

Application Number: 16/10579 Full Planning Permission

Site: Land rear of the COMPASS INN, HIGH STREET, EAST END,
DAMERHAM SP6 3HQ

Development: Conversion of barn to dwelling; associated external alterations;
office/cartshed; use of stables as workshop

Applicant: Mr Burton

Target Date: 05/07/2016

Extension Date: 11/08/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Area of Outstanding Natural Beauty
Conservation Area
Countryside outside the New Forest

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

- 1. Special qualities, local distinctiveness and a high quality living environment
- 3. Housing
- 7. The countryside

Policies

Core Strategy

- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS7: Open spaces, sport and recreation
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

- DM1: Heritage and Conservation
- DM2: Nature conservation, biodiversity and geodiversity

DM3: Mitigation of impacts on European nature conservation sites
DM20: Residential development in the countryside
DM22: Employment development in the countryside

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Mitigation Strategy for European Sites
SPG - Residential Design Guide for Rural Areas
SPD – Housing Design Density and Character

6 RELEVANT PLANNING HISTORY

6.1 Conversion and use of agricultural barn as 1 live/work unit (11111)
Granted with conditions on the 14th November 2014

7 PARISH / TOWN COUNCIL COMMENTS

Damerham Parish Council: Support

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

9.1 Conservation Officer: No objection subject to conditions

10 REPRESENTATIONS RECEIVED

1 letter of support

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission and the dwellings built, the Council will receive £1152 in each of the following six years from the dwellings' completion, and as a result, a total of £6912 in government grant under the New Homes Bonus will be received.

From the 6 April 2015 New Forest District Council began charging the Community Infrastructure Levy (CIL) on new residential developments.

Based on the information provided at the time of this report this development has a CIL liability of £15294.41.

Tables setting out all contributions are at the end of this report.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council take a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome.

This is achieved by

- Strongly encouraging those proposing development to use the very thorough pre application advice service the Council provides.
- Working together with applicants/agents to ensure planning applications are registered as expeditiously as possible.
- Advising agents/applicants early on in the processing of an application (through the release of a Parish Briefing Note) as to the key issues relevant to the application.
- Updating applicants/agents of issues that arise in the processing of their applications through the availability of comments received on the web or by direct contact when relevant.
- Working together with applicants/agents to closely manage the planning application process to allow an opportunity to negotiate and accept amendments on applications (particularly those that best support the Core Strategy Objectives) when this can be done without compromising government performance requirements.
- Advising applicants/agents as soon as possible as to concerns that cannot be dealt with during the processing of an application allowing for a timely withdrawal and re-submission or decision based on the scheme as originally submitted if this is what the applicant/agent requires.
- When necessary discussing with applicants/agents proposed conditions especially those that would restrict the use of commercial properties or land when this can be done without compromising government performance requirements.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

14 ASSESSMENT

- 14.1.1 The site lies within an area of countryside which is also designated as Area of Outstanding Natural Beauty and forms part of the Damerham Conservation Area. The site previously contained two redundant former agricultural buildings, the timber barn building and the brick stable building.
- 14.1.2 Planning permission was approved to convert and make alterations to the timber barn building into a live work unit in 2014 under planning reference 11111. The approved works to the timber barn are nearing completion. The approved live work unit includes a workshop on the ground floor with the residential accommodation on the first floor.
- 14.1.3 This application entails three separate proposals. Firstly, it is proposed to use the whole of the barn as a single dwelling rather than a live work unit together with some minor modifications to the building with larger window openings on the rear elevation. The second part of the proposal is to create an additional building within the curtilage to be

used as an office and garage. The third part of the proposals is to convert the existing former stable building into a workshop to be used by the applicant.

- 14.1.4 The proposed use of the whole of the building as a dwelling, as opposed to a live work unit, would be acceptable. Indeed, the applicant has invested significantly in the restoration of this important former barn securing its long term retention. Given that the principle of a residential unit has already been established, there are no policy objections to the use of the ground floor as additional residential accommodation. The proposal is not to create an additional dwelling, but to effectively use the whole of the building as a single residential unit. The Conservation Officer does not raise any concerns in relation to the proposed external changes to the building.
- 14.1.5 The proposed outbuilding would be sited on the north boundary between the converted barn and stable building. The proposed building would be a simple single storey structure with a pitched roof, which would be in keeping with the size and scale of the existing outbuilding would be positioned to sit around the outside of the site creating a courtyard effect and replacing an unsympathetic boundary timber fence with a brick wall. The use of the existing outbuilding as a workshop is acceptable in principle.
- 14.1.6 Overall it is considered that the proposal would be acceptable and would not have any adverse impact on the character and appearance of the Conservation Area or the living conditions of the adjoining neighbouring properties.
- 14.1.7 On 19th May 2016 the Government issued planning guidance setting out the specific circumstances in which contributions for affordable housing and tariff style planning obligations (section 106 agreements) should not be sought from small scale and self-build development. This guidance has been reissued following the order of the Court of Appeal dated 13th May 2016 (*West Berkshire District Council and Another v The Secretary of State for Communities and Local Government*). The planning guidance specifies the circumstances in which contributions should not be sought as follows:
- "Contributions should not be sought from developments of 10 units or less and which have a maximum combined gross floorspace of no more than 1,000 sqm;
In designated rural areas, local planning authorities may choose to apply a lower threshold of 5 units or less;
- 14.1.8 Affordable housing and tariff style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing house", This national guidance is at odds with Policy CS15 of the Council's Core Strategy which requires many small scale housing developments including the current application proposal to make affordable housing provision
- 14.1.9 The presumption in favour of the development plan remains, in that the decision should be taken in accordance with the plan unless material considerations indicate otherwise. The new guidance is a material consideration which post-dates the adoption of the Local Plan. It is for the Council to decide which should prevail in the determination

of a planning application. However, the Secretary of State, through his Inspectors, can be anticipated to give greater weight to the Government's national guidance unless there are reasons to make an exception.

- 14.1.10 While the need for affordable housing in this District is pressing, this in itself is unlikely to be considered by the Secretary of State as sufficient reason for the Council to apply its own development plan policy rather than applying national policy. Therefore it is recommended that no affordable housing or tariff style contributions are sought from this development, in accordance with national Planning Practice Guidance, contrary to the provisions of Policy CS15 of the Core Strategy.
- 14.1.11 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.
- 14.1.12 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that there may be an interference with these rights and the rights of other third parties, such interference has to be balanced with the like rights of the applicant to develop the land in the way proposed. In this case it is considered that the protection of the rights and freedoms of the applicant outweigh any possible interference that may result to any third party.

CIL Summary Table

| Description of Class | GIA New | GIA Existing | GIA Net Increase | CIL Liability |
|----------------------|---------|--------------|------------------|---------------|
| Dwelling houses | 183.42 | | 182.42 | £15294.41 |

15. 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: jd/p/102j and jd/p/01.

Reason: To ensure satisfactory provision of the development.

3. Before development commences, the following details shall be submitted to, and approved in writing by the Local Planning Authority.

- a) Typical joinery details including window/doors, eaves, verge, bargeboards.
- b) Any other detail relevant to the case (required by PDI)
- c) Samples of all external materials (including coping bricks, ridge tiles and pad stones) to be used in the construction of the new outbuilding and the construction of the new boundary wall
- d) Joinery details at a scale of 1:10 for the window and office door on the outbuilding
- e) Eaves and verge details of the new outbuilding shall be provided at a scale of 1:10
- f) Profile of the mid rail on the main barn at a scale of 1:10
- g) Details of new vent pipes and extractor flues on the main barn and their locations marked on an
- h) elevation plan of the building shall be provided
- a) Joinery details for the amended windows on the

Development shall only take place in accordance with those details which have been approved.

Reason: To ensure that the development takes place in an appropriate way in this sensitive location lying within the countryside, Conservation Area and Area of Outstanding Natural Beauty to comply with Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park.

4. No development shall be carried out until proposals for the mitigation of the impact of the development on the New Forest and Solent Coast European Nature Conservation Sites have been submitted to and approved in writing by the local planning authority, and the local planning authority has confirmed in writing that the provision of the proposed mitigation has been secured. Such proposals must:

- (a) Provide for mitigation in accordance with the New Forest District Council Mitigation Strategy for European Sites SPD, adopted in June 2014 (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;

- (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing maintenance and monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for permanent public access thereto.
- (c) The development shall be carried out in accordance with and subject to the approved proposals.

Reason: The impacts of the proposed development must be mitigated before any development is carried out in order to ensure that there will be no adverse impacts on the New Forest and Solent Coast Nature Conservation Sites in accordance with Policy DM3 of the Local Plan Part 2 and the New Forest District Council Mitigation Strategy for European Sites Supplementary Planning Document.

- 5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: In view of the sites location, the Local Planning Authority would wish to ensure that any future development proposals do not adversely affect the Conservation Area in accordance with Policies CS2 and CS3 of the Core Strategy for the New Forest District outside the National Park and policy DM1 of Local Plan Part 2 Sites and Development Management Document.

- 6. The landscaping scheme (hard and soft) shall be implemented in accordance with the submitted Drawing No jd/p/102e and JD/P/102J by the end of the first planting and seeding seasons following the completion of development. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the achievement and long term retention of an appropriate quality of development and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

Notes for inclusion on certificate:

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, New Forest District Council takes a positive and proactive approach, seeking solutions to any problems arising in the handling of development proposals so as to achieve, whenever possible, a positive outcome by giving clear advice to applicants.

In this case all the above apply and as the application was acceptable as submitted no specific further actions were required.

2. In discharging condition No 4 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>

Further Information:

Major Team

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New Forest
DISTRICT COUNCIL

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**Planning Development
Control Committee
August 2016**

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scale.

