

**Application Number:** 25/10281 Full Planning Permission  
**Site:** HILL FARM, MILL END, DAMERHAM SP6 3HU  
**Development:** Use of existing holiday let as unrestricted dwelling  
**Applicant:** Mr Cobb  
**Agent:** JDPC Ltd  
**Target Date:** 03/06/2025  
**Case Officer:** Jessica Cooke  
**Officer Recommendation:** Grant Subject to Conditions  
**Reason for Referral to Committee:** Contrary to Policy DM20

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of development
- 2) Impact on the character and appearance of the Conservation Area
- 3) Impact on the residential amenities of the area
- 4) Highway matters including parking

## 2 SITE DESCRIPTION

The application site relates to a barn, part of which was previously converted to a holiday let (ref. 17/11632) and the remainder remains in agricultural use. The site lies outside of any defined settlement boundary and is therefore within the countryside. In addition, the site is within the Damerham Conservation Area.

## 3 PROPOSED DEVELOPMENT

The proposal seeks to use the existing holiday let as an unrestricted residential dwelling. There are no physical alterations proposed to the property or access provisions.

## 4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
17/11632 Use part of barn as 1 holiday let; associated works; parking	19/01/2018	Granted Subject to Conditions	Decided
16/11065 Use part of barn as 1 holiday let; associated works; parking	16/09/2016	Granted Subject to Conditions	Decided
16/10064 Use part of barn as 1 holiday let; associated works; parking	11/03/2016	Withdrawn by Applicant	Withdrawn

## 5 PLANNING POLICY AND GUIDANCE

**Local Plan 2016-2036 Part 1: Planning Strategy**  
Policy ENV3: Design quality and local distinctiveness

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

DM1: Heritage and Conservation

DM13: Tourism and visitor facilities

DM20: Residential development in the countryside

## **Supplementary Planning Guidance And Documents**

SPD - Parking Standards

## **National Planning Policy Framework**

NPPF 2024

## **NPPG**

## **Plan Policy Designations**

Countryside

## **6 PARISH / TOWN COUNCIL COMMENTS**

### **Damerham Parish Council**

The parish council are concerned regarding potential use in the future and would like to see the rest of the building remain for agricultural use. Therefore, the council voted all in favour of PAR 5.

## **7 COUNCILLOR COMMENTS**

No comments received.

## **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

### **Forestry England**

Comment only - no objection.

### **Ecologist**

Comment only - no objection.

### **HCC Countryside**

Comment only - no objection.

## **9 REPRESENTATIONS RECEIVED**

No representations received.

## **10 PLANNING ASSESSMENT**

### **Background**

The building was previously granted planning permission (ref.17/11632) for use as a holiday let, with condition 5 of the consent restricting the occupancy of the building by any one person for no more than one month in any calendar year. Permission is now being sought to allow the permanent occupation of the property, although this would also not preclude its continued use as a holiday let.

## Principle of Development

The site lies within the countryside where new residential development is not normally acceptable apart from where the proposals meet a number of limited exceptions specified under Policy DM20 of the Local Plan Part 2. Policy DM20 allows new residential development under the following instances only:

- a. A limited extension to an existing dwelling; or
- b. The replacement of an existing dwelling, except where it:
  - (i) is the result of a temporary permission(s); and/or
  - (ii) is an unauthorised use; and/or
  - (iii) it has been abandoned; or
- c. Affordable housing to meet a local need, in accordance with Core Strategy Policy CS22; or
- d. An agricultural worker's or forestry worker's dwelling in accordance with Policy DM21.

The proposal does not fall within any of these criteria and is therefore contrary to this policy. The current holiday let use was considered to be acceptable in the countryside when assessed against policy CS19 in 2017. It is noted that the permitted holiday let use falls under the same use class (C3) as the proposed dwelling just with a limit, by planning condition, on the extent of occupation. As such no further material change of use would occur as a result of this application.

Although the property is restricted in terms of how long individual occupants can stay, the use of the building as a holiday let is not seasonal and so it could be occupied (by different occupants) all year round, meaning there is little material difference in the planning merits of the proposal when compared with the potential occupation under the existing use. The current proposal would simply be allowing occupants to spend more than 4 weeks at any one time in the property. As such in the absence of any demonstrable harm a departure from the development plan is considered acceptable.

## Housing Land Supply, the NPPF and the approach to decision making: \_

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).

The NPPF (December 2024) in 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, granting permission unless:*
  - i) the application of policies in this Framework that protect areas or assets of particular importance 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.*

For reference, NPPF Footnote 8 clarifies what is “out of date” and sets out:

*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. See also NPPF paragraph 232.*

The Council cannot demonstrate a five-year supply of deliverable housing land. The latest published housing land supply figure is 2.39 years.

Paragraph 11 of the NPPF, including footnote 8, is clear that in such circumstances where a five-year supply of deliverable housing sites is not demonstrated, those policies which are most important for determining the application are to be considered out-of-date. This means that the presumption in favour of sustainable development in paragraph 11(d) is engaged.

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, for example habitat sites and heritage assets. Therefore, a judgement will need to be reached as to whether policies in the NPPF 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) will only apply if it is judged that there are no clear reasons for refusing the development having applied the test at Limb 1. In the absence of such clear reasons, the decision taker is required to consider 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'). The paragraph goes on to highlight the need for 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.

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 including the Damerham Conservation Area

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.

The proposal does not comprise any alterations to the external appearance of the building and the conversion of the former barn to a holiday let has already taken place. The principle of the design merits of the conversion of the building was accepted in previous permission and therefore it is not considered there would be any adverse impacts arising from the current proposal. The proposal would therefore enable the preservation of the property and its historic interest whilst preserving the character and appearance of the Conservation Area and would therefore comply with Policy DM1 of the Local Plan Part 2.

#### 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 proposed dwelling benefits from a sufficient level of amenity space which is fully separated from the adjoining farmland by fencing. The nearest neighbouring property is located approximately 70m to the northwest and is separated by parking yards and stable yards, with a sufficient separation distance so as not to result in adverse impacts in respect of noise and disturbance. It is not considered that the adjoining use would be harmful to the future amenity levels of the dwelling and the proposal would comply with Policy ENV3 of the Local Plan Part One.

#### Highway safety, access and parking

Policy CCC2 of the Local Plan Part One seeks to require development to provide safe and sustainable travel for pedestrians and vehicles.

There are no proposed changes to the access provisions for the property and the site contains adequate space for the parking and turning of vehicles.

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

#### Habitat Mitigation

Policy ENV1 of the Local Plan Part One requires recreational disturbance and habitat mitigation to be provided for new overnight accommodation.

As the property is an existing holiday let and could be occupied all year round, it is not considered that there would be a net increase in residential use which would generate a requirement for Habitat Mitigation and the requisite mitigation was previously secured under application 17/11632. As such, the proposal would comply with Policy ENV1 of the Local Plan Part One.

#### *Phosphate neutrality and impact on River Avon SAC*

As with the paragraph above, as the property could be occupied all year round, it is not considered that this proposal would result in any harmful increase in phosphate loading to the River Avon and mitigation is therefore not required.

## Ecology and on Site Biodiversity and protected species

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 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 and raised no objection to the proposal. As such, the proposal is considered to comply with Policy DM2 of the Local Plan Part Two.

## **11 OTHER MATTERS**

The Parish Council raised comment that they are concerned regarding the potential use of the building in the future and would like to see the rest of the building remain in agricultural use. This application only relates to the part of the building which is currently in use as a holiday let and any future application for the remainder of the barn would be considered on its merits should an application be submitted.

## **12 CONCLUSION / PLANNING BALANCE**

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

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

As set out earlier in this report Paragraph 11 of the NPPF 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 housing land supply however, means, that the presumption in favour of sustainable development - 'the tilted balance' - in NPPF paragraph 11(d)(ii) is engaged for this application.

For decision-taking this means: Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

*'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'.*

The proposal would preserve the character and appearance of the Conservation Area. Whilst the proposal does not strictly comply with Policy DM20, given the existing use of the building as a holiday let (which falls within the C3 use class) to a permanent dwelling would also be within Use Class C3 there has been no identified material harm found. As a result the proposal will provide a modest, single dwelling towards the Council's housing shortfall. There are no identified harms that outweigh the benefits and permission is therefore recommended.

## **13 RECOMMENDATION**

### **Grant Subject to Conditions**

#### **Proposed Conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development permitted shall be carried out in accordance with the following approved plans:

- Site Location Plan
- Floor Plans & Elevations
- Block Plan
- Planning & Heritage Statement

Reason: To ensure satisfactory provision of the development.

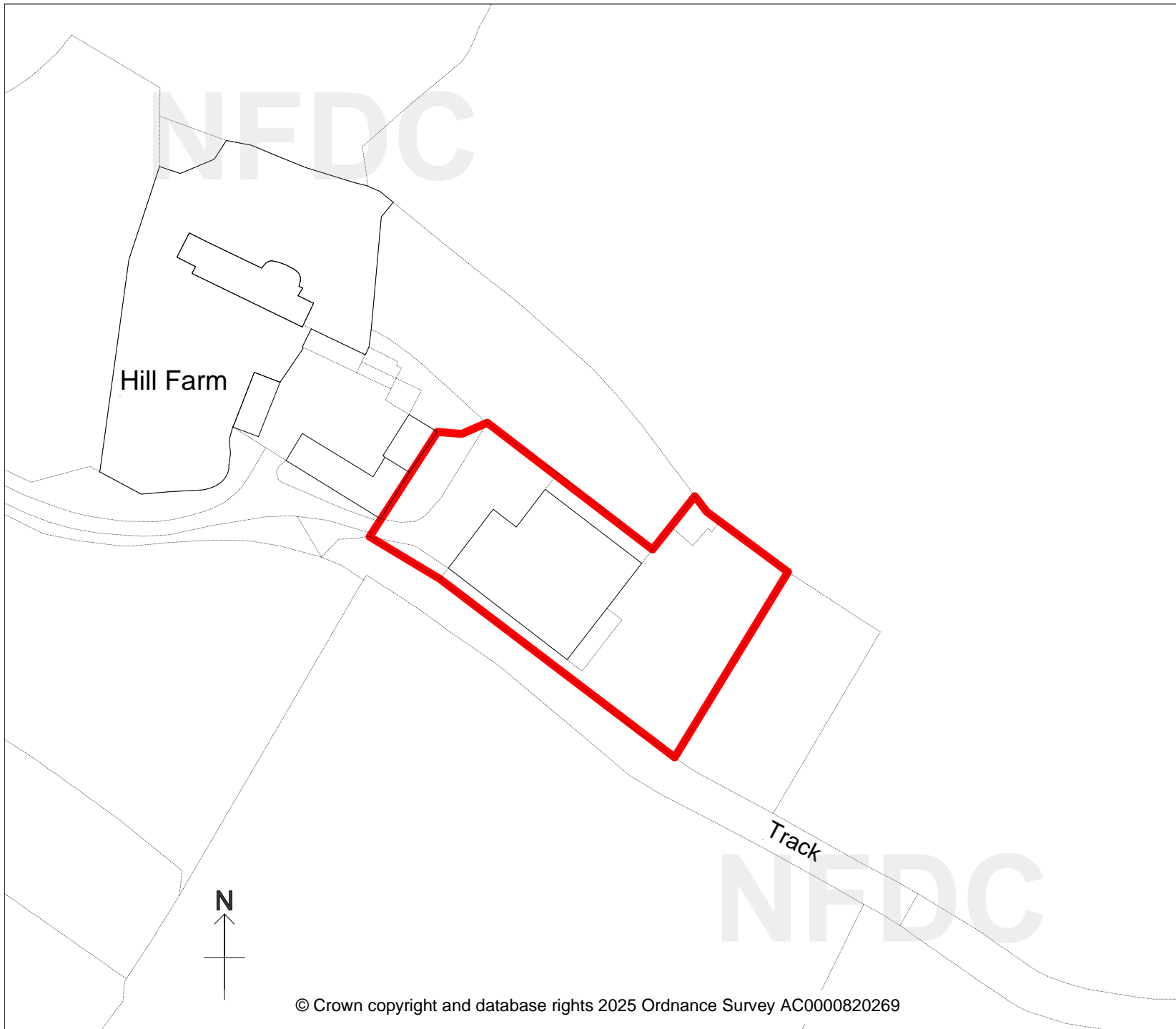
3. The parking spaces shown on the plan 'Site Plan' shall be retained and kept available for the dwelling hereby approved at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policies ENV3 and CCC2 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

#### **Further Information:**

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**New Forest**  
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## PLANNING COMMITTEE

July 2025

Hill Farm  
Mill End  
Damerham  
25/10281

Scale 1:1000

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