considered that the site qualifies to be considered against paragraph 84 as the proposed dwelling would not be in an "isolated" location. 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 building would not re-use a redundant or disused building as it is currently in use by Threeways Cottage.
- d) the building would not result in the subdivision of 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 in a designated National Landscape and it would not comply with Development Plan which is set out further in the sections below.

Furthermore, although each case must be considered on its own merits, it is relevant to note that a recent application (23/10726) for a similar application at Marsh Farm Cottage, Rockbourne was refused by the Council and dismissed at appeal. This application sought to convert a detached outbuilding which is located outside of the curtilage of Marsh Farm Cottage (Grade II Listed Building) and is also within the Cranborne Chase National Landscape, into residential accommodation for the family groom, however, this was considered to constitute an independent dwelling. The Appeal Inspector in this case found that *'the introduction of a dwelling in such a location would harmfully erode the landscape and scenic beauty of the NL. Even though constructed of traditional materials, the conversion of the building and domestic use of the land around it would result in a harmful spread and duplication of residential development and uses well beyond the small, discrete cluster of dwellings that is found at the end of the track. Despite the modest size of the dwelling, it would result in an additional home in the area, thereby unacceptably eroding the landscape and scenic beauty of the NL, contrary to the high level of protection afforded to these protected landscapes by the Framework.'*

The Inspector further stated the presence of a separate household, even a small one, would also result in a duplication of and a spread of residential uses and paraphernalia, resulting in creep into the countryside, which would erode the tranquil rural nature of the area to the detriment of the dominance of the qualities of the National Landscape. It is clear from this appeal decision, that the introduction of a new dwelling within this highly sensitive location, with significant domestic encroachment into the National Landscape, is unacceptably harmful.

On the basis of the above, there is an objection in principle to the proposal, which would be contrary to Policies STR1, STR2, STR3 and STR4 of the Local Plan Part One, Policy DM20 of the Local Plan Part Two and Chapter 15 of the NPPF.

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, heritage assets and National Landscapes. 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 given 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.

Conservation Area impact and Listed Buildings

S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the LPA 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.

S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the LPA to have special regard to the desirability of preserving and enhancing the character and appearance of the Conservation Area.

NPPF Chapter 16 relates to conserving and enhancing the historic environment. Para 207 sets out that in determining applications, LPAs should take account of the desirability of sustaining and enhancing the significance of the heritage asset. Paragraph 212 states that when considering the impact of a proposed development on the asset's conservation, this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Para 215 states that where a proposal will lead to less than substantial harm to the heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Local Plan Part 2 Policy DM1 states that development proposals should conserve and seek to enhance the historic environment and heritage assets, with particular regard to local character, setting, management and the historic significance and context of heritage assets. This includes a balancing exercise between impact on Heritage Assets against public benefits which is also referred to in the National Planning Policy Framework (NPPF) 2024.

The Council's Conservation Officer raised an objection to the proposal. The Conservation Officer considers the change of use would result in material changes to the appearance of the site that would fail to preserve the character of the Conservation Area. The consultation goes on to state that the existing building is viewed as a lightweight timber ancillary structure when seen from public vantage points, the alterations associated with the conversion to a dwellinghouse, including the insertion of glazing and accretion of residential paraphernalia, would change its character, resulting in a development that is incongruous in its setting and would be harmful to the character and appearance of the Rockbourne Conservation Area. He further states the proposed development would be strikingly at odds with the historic character of development, with the building appearing particularly prominent on the periphery of the Conservation Area and harming the historic landscape character of the village when viewed from the public footpath and from the valley slopes to the west.

In respect of the impacts of the proposal upon the setting of the nearby Listed Buildings, the Conservation Officer states that the proposal would result in an incongruous form of development in the setting of the Listed Building Primrose Cottage (to the northwest of the site), that would distract from the architectural interest of the listed building, particularly when viewed from the public footpath. It is considered that this harm is 'less than substantial', having regard to the definitions of harm to heritage assets as set out in the NPPF. There would be limited impacts on the setting of Threeways Cottage and Twyneham Cottage which is not considered to be harmful, but concerns are expressed that the proposed highway works would adversely impact the setting and significance of Cruck Cottage, although it is acknowledged that it was not possible to assess these impacts due to lack of submitted details.

In accordance with NPPF Paragraph 215, where a proposal will lead to less than substantial harm to the heritage asset, this harm should be weighed against the public benefits of the proposal. Whilst the proposal would result in one new dwelling within the District, this would be a very small-scale contribution, and the dwelling would be of a poor standard of accommodation (which is set out in the section below), it would not therefore contribute positively to the Council's housing stock. The construction associated with the conversion of the building would provide a limited contribution to the local economy and there are not considered to be any public benefits to the proposal that would outweigh the harm identified.

The proposal falls within the Historic Core of Rockbourne and is within the archaeology flag map identifies as an area of high importance. If there was to be ground breaking and the proposal was otherwise acceptable, a watching brief could have been required by planning condition.

With regard to the above, it is concluded that the proposed dwelling would fail to preserve the character of the Rockbourne Conservation Area and would be harmful to the setting and significance of the Grade II Listed Building Primrose Cottage, where no public benefits are identified that would significantly and demonstrably outweigh the harm to the heritage assets. As such, the proposal would fail to accord with Policy DM1 of the Local Plan Part Two and Chapter 16 of the NPPF.

Design, site layout and impact on the rural character and appearance of area including the Cranborne Chase National Landscape

The application seeks planning permission to convert the existing stable building into a 2no. bedroom dwelling with an associated gravel driveway (existing), with a proposed residential curtilage of 2233 sq.m.

Chapter 12 of the NPPF 2024 seeks to achieve well-designed places. Paragraph 131 of the Framework states 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 states 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

Rockbourne is a linear village located along the Sweatfords Water within the Cranborne Chase National Landscape. Rockbourne Road is located in the open countryside and has a strong rural character. The plots within the village suggest a planned layout, with the development predominantly being linear and running along the main road, although a number of cottages and farms are sited behind the main line of buildings, reached by footpaths or stony tracks off Rockbourne Road. The domestic plot and field boundaries have remained relatively unchanged for centuries and suggest some level of medieval planning in the layout of the village. The pattern of development has a distinct character, with some dwellings built on the edges of the road, others at right angles or set back by a few metres, however, in all cases, the dwellings face into the valley with their primary frontages facing either towards the main street or to the tracks and paths.

The site is set back from Rockbourne Road and is sited to the rear (west) of Twyneham Cottage and Threeways Cottage. It is sited to the south of Primrose Cottage and to the south west of Cruck Cottage, which collectively form a distinct patterns of development characteristic with the historic expansion of the rural village.

Whilst the application building is existing, its functional and physical use relates to an equestrian use. Whilst it is currently used for storage, the submitted plans label the existing use of the building as stables and it is still capable of being used as such. Its appearance is of a lightweight stable building, constructed of single skin timber panelling set onto a base of blocks, there do not appear to be foundations and the floor comprises a concrete slab. Officers question the structural integrity of the building as it does not appear to be capable of conversion without major rebuilding and no independent structural information has been submitted to demonstrate this.

The introduction of a residential use within the countryside, would result in an intrusive and unacceptable form of development in the National Landscape and countryside, and would result in the creep of residential built form and residential paraphernalia to the south and west of the site, which has a more open character distinctive from the residential clusters of properties and their defined domestic curtilages. Even though the use of the existing stable building is currently for residential storage, its use does not domesticate this part of the landscape.

Given this context, there is not considered to be a compelling justification for the proposed conversion of the building to a dwelling. Furthermore, it would be contrary to Council policy as it would not meet any of the exceptions test which form part of Policy DM20 of Local Plan Part 2

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 from the Public Right of Way. The building lies in close proximity to the Public Right of Way, which runs through the site and the building is exposed by reason of the open character of its landscape setting and lack of vegetation and trees to provide screening.

The proposed external alterations are relatively limited, though the proposal would result in the introduction of a significant amount of poorly proportioned glazing into the existing openings. Whilst the existing stable doors are proposed to be retained as external shutters, the likelihood is that these shutters would remain open the majority of the time to allow light into the rooms. This would change the rural character of the building and plan 03-14 shows the building would not appear as a converted stable building when these shutters are open. It would have a suburban appearance and the introduction of this amount of glazing which changes the character appears discordant with the rural character of the building. It would result in a building that would not have the appearance of a traditional rural stable conversion, exemplified by the number of large glazed doors and windows, particularly on the south western elevation, which is highly visible from within the National Landscape.

As a whole, the proposed external alterations to the building are considered to be unsympathetic to the rural character and landscape setting of the area. As such, the proposed dwelling would have an inappropriate appearance and an imposing impact upon the National Landscape.

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 2233m² and the buildings occupy 78.7m² of the site, resulting in an inappropriate and disproportionately large domestic residential curtilage of 2154m².

There would also be domestic parking arising from the proposed conversion and by reason of the site layout, the area to the north of the proposed dwelling would be likely to be used for vehicles, as it is now. 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 and result in harmful impacts to the landscape character of the National Landscape and to the Rockbourne Conservation Area.

There would in addition 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 that additional landscaping would mitigate these harmful impacts and make this scheme acceptable.

The introduction of the proposed residential use in this sensitive location within the National Landscape 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 south of Primrose Cottage and to the west of Twyneham Cottage and Threeways Cottage and to the south west of Cruck Cottage, which form distinctive patterns of historic development.

Overall, it is concluded that the proposal would result in an incongruous development in a highly sensitive landscape setting, which would be harmful to the character and appearance of the countryside including to the designated National Landscape, by reason of the introduction of a new dwelling with its associated residential paraphernalia and the extent of the associated domestic garden/curtilage and its resultant domestication and encroachment into the countryside and National Landscape. The proposal would erode the rural character of this location and would harm the character of the countryside and the Cranborne Chase National Landscape.

For the reasons set out above, the proposal is considered to be contrary to the provisions of the Development Plan and the NPPF. In particular, the proposal would fail to accord with the requirements of Policies ENV3, ENV4, STR1, STR2, STR3 AND STR4 of the New Forest District Council Local Plan Planning Strategy (2020) which 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 Chapters 12 and 15 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.

A number of concerns were raised by the closest neighbouring properties relating to impacts upon residential amenities in respect of overlooking, loss of privacy and visual intrusion from the proposed new dwelling. Primrose Cottage is sited 32m to the north of the built form of the proposed dwelling and Cruck Cottage is sited 57m to the north east, these are sufficient separation distances so as not to result in adverse impacts upon the residential amenities of these neighbours.

However, the proposed development would result in a substandard dwelling with reference to the Technical Housing Standards - nationally described space standard 2015 Document. This sets out the internal space standards for new dwellings and provides the requirements for defined levels of occupancy and floor areas for key areas of the dwellings, including bedrooms and storage. The current proposal is for a 2no. bedroom single-storey dwelling with bed spaces for 4no. persons. The proposal does not meet the overall spatial standards for a 1-storey, 2 bedroom, 4 person dwelling which requires 70 sq.m and falls far short of this at 53 sq.m.

As such, the proposal provides a poor level of accommodation that would be detrimental to the amenities of the future occupiers and would not therefore comply with Policy ENV3 of the Local Plan Part One or Chapter 12 of the NPPF.

Highway safety, access and parking

The site is accessed via a private road abutting Rockbourne Road, which is the main road running through Rockbourne. The private road serves Cruck Cottage and Primrose Cottage, as well as the land parcel where the stables are sited.

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 2no. bedroom new dwelling and NFDC Parking Standards require 2no. on plot parking spaces for a dwelling of this size. No parking spaces are shown on the site layout plan, however there is sufficient space within the plot for the parking of 2no. vehicles to the front of the stables, though it is not clear whether sufficient turning space is also available on the plot (in accordance with HCC Standing Advice) in addition to the parking spaces, to enable vehicles to leave the site in a forward facing gear.

In terms of cycle storage, 3no. cycle parking spaces are proposed in the utility/store room. As such, the proposal complies with NFDC Parking Standards SPD in respect of cycle parking.

One additional 2no. bedroom dwelling would not create significant traffic generation that would result in adverse impacts 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 an unsustainable location with limited public amenities and very limited and infrequent 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

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 Application Form states that the proposal is exempt from BNG as no development is proposed as part of this application. 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 application. A bat survey was undertaken which confirmed the stables are a day roost for common pipistrelle. Notwithstanding the objections made by third parties, the ecologist has advised they are satisfied with the findings and recommendations in relation to bats.

The Council is required to consider the likelihood of a licence being granted by Natural England in respect of the demolition a building whereby there is evidence of bats. The three derogation tests are:

- The activity to be licensed must be for imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment or for public health and safety;
- There must be no satisfactory alternative; and
- Favourable conservation status of the species must be maintained.

In relation to the first derogation point, there are not considered to be any overriding benefits to the proposal that would justify the development, as the proposal would provide a substandard level of accommodation with detrimental impacts upon the residential amenities of the future occupiers and would result in a significant encroachment into the countryside and Cranborne Chase National Landscape. In relation to the second test, there could be alternative solutions for the use of the building so that the roost could be retained and it is not therefore considered that there is no satisfactory alternative for the use of the building in which the roost could be retained. Overall, the proposal is harmful and the small scale social and economic benefit of the conversion of the building would not outweigh the harm and therefore the overriding benefits to the proposal do not exist in this instance. The proposal needs to pass all three derogation tests and it fails on the first test.

In respect of the third test, Natural England will be required to issue a licence and the Council's Ecologist was satisfied that the favourable conservation status of the bat species will be maintained.

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. Whilst the Bat Survey Report suggests 2no. woodstone bird boxes will be installed on the surrounding mature trees, no ecological enhancement measures are included in the submitted plans. 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') and Policy ENV1 of the Local Plan Part One, 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. These will be:

- EV Charging points
- No combustion appliances
- Cycle parking

Phosphate neutrality and impact on River Avon SAC

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') and Policy ENV1 of the Local Plan Part One, 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 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.

Developer Contributions

If the proposal was otherwise acceptable, the following would need to be secured via a completed legal agreement:

- Habitat Mitigation contribution (infrastructure)
- Habitat Mitigation contribution (non-infrastructure)
- Air Quality Monitoring

As part of the development, subject to any relief being granted the following amount Community Infrastructure Levy would be payable if the proposal was otherwise acceptable:

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	68.7		68.7	68.7	£80/sqm	£8,265.14 *

Subtotal:	£8,265.14
Relief:	£0.00
Total Payable:	£8,265.14

**The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the RICS CIL Index (<https://www.rics.org/uk/products/data-products/rics-community-infrastructure-levy-index/>) and is:*

Net additional new build floor space (A) x CIL Rate (R) x Inflation Index (I)

11 CONCLUSION & PLANNING 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. In the absence of a completed legal agreement to secure the required mitigation, the presumption in favour of sustainable development does not apply in this instance, and a strong reason for refusal arises in accordance with Paragraph 11(d)(i).

Furthermore, the adverse impacts of the proposal upon the designated Heritage Assets and the Cranborne Chase National Landscape result in two further strong reasons for refusal in accordance with Paragraph 11(d)(i). As such the application can be refused without engaging the so called "tilted balance" in paragraph 11(d)(ii).

In considering the harm of the development, the proposed conversion of the existing stable building to create a residential dwelling with an extensive site area would constitute an inappropriate form of development in this sensitive countryside location designated as part of the Cranborne Chase National Landscape. The introduction of a proposed new dwelling in a location that is outside of the defined settlement boundary and within the open countryside and National Landscape, would be contrary to Policy STR2 of the Local Plan Part One and Policy DM20 of the Local Plan Part Two, as well as Chapter 15 of the NPPF. 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 and this sensitive landscape setting, by reason of the domestication of the building and a significant encroachment of residential curtilage into the countryside, within this sensitive rural setting.

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, including the unacceptable impacts upon the special qualities and scenic beauty of the National Landscape.

As such, the proposal would conflict with local plan policies relating to residential development, and it would be contrary to Policies STR1, STR2, STR3, STR4, ENV3, ENV4 of the Local Plan Part One, Policy DM20 of the Local Plan Part One, Chapter 12 and 15 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 to convert an existing stable building to a dwelling with an extensive residential curtilage, in this sensitive area of open countryside outside of a defined settlement boundary and designated as the Cranborne Chase National Landscape, 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 in addition would not contribute to the conservation or enhancement of the designated Cranbourne Chase National Landscape. As such, it would be contrary to Policies ENV3, STR1, STR2, STR3 and STR4 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 12 and 15 of the National Planning Policy Framework.

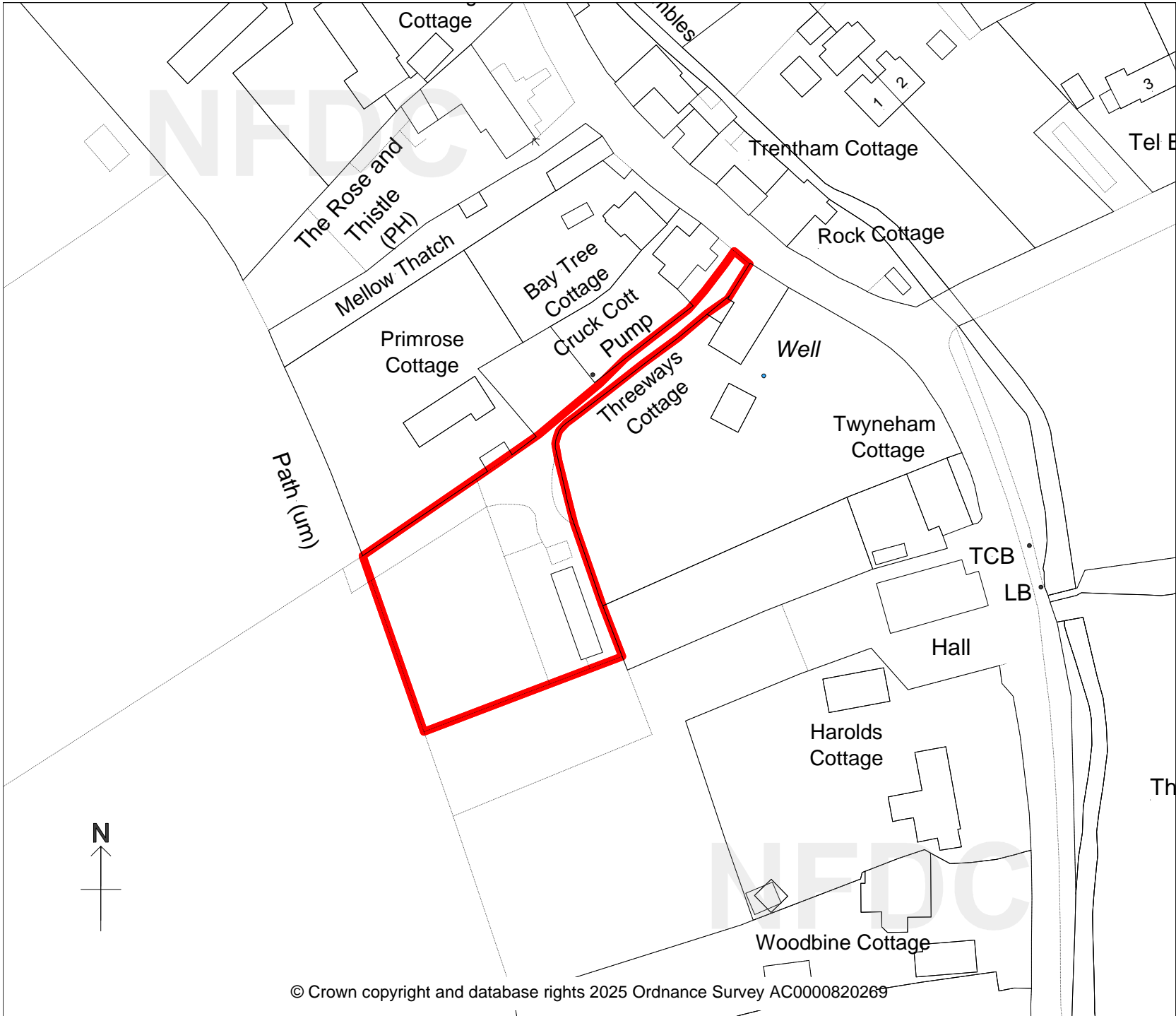
2. The proposed conversion of the existing building and its resulting residential paraphernalia would constitute an intrusive and discordant form of residential development in the countryside and Cranborne Chase National Landscape that would be harmful to the visual amenities of the countryside and its sensitive landscape character and setting by reason of the change to the rural character of the building through the introduction of significant amount of glazing to convert the building, of which the glazing addresses the landscape, resulting in unacceptable impacts in respect of light pollution upon the Dark Skies Reserve. Furthermore, the inappropriately large domestic residential curtilage would result in an unacceptable domestication of the countryside, which would erode the rural character of this countryside location and would harm the character and special qualities of the countryside and its landscape character and the scenic beauty of the National Landscape. These harmful impacts would be compounded by the proposed development's prominent position within the National Landscape and its visibility from the Public Right of Way. As such, the proposed development is considered to constitute a poor and contextually inappropriate development 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, Policy DM20 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 Chapters 12 and 15 of the NPPF 2024.
3. The proposed dwelling would provide a substandard level of accommodation as it fails to meet the Technical housing standards - nationally described space standards. As such the proposal would not provide a satisfactory level of amenity for future occupiers and so would result in a harmful form of development detrimental the residential amenity of future occupiers. For this reason it would be contrary to the amenity related provisions of Policy ENV3 of the Local Plan Part 1 Planning Strategy for the New Forest outside of the National Park, Chapter 12 of the National Planning Policy Framework and the Technical Housing Standards - nationally described space standards 2015.
4. The proposed changes to the existing stables to convert it to a dwelling would result in a building with an incongruous form, character and orientation with associated urbanising elements that would fail to preserve the character of the Rockbourne Conservation Area and the setting and significance of the Grade II Listed Building Primrose Cottage. This would lead to less than substantial harm to these heritage assets. with no public benefits identified that would significantly and demonstrably outweigh this harm. As such, the proposal would fail to accord with Policy DM1 of the Local Plan Part Two for the New Forest outside of the National Park and Chapter 16 Paragraph 215 of the NPPF.
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, 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:

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PLANNING COMMITTEE

March 2025

Threeways Cottage
Rockbourne

24/11008

Scale 1:1000

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