

Application Number: 16/11063 Full Planning Permission

Site: Land of HARTS FARM HOUSE, 327 EVERTON ROAD,
EVERTON, HORDLE SO41 0JX

Development: House; detached garage; pergola; parking; landscaping

Applicant: Mr & Mrs Bottomley

Target Date: 29/09/2016

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy CS15 (Affordable housing contributions from developments)

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Built up area

Listed building

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

- 1. Special qualities, local distinctiveness and a high quality living environment
- 3. Housing
- 6. Towns, villages and built environment quality

Policies

Core Strategy 2009

CS1: Sustainable development principles

CS2: Design quality

CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

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 DPD) 2014

DM1: Heritage and Conservation

DM3: Mitigation of impacts on European nature conservation sites

Other policy documents

SPD - Housing Design, Density and Character
SPD - Hordle Village Design Statement
SPD - Mitigation Strategy for European Sites
SPD - Parking Standards

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 - Hordle Village Design Statement
SPD - Parking Standards
SPD - Mitigation Strategy for European Sites

6 RELEVANT PLANNING HISTORY

- 6.1 Two dwellings and garages (LYB 14844) Granted with conditions on the 13th Sept 1973
- 6.2 Erection of 2 dwellings and garages - extension of time of permission 11200 (25141) Granted with conditions on the 9th November 1983
- 6.3 2 dwellings - extension of time limit on permission 25141 (40236) Granted with conditions on the 21st March 1994
- 6.4 2 dwellings - extension of time on permission 40236 (53809) Granted with conditions on the 21st March 1994
- 6.5 2 dwellings extension of time on permission 53809 (65991) Granted with conditions on the 10th May 1999

7 PARISH / TOWN COUNCIL COMMENTS

Hordle Parish Council: Recommend permission but would accept a delegated decision

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

- 9.1 Tree Officer: no objection subject to condition
- 9.2 Conservation Officer: recommends refusal
- 9.3 Hampshire County Council Highway Engineer: no objection

10 REPRESENTATIONS RECEIVED

None

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 £0.00.

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.

The applicants have sought pre application advice, in response. Officers raised concerns over the impact of the proposed development on the setting of the listed building. Because of the very sensitive nature of the site, Officers felt that there is only limited scope for development with the potential for a low key single storey building that respects the character and context of the Listed Building.

However, careful consideration would need to be given to its scale, size and siting together with appearance which should appear as a former farm building. Any building should also maintain its relationship with the rest of the site and the land including access driveway should not be severed or subdivided. The current application has made some slight improvements by reducing the scale of the building and removing the chimney, however, this has not gone far enough to address the concerns.

14 ASSESSMENT

- 14.1 This planning application is for a detached dwelling, pergola and garage on land that lies within the grounds of a Grade 2 Listed Building known as Harts Farm House. The site is slightly unusual in shape occupying the corner of Everton Road and Fry's Lane with part of the garden extending to the rear of Nos.17 and 19 Frys Lane. The site is well landscaped with pockets of grassed areas and attractive trees along the frontage to Everton Road and along the north and part of the southern boundary. The site is surrounded by modern residential development comprised of detached two storey dwellings, bungalows and chalet style bungalows.
- 14.2 Harts Farm House is a two storey traditional farm house set back from Everton Road with its ridge line running parallel to the road. The farm house is attached to a run of single storey outbuildings along the eastern boundary which at some time were used in association with the farm. A further single storey building runs at a right angle to the dwelling, but this building forms part of the curtilage to Nos 17 and 19 Frys Lane.
- 14.3 The application proposes to sever the land so the south east of the farmhouse and to construct a two storey dwelling, a pergola and garage, together with access, parking and landscaping. The existing access into the site would be utilised and widened with a new internal gravel access road being constructed along the southern boundary of the site to serve the proposed dwelling. Visually the proposed dwelling would be a timber structure with pitched roof, side gables and dormer windows. The design approach is to create a 'barn like' appearance. The proposed detached garage would be a brick structure under a sedum roof.
- 14.4 In terms of the planning history of the site, the farmhouse has been extended in the past, and planning consent has been granted for two detached dwellings within the north part of the garden area of the farmhouse dating back to 1999. There is no evidence that the permission was implemented and none of the pre commencement planning conditions were discharged. In the absence of a Lawful Development Certificate it is considered that there is no extant planning permission for two dwellings on this site.
- 14.5 The main issues in this case are the effect on the setting of the Listed Building and the character and appearance of the area, the effect on the living conditions of the adjoining neighbouring properties and public highway safety matters. For the purpose of policy, the site lies within the built up area but not within a Conservation Area.

- 14.6 The applicants design approach is to create a contemporary building but still retaining the simple traditional form, replicating that of a barn type structure to follow the history of the site and surrounding buildings which was a farm. The building has been positioned close to the existing neighbouring outbuilding with its main outlook facing south towards the sun. The applicants have been very selective of the materials to be used, using a high quantity of timber cladding for the main dwelling. The applicants consider that the development proposed would sit on part of the plot that is a little divorced from the remainder of the site and therefore there is scope for a subdivision while still remaining the setting of the listed building.
- 14.7 A Heritage Statement accompanies the application. The statement considers that the form and scale of the proposed development would not have a detrimental impact on the significance of the setting of the heritage asset and would not harm the values of this setting. It states that given the change which has taken place within the last 50 years the proposed development will have no impact on the established values of the heritage asset as these have fundamentally changed over time given the relatively recent development of the wider setting of the house and its farm group.
- 14.8 In assessing this site and the case made by the applicant, and having viewed historical maps, it shows that Harts Farm House is present on the Ordnance Survey Map of 1868, at which point it is shown as a building with considerable land surrounding it. In the period between the 1932 map and the modern maps, the land surrounding Harts Farm House has been developed leaving the Listed building standing in a significantly reduced curtilage. The building itself has grown considerably over time with later cob additions and the outbuildings surrounding the main building probably originate to approximately the same date as the house although they too have seen much alteration over time and indeed, when the building was Listed, the barn adjacent to the application site was not in the ownership of Hart's Farm House.
- 14.9 Map progression shows that the proposed plot has always been an open space. It provides an important buffer between the Listed building and the suburban environment in which it now stands. Hart's Farm House once stood within the farmland it worked. This setting gave the building purpose and context which has been significantly eroded over the course of time. The shrinking curtilage of this building has affected the character of the building as the purpose for which it was constructed has been irretrievably altered. The curtilage of the property is currently mature landscaped grounds that shield the listed building from the development beyond.
- 14.10 It is considered that the proposed development consisting of the dwelling, garage and pergola, together with the new access track creating a new curtilage for the farm house would further erode its character and understanding of its purpose. In particular, the footprint and scale of the proposed dwelling would be out of keeping with the scale of other buildings within the immediate vicinity of the Listed Building. The ridge line is slightly higher than that of the adjacent barn and the building would appear incongruous when placed against the other ancillary buildings meaning it would compete for dominance on the plot with the Listed Building. The design of the roof facilitates the need for dormer windows within the roof which domesticates what is

supposed to be an agricultural building within the wider curtilage of the Listed building. This is an unacceptable consequence of the development. While it is accepted that this particular barn was outside of the curtilage of the building at the time of Listing, the historic relationship with the main dwelling is still able to be appreciated from this location. The scale of the proposed new dwelling would be overly dominant and disguise the historic barn from view of the farmhouse thereby further eroding the setting of the Listed building.

- 14.11 The position of the proposed building would be somewhat at odds with the historic use of the site, which was originally farm. It is not traditional for there to be two large barns parallel with each other on a site. One large barn is traditional and other buildings are usually subservient to this both in form and in scale. The visualisation drawings show that the plot is to be further eroded in size by the creation of a new curtilage for the new dwelling which would reduce the already eroded size of the curtilage of the Listed building even further. The new driveway leading to the new development would be highly visible as it skirts around the outside of the plot. Although part of it is obscured by a hedgerow, the driveway would further reduce the identifiable land belonging to the main dwelling on the site. In this sensitive location, the design would reflect very little of the layout, scale, form and materials of the neighbouring historic buildings. While a modern design interpretation of these factors is a perfectly acceptable approach, in this case there would be no real response to locally distinctive character and history, a major failing in respect of the setting of important historic buildings. Hart's Farm House is a Grade II Listed Building, the setting of which has been significantly compromised by modern development both to the front and the rear elevations. The remaining curtilage is important in the understanding of the buildings purpose and context.
- 14.12 The site which is proposed to be developed is an important green buffer between the Listed Building and the suburban development to the rear which has been built on land once belonging to the Listed Building. This has irretrievably compromised the setting of the Listed building making the remaining curtilage all the more important. The proposed building would compete for dominance on the site with the main Listed Building which would further diminish the significance and understanding of the Listed Building.
- 14.13 In terms of tree matters the site currently consists of a large open lawn with various evergreen and deciduous trees and low level shrubs throughout. The plans provided show a new driveway running along the western and southern boundary, this will need to be installed to allow access to the new property. The Tree Officer considers that the Tree Report submitted with the application is acceptable, and the important trees are shown to be retained.
- 14.14 With regard to residential amenity, the proposed development is a sufficient distance away from Nos.17 and 19 Frys Lane not to result in any adverse impact on their living conditions. Equally, the proposed development would not unacceptably impact on No.35 Golden Crescent. There are concerns with the proximity of the first floor windows serving the master bedroom on the south east elevation facing the rear garden and conservatory to No.37 Golden Crescent, however the angled view does makes the relationship of the window

slightly oblique. On balance, it is considered that the relationship is acceptable.

- 14.15 In terms of public highway safety matters, the existing vehicular access onto the highway in Hordle Lane would be via the existing access serving Harts Farm House which would be widened to approximately 7 metres which would allow 2 vehicles to pass within the site clear of the highway. On site car parking has been shown to be provided in accordance with the recommendations contained within the NFDC document 'Parking Standards Supplementary Planning Document (SPD)' adopted in October 2012 to avoid the possibility of displaced vehicle being parked on the highway.
- 14.16 On 28th November 2014 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;
- 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.
- 14.17 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.
- 14.18 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.
- 14.19 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.

14.20 In conclusion, there is a strong presumption against the grant of planning permission for development which would harm the setting of a listed building. As heritage assets are irreplaceable, any harm should require clear and convincing justification. As indicated in paragraph 134 of the National Planning Policy Framework, that harm should be weighed against the public benefits of the proposal. To reflect the requirement to have special regard to the desirability of preserving or enhancing heritage assets, in assessing the planning balance, it is considered that greater importance and more weight should be given to the harm the proposed development would cause to the significance of heritage assets. As a result, the adverse impacts of the proposal would far outweigh the limited public benefits it would bring. Those public benefits would include a small but significant contribution to the area's housing stock, the associated social and economic benefits of new housing.

14.21 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 this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Self Build (CIL Exempt)	230		230	230	£80/sqm	£19,178.46 *
Subtotal:	£19,178.46					
Relief:	£19,178.46					
Total Payable:	£0.00					

* The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the All-in Tender Index Price published by the Build Cost Information Service (BICS) and is:

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

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. By reason of its openness, greenery, trees and views onto the neighbouring historic barns, the application site acts as an important buffer between the Listed Building, known as Harts Farm House and the surrounding suburban development. It is considered that the proposed development and severance of the plot would be at odds with the historic use of the site and would unacceptably erode and reduce the size and distinctive quality of the curtilage of the listed building, undermining its significance. Moreover, by virtue of its siting, scale, footprint and domestic design, the proposed dwelling would be over dominant and out of keeping with the immediate buildings, including the historic barn that would result in substantial harm to the setting of the Listed Building. For this reason the proposed development would be contrary to Policies CS2 and CS3 of the Core Strategy for New Forest District outside the National Park and Policy DM1 of the Local Plan Part 2 Sites and Development Management Document.

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.

The applicants have sought pre application advice, in response officers raised concerns over the impact of the proposed development on the setting of the listed building. Because of the very sensitive nature of the site, Officers felt that there is only limited scope for development with the potential for a low key single storey building that respects the character and context of the Listed Building. However, careful consideration would need to be given to its scale, size and siting together with appearance which should appear as a former farm building. Any building should also maintain its relationship with the rest of the site and the land including access driveway should not be severed or subdivided. The current application has made some slight improvements by reducing the scale of the building and removing the chimney, however, this has not gone far enough to address the concerns.

Further Information:

Major Team

Telephone: 023 8028 5345 (Option 1)



New Forest DISTRICT COUNCIL

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**Planning Development
Control Committee**
October 2016

Item No: 3q
Harts Farm
327 Everton Road
Hordle
16/11063
SZ2894

Scale 1:1250

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

