

Application Number: 23/10692 Full Planning Permission
Site: MAPLE FIELD FARM, MARTIN ROAD, MARTIN SP6 3LR
(PROPOSED LEGAL AGREEMENT)
Development: Convert redundant agricultural building into two holiday units;
add pergolas and bay windows; demolish existing polytunnel
Applicant: Mr & Mrs Snelgar
Agent: Planning Base Ltd
Target Date: 15/08/2023
Case Officer: James Gilfillan
Officer Recommendation: Refuse
Reason for Referral to Committee: Previous Committee Item with Revised Recommendation

1 Planning Committee Update. 11/03/26

- 1.1 On the 13th September 2023 members of the Planning Committee resolved to support their officers recommendation to approve the proposed development, subject to securing a S.106 legal agreement to deliver protected habitat mitigation.
- 1.2 More than two years have passed since the committee resolved to grant permission. There has been no progress in securing the required mitigation in that time.
- 1.3 In the absence of the required s106 agreement, the proposal would generate additional recreational activity within the New Forest's internationally designated nature conservation sites, adding to established recreational pressures that risk adverse effects on the integrity of these protected habitats. Evidence set out in the Council's Recreational Mitigation Strategy confirms that residential and overnight development within the district has the potential to harm these internationally important sites unless mitigation is secured through appropriate measures and developer contributions.
- 1.4 Policy ENV1 of the Local Plan seeks to protect the landscape character and quality of the New Forest, including the internationally designated habitats that form part of its special environment. In this case, no Section 106 legal agreement has been provided to secure the required recreational mitigation package and associated financial contributions. Without such an agreement, the development fails to mitigate its identified impacts and therefore conflicts with Policy ENV1 and the Council's adopted mitigation strategy.
- 1.5 Furthermore in the absence of such a Section 106 legal agreement being agreed, the Council would not be able to conclude that the planning application would pass an Appropriate Assessment of the scheme's impact on features of nature conservation interest as required by the Conservation of Habitats and Species Regulations 2017.

- 1.6 Since the previous committee resolution there has not been any material change in policy or circumstances such that these obligations are no longer relevant or necessary to make the scheme acceptable.
- 1.7 Given the time that has elapsed since the original resolution was reached and the failure of the applicant to engage with the Council, it is considered there is little prospect that the S.106 required to secure the mitigation will be delivered.

2 Planning Policy Update:

- 2.1 Since the previous resolution to grant permission by the Council, the statutory duty to be undertaken for development in a National Landscape (Cranborne Chase National Landscape, referred to as AONB in the report below.) was amended through the introduction of Section 245 of the Levelling-up and Regeneration Act 2023 (LURA). Under this duty, relevant authorities must “*seek to further*” the statutory purposes of Protected Landscapes, replacing the previous requirement merely to “*have regard to*” those purposes.
- 2.2 In re-assessing this proposal, officers have considered whether the development would conserve and enhance the natural beauty, special qualities, and distinctive character of the Cranborne Chase National Landscape.
- 2.3 The application has not materially changed since the committee last considered the application. The proposal solely comes back before the committee given the failure of the applicant to enter into the required legal agreement. The “Design, site layout and impact on local character and appearance of area” section of the original committee report, reproduced below, considered the impact of the works on the National Landscape (or AONB as it was named at that time). The assessment remains robust in light of the amended statutory test and the conclusions remain sound.
- 2.4 Accordingly, notwithstanding the revised recommendation, it is concluded that the proposal meets the relevant LURA tests, as it positively aligns with and seeks to further the purposes of this Protected Landscape.

Conclusion

- 3.1 Based on the position, set out above with regards to the failure of the applicant to enter into the necessary legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 the proposed recommendation is adjusted. This adjustment is contrary to the original recommendation and the conclusion set out below in the original case officer report, it is now recommended that the application be refused given the conflict with Policy ENV1 and the Council's adopted mitigation strategy:

3 RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The recreational impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site would not be adequately mitigated and the proposed development would therefore be likely to unacceptably increase recreational pressures on these sensitive European nature conservation sites, contrary to Policy ENV1 of the Local Plan 2016-2036 Part One: Planning Strategy and the Council's Supplementary Planning Document "Mitigation for Recreational Impacts on New Forest European Sites".

Original September 2023 report to committee is appended.

Further Information:

James Gilfillan

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Officer Recommendation: Service Manager - Grant
Reason for Referral to Committee: Parish Council Contrary View

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Planning History
- 2) Impact on the character of the area.
- 3) Impact on protected New Forest and Avon Valley habitats

2 SITE DESCRIPTION

The site is on the north side of Martin Road at the west end of the village. It is opposite the Martin Club, a community hall. The site is largely surrounded by open countryside and falls within Cranborne Chase AONB.

There is a single storey barn and small polytunnel on site left over from previous agricultural and horticultural uses that have vacated the site.

The site is accessed from an unmade track that extends along the west edge of the field, serving a dwelling to the west and fields beyond. A Public Right of Way extends along the track. The track joins Martin Road adjacent to the south west corner of the site.

The adjoining field is being used as a temporary/pop-up camping site and the building has been used in connection with this use.

3 PROPOSED DEVELOPMENT

Convert redundant agricultural building into two holiday units; add pergolas and bay windows; demolish existing polytunnel

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status	Appeal Description
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21/11160 Application for approval under paras 75-78 of the Conservation of Habitats and Species Regulations 2010 (General Development Order) for the continued use of the campsite	07/03/2022	Granted	Decided	
20/11417 Convert redundant Agricultural Buildings into two holiday units; bay windows; pergolas; demolish existing polytunnel	14/05/2021	Refused	Appeal Decided	Appeal Dismissed

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy STR1: Achieving Sustainable Development

Policy STR2: Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park

Policy STR3: The strategy for locating new development

Policy STR4: The settlement hierarchy

Policy STR6: Sustainable economic growth

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

Policy ENV3: Design quality and local distinctiveness

Policy CCC1: Safe and healthy communities

Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity

DM13: Tourism and visitor facilities

DM22: Employment development in the countryside

Local Plan Part 1: Core Strategy 2009. Saved Policy

CS19: Tourism

CS21: Rural economy

Supplementary Planning Guidance And Documents

SPD - Mitigation Strategy for European Sites

SPD - Air Quality in New Development.

National Planning Policy Framework

Cranborne Chase AONB Management Plan 2019-2024

6 PARISH / TOWN COUNCIL COMMENTS

Martin Parish Council: PAR 4 REFUSAL. The reasons for the refusal are as listed.

- These plans have been used before and were refused. The council could not see any improvements from the last application.
- A structural survey has still not been completed.
- A bat survey has not been completed and bats are known to fly from the eaves of this building.

- The building is still out of character for the area and does not protect or enhance the AONB.
- The drive is too close to a change in speed limit from 30mph to 60mph encouraging infilling.
- It is not believed to be a redundant building as it is currently used as a shower block for the campsite on the premises.
- Allowing the building to be changed to holiday lets would lead to more applications for buildings as a new shower block and toilets would need to be added for the campsite.
- It would set a precedent of building an agricultural building to turn it into a home.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

HCC Rights of Way: No objection, noting minimal risk of conflict between users of the Public Right of Way and the visitors to the proposed development, draws the applicants attention to ensuring the PROW is not obstructed during development.

Natural England: Confirm the proposed development would give rise to likely significant effects on features of nature conservation interest in the New Forest and Avon Valley, through increased recreational activity and nutrient impacts. The LPA should satisfy themselves that such effects can and are mitigated.

Cranborne Chase AONB Officer: Raises concerns regarding the effect of light spill on the Cranborne Chase dark sky reserve and conflict with NPPF.

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

- Impact on the character and appearance of the area and suburbanising effect on Martin.
- Harm to the character of the AONB
- Land should be kept for agricultural use
- History of flouting planning regulations
- Noise and disturbance harming amenity
- Insufficient amenities in the village to support the proposed use
- Existing B&B holiday accommodation in the village is already under used
- Concerns regarding highway and pedestrian safety
- Site is untidy and unkempt
- Building is not redundant

For: 0

Against: 9

10 PLANNING ASSESSMENT

The scheme proposes to convert the existing building on site to residential use as holiday accommodation. The existing building can accommodate two 2-bed units. Minor alterations to the building, including bay windows and porch pergolas would be

added for each unit. The polytunnel structures would be removed and space around the building divided to provide gardens. There is an existing access, gravel surfaced driveway and areas for parking.

This application is identical to that submitted in 2020, that was refused and dismissed at appeal due to the harmful impact such a development would have on water quality in the Avon valley that, at that time, could not be mitigated.

Principle of Development

The principle of the development was considered acceptable by the previous application, confirmed by the appeal decision, a material consideration.

The policy position, in this respect, has not changed and the development remains in accordance with policies DM13 and CS19. .

The Inspector concluded that the site was suitably located for the development proposed and would accord with policy STR3. This appeal decision was taken after the latest NPPF was published in 2021, as such it was made with the requirements of para.176 in place, whereby great weight should be given to conserving and enhancing landscape and scenic beauty. The building is already present so is a feature of the landscape and scenery of the AONB.

The application would bring the vacant building back in to use, that would attract visitors to the area, who would be likely to spend in local shops and pubs, supporting the rural economy. Servicing the commercial use, through cleaners, laundry or gardeners would also support employment locally.

The principle of the scheme has benefits that weigh in support of the proposal.

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

When under consideration, the buildings subject to this application were considered appropriately designed for the context and character of the area. The maturity and size of trees and hedge along the roadside, southern boundary, would obscure views into the site for much of the year, limiting the effect of the changes proposed on the appearance of the street scene and character of the wider area.

The alterations proposed and effect of conversion to a residential use would inevitably give the building a more domestic appearance and include the trappings of residential occupation, such as flues, vents, aerials or satellite dishes, some of which could be controlled by condition or would not be readily visible or appreciated from outside the site and would only be modest taking in account the buildings existing appearance.

External materials proposed to be used in the extensions would match those existing, compatible with the appearance of the building and in the case of removing the existing white UPVC, would enhance the appearance of the building.

Removal of the polytunnel and shade tunnels would enhance the appearance of the site as they have become unkempt and the site around the barn poorly maintained and generally untidy. However, removal is a requirement of previous permissions in any event, so minimal weight is given to such improvements.

Division of land around the site to enclose gardens would have little impact on wider character and appearance. A condition is proposed to secure a landscape scheme to ensure any external alterations to the drive, parking area and gardens around the

building respect the rural character of the area.

Policies STR 2 and ENV4 refers to the special qualities and purposes of Cranborne Chase AONB and their settings being retained protect landscape character through sensitive development and specific reference is made to areas of intrinsically dark skies (Policy ENV4(iv). The NPPF (para.176) requires decision makers to place great weight on the need to conserve the landscape and scenic beauty of the AONB.

There are existing buildings on the site although their existing agricultural use would have limited fenestration and light pollution from an agricultural use would be minimal. Additional fenestration is proposed but this is not unreasonable within its context and residential use is likely to lead to use of blinds or curtains. No first floor accommodation or rooflights are proposed. Furthermore, external lighting could be very subtle and low level bollard style, significantly reducing the potential for light spillage beyond the site and any likely impact on Dark Skies within the AONB. A condition is recommended to secure details of the colour of external features to minimise visual intrusion.

Ecology

The application is supported by a preliminary ecological appraisal produced in 2020 to support the previous application. Whilst it concludes no evidence of protected species on site due to supporting features not being present, that report is almost 3 years old.

Representations received from local residents suggest the presence of bats in the area. It would be reasonable, given the passage of time and periods of inactivity for habitation by bats to occur. A condition could be used to ensure a revised bat survey is undertaken.

The Council's Ecologist has advocated ecological enhancements that should be incorporated. The minimal construction required to convert the building would not give rise to material disturbance or threat to any other species, such as birds, that may be present in the wider area, to justify any form of ecological construction management or restrictions.

Habitat Mitigation

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's 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, but that such adverse impacts would 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. In this case, the applicant has entered into a Section 106 legal agreement, which secures the required habitat mitigation contribution.

Phosphate neutrality and impact on River Avon SAC

The appeal against the decision of the council to refuse planning permission for this development in 2021 was dismissed due to the inability of the applicant to deliver mitigation for the impact of the development on water quality in the River Avon.

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment was carried out as to whether granting planning permission would adversely affect the integrity of the River Avon European sites, in view of those sites' conservation objectives, having regard to phosphorous levels in the River Avon.

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 can be imposed that will secure the appropriate level of phosphate mitigation.

New Forest Habitats Air Quality Monitoring

To ensure that impacts on international nature conservation sites are adequately mitigated, 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. There is potential for traffic-related nitrogen air pollution (including NO_x, nitrogen deposition and ammonia) to affect the internationally important Annex 1 habitats for which the New Forest SAC was designated, and by extension those of the other International designations. 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.

Highway safety, access and parking

The existing access and space available for parking would meet the needs of the development. The risk of conflict between visitors and pedestrians on the Public Right of Way, shared with the access drive, would be minimal due to the low number of vehicle movements.

Concerns regarding the lack of footways beside the road leading in to the village and the speed of vehicles at this point are noted, but are existing problems for all local residents. The scale of movements generated by this scheme would not materially increase existing conflicts.

Air Quality

In response to the requirements of the 'Air Quality Assessments in New Development SPD 2022, the development is not sited in an area where air quality would have an

impact on the health of residents. The scheme is not immediately adjacent to the road and new boilers would meet modern standards. It would not be proportionate to impose any further requirements on this scheme.

Residential Amenity

There are no residential properties adjoining the site. The nearest, across Martin Drove are far enough away to be unaffected by the building and proposed alterations. The proposed use would give rise to some noise and potential disturbance, but not at a scale, at only 2 bed units, duration or nature that would be out of keeping with the predominately residential uses in the area, the potential for disturbance from the neighbouring Martin Club and the agricultural uses that could arise from use of the building historically.

Developer Contributions

As part of the development, the following will be secured via a Section 106 undertaking securing:

- New Forest recreational mitigation infrastructure £8,452.00
- New Forest recreational mitigation non-infrastructure £1,322.00
- New Forest Air Quality monitoring £206.00

As part of the development, subject to any relief being granted the following amount Community Infrastructure Levy will be payable:

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	139		139	139	£80/sqm	£15,183.08 *

Subtotal:	£15,183.08
Relief:	£0.00
Total Payable:	£15,183.08

11 OTHER MATTERS

N/A

12 CONCLUSION / PLANNING BALANCE

There have been no changes in circumstances, context or policies that could support taking a contrary view to the Inspector on the acceptability of the proposals.

The scheme would make use of an existing building in a manner that has benefits. It would preserve the character and appearance of the area, including the scenic beauty of the AONB. Residential amenity would be preserved and there would be no material impact on highway or pedestrian safety.

The imposition of a condition can now be relied upon to mitigate the effect of the

development on water quality in the Avon valley, thereby overcoming the reason the appeal was dismissed.

It is considered that this proposal is acceptable in principle, as stated by the Planning Inspector.

Whilst the concerns of residents are understood, it is not considered that the issues raised would justify a recommendation for refusal.

13 RECOMMENDATION

Delegated Authority be given to the Service Manager Development Management to **GRANT PERMISSION** subject to:

- i) the completion of a planning obligation entered into by way of a Section 106 Agreement to secure the mitigation for the recreational and air quality impacts on New Forest Habitats
- ii) the imposition of the conditions set out below.

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 received 20/06/23

Site & block plans, elevations & floor plans ref:1919/2 rec'd 20/06/23

Reason: To ensure satisfactory provision of the development.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 2005 and the Town and Country Planning (General Permitted Development) Order 2015 and the Town and Country Planning (General Permitted Development) (Amendment) Order 2015 or any subsequent re-enactments thereof, the development hereby approved shall be used for short term holiday let purposes only, shall not be occupied by the same person or persons for more than one month in any one calendar year, and for no other use purposes, whatsoever, including any other purpose in Class C3 of the Town and Country Planning (Use Classes) Order 2005 or any subsequent re-enactment thereof.

Reason: To prevent change of use to other forms of residential

development permissible by the GPDO and permission is granted in this case in order to support sustainable rural tourism, in an area in which housing would normally be resisted in accordance with Policy DM13 of the Local Plan for the New Forest District outside of the National Park (Part 2: Sites and Development Management) and having regard to the objectives of the NPPF.

4. Before their installation, samples or exact details of the facing and roofing materials to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

Reason: To ensure an acceptable appearance of the building in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

5. Details of the hard landscape layout, surfaces, lighting, for the entrance access drive, parking courtyard, rear gardens and their enclosure shall be submitted to an approved in writing by the Local Planning Authority. The approved details shall be completed before first occupation of the building for the use hereby approved and thereafter retained.

Reason: In the interests of the character and appearance of the site and in accordance with policy ENV3 of the New Forest Local plan Part 1: Planning Strategy 2020, the Dark Skies designation and Cranborne Chase AONB Management Plan.

6. The development hereby approved shall not be occupied unless
 - A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the local planning authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter;
 - proposals for the mitigation or offsetting of the impact of phosphorus arising from the development on the River Avon Special Area of Conservation (SAC), including mechanisms to secure the timely implementation of the proposed approach, have been submitted to and approved in writing by the local planning authority. Such proposals must:
 - (a) Provide for mitigation in accordance with the Council's Phosphorus Mitigation Strategy (or any amendment to or replacement for this document in force at the time), or for other mitigation which achieves a phosphorous neutral impact from the development;

- (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 monitoring of any such proposals which form part of the proposed mitigation measures.

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 River Avon Special Area of Conservation (SAC) (adding, when it is in place and as applicable), in accordance with the Council's Phosphorus Mitigation Strategy / the Avon Nutrient Management Plan.

7. Prior to the commencement of development a survey of the existing dwelling for the presence of bats shall be undertaken by an appropriately qualified consultant and submitted in writing to the Local Planning Authority. The survey should establish, in sufficient depth, the presence or absence of any bats.

Should evidence of the presence of bats be found, then prior to commencement of conversion works, emergence/entry surveys shall be undertaken and reported in writing to the Local Planning Authority, and full details of mitigation and compensation measures in respect of any protected species found shall also be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development, and the approved measures of mitigation and compensation shall thereafter be implemented in accordance with an approved programme of works.

Reason: To safeguard protected species in accordance with Policy DM2 of the Local Plan for the New Forest District outside the National Park (Part 2: Sites and Development Management).

8. Prior to first use of the development hereby approved, the following ecological features shall be installed on site:

2x bee houses on the south elevation
2x sparrow terraces on the north east gable end
2x hedgehog boxes within the grounds

These features shall thereafter be retained.

Reason: In the interests of securing bio-diversity enhancements in accordance with DM2 of the New Forest District Council Local Plan Part 2: Sites and DM policies 2014.

Further Information:

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NFDC



New Forest DISTRICT COUNCIL

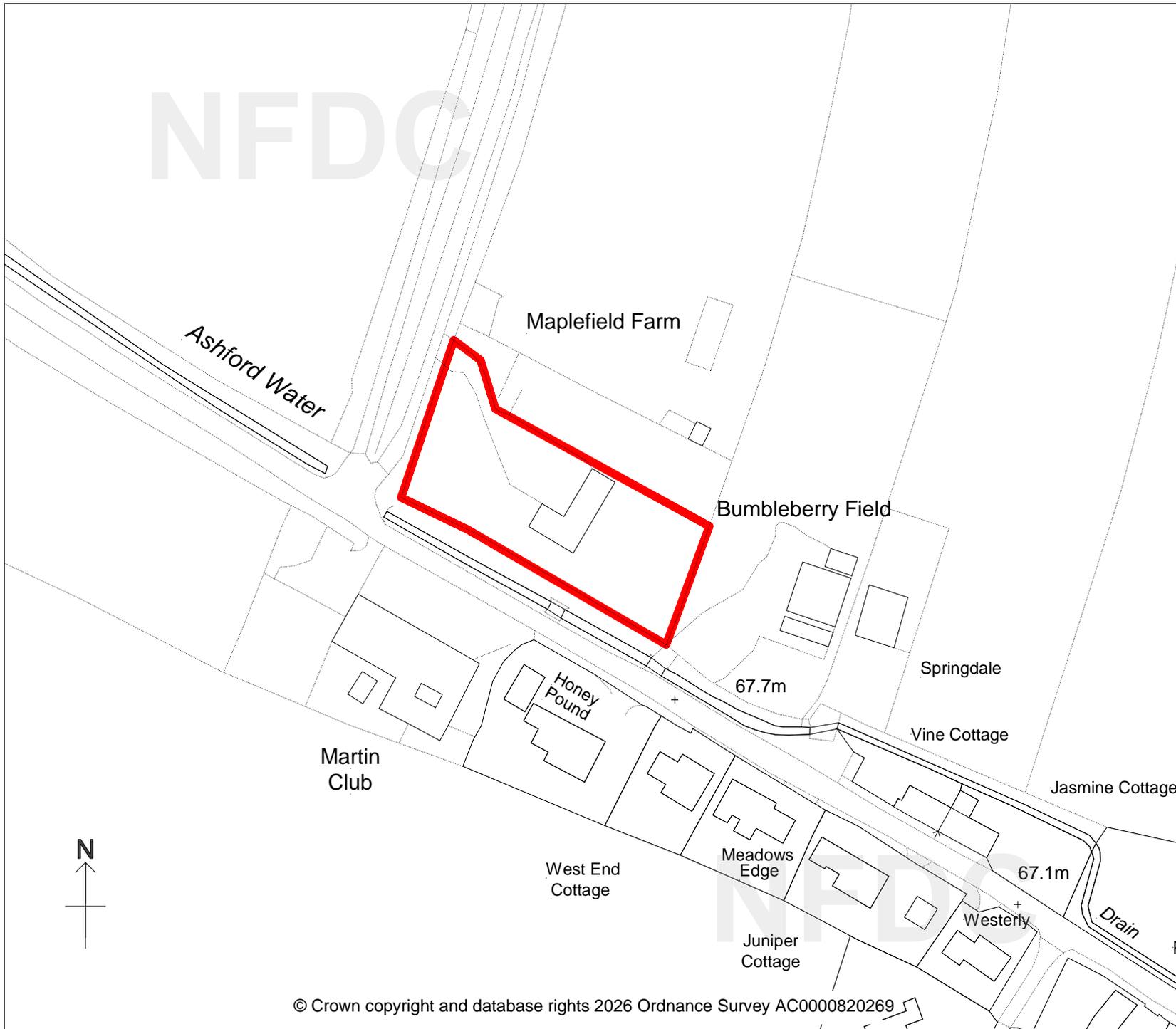
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PLANNING COMMITTEE

March 2026

Maple Field Farm
Martin Road
Martin
23/10692



Scale 1:1250

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