

Application Number: 26/10066 Full Planning Permission
Site: HATCH FARM, CHURCH LANE, NEW MILTON BH25 6QU
(PROPOSED LEGAL AGREEMENT)
Development: Change of use of the existing building from 2 flats (C3 Use) into a 9 Bedroom House in Multiple Occupation (HMO) (Sui Generis Use) with associated bin and cycle storage
Applicant: Lilac Properties Ltd
Agent: Pure Town Planning
Target Date: 20/03/2026
Case Officer: Vivienne Baxter
Officer Recommendation: Service Manager - Grant
Reason for Referral to Committee: Town Council contrary view

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the 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 site lies within the Old Milton Conservation Area, immediately behind a plumbers merchant fronting Christchurch Road. On the opposite side of the road and to the north is St Mary Magdalene's Church which is Grade II listed.

The application site is a relatively small plot containing a large detached two storey building currently in use as two flats. There is limited external space within the site which is bound by the plumbers to the south (a corrugated metal structure) and buildings which are part of Travis Perkins (former farm buildings) to the west and north. The front boundary consists of a 1m high close boarded fence with a 1.5m high metal gate across the vehicular access to the south.

Church Lane is a cul de sac leading to the site, church and associated church hall car park, the vicarage and two further properties alongside which is a pedestrian route through to Milton Mead. There is no pavement in front of the application property and the road has double yellow lines along its western side. On street parking occurs opposite the site adjacent to the church yard wall.

3 PROPOSED DEVELOPMENT

The proposal entails the conversion of the existing flats into a 9-bed house in multiple occupation (HMO). At ground floor level, the front door would open into a hall leading to the staircase, an ensuite bedroom and large communal space and

kitchen which would lead to three further ensuite bedrooms. The kitchen space would also have an external door to the rear. At first floor level would be five further ensuite bedrooms, two of which would be slightly larger with their own kitchenette areas.

There are no external alterations proposed to the building. However, a bin store would be provided to the north western corner of the site, accessed via an existing pedestrian gate and a cycle store provided to the south western corner access via the existing vehicular access. The existing driveway and hardstanding area would provide parking for 1 vehicle.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
00/70146 Conversion of ground floor to self-contained flat	14/11/2000	Granted Subject to Conditions	Decided
93/NFDC/53576 Addition of covered way (retrospective)	07/02/1994	Granted	Decided
XX/LYB/03216 Use of ground floor as offices and erection of building to be used for bottling.	06/02/1956	Granted	Decided
XX/LYB/03094 Change of use of ground floor of house to office.	20/01/1956	Granted Subject to Conditions	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy CCC2: Safe and sustainable travel
 Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites
 Policy ENV3: Design quality and local distinctiveness
 Policy IMPL1: Developer Contributions
 Policy STR1: Achieving Sustainable Development
 Policy STR4: The settlement hierarchy
 Policy STR5: Meeting our housing needs

Local Plan Part 2: Sites and Development Management 2014

DM1: Heritage and Conservation

Supplementary Planning Guidance And Documents

SPD - Air Quality in New Development.
 SPD - Design of Waste Management Facilities in New Development
 SPD - Mitigation Strategy for European Sites
 SPD - New Milton Local Distinctiveness
 SPD - Parking Standards

Neighbourhood Plan

New Milton Neighbourhood Plan
 Policy NM2 - Diversifying Housing

National Planning Policy Framework

NPPF Ch. 5 - Delivering a sufficient supply of homes

NPPF Ch.9 - Promoting sustainable transport

NPPF Ch.11 - Making effective use of land

NPPF Ch.16 - Conserving and enhancing the historic environment

National Planning Policy Guidance

Plan Policy Designations

Neighbourhood Plan New Milton

Built-up Area

6 PARISH / TOWN COUNCIL COMMENTS

New Milton Town Council

OBJECT (Non-Delegated)

(1) Overdevelopment of site

(2) Lack of parking

(3) Lack of information regarding management of site

(4) Lack of bin storage

(5) Lack of communal living space for the 17 bedspaces, therefore potentially 17 residents.

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Environmental Health Contaminated Land

No concerns

HCC Highways

No objection

Ecologist

No objections

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

- *concern about the future occupants*
- *overdevelopment of the site*
- *inadequate parking*
- *anti-social behaviour*
- *parking could cause an obstruction to emergency service vehicles and those wishing to use the hall facilities*
- *unsightly bin store*
- *noise and disturbance to neighbours*
- *Church Lane already suffers from excess parking*
- *harm to pedestrian safety*

- *would open the doors to more HMOs in the area*
- *difficult to understand how it would maintain the quiet environment*
- *occupants will use the churchyard*
- *inappropriate site for an HMO, deviating from the character of the Conservation Area*
- *poorly managed HMOs can be hotspots for drug dealing and frequented by County Lines gangs*
- *likely male occupants could be a safeguarding issue due to school children using the road to get to/from school*
- *Church Lane is devoid of parking at night*

For: 0

Against: 12

One of the objections does not object to the principle of the HMO, just the parking implications.

10 PLANNING ASSESSMENT

The Approach to Decision Making and the Five 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).

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.**

The Council cannot demonstrate a five-year supply of deliverable housing land. The latest published housing land supply figure is 1.53 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. In this case, the paragraphs below relating to the impact on the Conservation Area conclude that there are no policies under limb 1 which provide a strong reason for refusing.

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. In this case, the site is in a sustainable location close to shops and public open space. It is a few minutes walk/cycle to the town centre and railway station and there are buses operating along Christchurch Road. The proposal is considered to make effective use of the site and would offer affordable homes in an attractive former farmhouse. These benefits need to be weighed against any adverse impacts which are considered below.

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.

Principle of Development

Policy STR4 of the Local Plan Part 1 states that New Milton is an appropriate location for residential development and policy STR5 indicates that as part of the overall target for additional homes in the district, small developments such as this could help to meet low cost housing for local people.

There are no objections to the principle of additional residential accommodation within the built up area. Under Part 3, Class L of the Town and Country (General Permitted Development) Order 2015, the change of use of a dwelling (C3) to C4 (small HMO) for up to 6 occupants is permitted development . Given the layout of the existing flats, each one could potentially be converted into a HMO accommodating up to 4 occupants without requiring planning permission.

However, although the applicant has chosen to submit this planning application to provide a single unit accommodating 9 bedrooms, these permitted development rights are a material consideration in the determination of this application and so the fallback position needs to be considered. It should also be noted that should permission be granted, planning permission would not be required to convert the property into a single dwelling under this Class of the GPDO.

Concerns have been expressed with regard to the indicative bed spaces shown on the plans and the likely number of residents. Having regard to the area of each of the proposed rooms, under the Government's technical space standards, six of the rooms would only be suitable for use by a single person.

Policy NM2 of the New Milton Neighbourhood Plan requires proposals for residential development to include a type and tenure for first time buyers or those looking to rent their first home. Whilst the tenure of the proposed development is not for consideration by the committee, the units proposed would comply with this policy which would help support the needs of younger people. It is noted in paragraph 6.13 of the Neighbourhood Plan that the Town Council is committed to attract younger people to remain and live in the town.

Design and impact on the character and appearance of the conservation area

Policy ENV3 of the Local Plan Part 1 requires development to be sympathetic to its environment and Policy DM1 of the Local Plan Part 2 requires development to conserve the character and appearance of heritage assets. Chapter 16 of the NPPF refers to conserving and enhancing the historic environment.

The Conservation Areas and Listed Buildings Act 1990 places the following statutory duty on Local Planning Authorities:

Section 72 - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.

There are no external alterations proposed to the existing building as part of the proposals. Whilst it is unfortunate that the large opening to the ground floor box bay window is fitted with uPVC windows and lower panels, it is noted that other openings benefit from timber windows which are appropriate in a Conservation Area.

The proposed cycle store would be a brick and timber construction and would be located to the rear of the site adjacent to the corrugated metal wall of the plumbers building and the 1.8m high close boarded fence separating it from Travis Perkins. Although the structure would be taller than the adjacent fence, its form and design would not be obtrusive in this location. It would have very limited impact on the street scene and would preserve the character and appearance of the Conservation Area being set back from the front gate by 7.5m.

The bin store to the northern corner would only be glimpsed when passing the site in view of the relatively narrow (1.5m) side passage combined with it being set back some 14.5m from the public highway. It is considered that this structure would preserve the character or appearance of the Conservation Area.

Overall, there are limited changes to the appearance of the site which could impact on the street scene and character of the area and it is considered that both Policy ENV3 and DM1 are complied with in terms of the visual impact of the proposal.

Highway safety, access and parking

Policy ENV3 of the Local Plan Part 1 requires development to integrate sufficient car and cycle parking spaces so realistic needs are met. This is also reflected in Policy CCC2 of the same plan. Policy STR1 requires development to make a positive contribution through a variety of measures including minimising reliance on private cars.

Paragraph 112 of the NPPF requires parking standards to take the following into account:

- '(a) the accessibility of the development;
- (b) the type, mix and use of development;
- (c) the availability of and opportunities for public transport;

- (d) local car ownership levels; and
- (e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.'

The third party comments and concerns over parking are noted. NFDC Parking Standards SPD does not have a specific requirement for HMOs. The proposal would provide a single parking space to the south side of the building. However, it is of note that the Parking Standards SPD include details of car ownership in the District's wards and whilst this is based on data from the 2011 Census, it shows that the Milton ward has the highest percentage of households who do not own a car (27%), this figure is some 8% more than the next highest in Ringwood South.

Whilst car ownership for residents of HMOs cannot be ruled out, it is likely that car ownership would be low for those occupying the proposed type of accommodation. Regard must also be had to Paragraph 112 of the NPPF in considering this issue. The site is well located in Old Milton a few minutes walk from shops, restaurants, leisure facilities and bus stops albeit outside of the defined Town Centre boundary where lower parking standards could, as per the Parking SPD, be acceptable.

There is currently a shortfall of 3 parking spaces on the site. The site is not large enough to provide appropriate parking facilities for the existing two flats in view of land which was once associated with the farm having been sold off some time ago. Furthermore, it would not be able to provide the recommended level of parking if it was to be used as a single dwelling or as a HMO accommodating up to 6 occupants which could be undertaken under permitted development as set out above.

The Highway Authority has not raised any objection to the proposal. There are no changes to the access provision or the space which is currently available. The provision of a cycle store would encourage occupants to cycle in line with Policy STR1. The Highway Authority further state that due to the lack of parking, the proposal would not generate trips which would affect the wider operation of the local highway network.

There has been significant local concern with regard to the issue of parking as the eastern side of Church Lane does not have any parking restrictions. There is no information available in the application as to who currently parks in these spaces as the church hall has its own dedicated parking facility and the other properties in Church Lane have their own off road parking. It is noted that one of the objections states that the road is devoid of parking in the evening, which would suggest that those who utilise the on street parking may work locally. If this is the case, the proposed potential demand for on street parking in this location would be during the evenings and so it would have a limited impact on the existing daytime parking demand as these occur at different times of day.

Concerns about pedestrian safety and emergency vehicle access are also noted. To the western side of Church Lane, the double yellow lines are some distance from walls or fences outside of the site and property to the north and for much of the road, there is adequate space for a car to pass pedestrians and parked cars. The Highway Authority has not raised any objection to the proposal on the grounds that it would harm highway safety.

Consideration has been given to the sustainable location of the site, the provision of on site cycle facilities, the relatively low car ownership in this part of the town and the existing shortfall of parking on the site. Whilst it is accepted there may be some increased demand for parking at certain times of the day, it is not considered that the proposal would have a significant impact on the parking in this area which would be detrimental to highway or pedestrian safety. The proposal is therefore

considered to comply with Policies ENV3, CCC2 and STR1 of the Local Plan Part 1.

Residential amenity

Policy ENV3 requires development to avoid unacceptable impacts on residential amenity. In this particular location, the site has no adjoining residential properties and is already in use for residential purposes. It is not considered that existing residential amenity would be harmfully affected by the proposed development.

The existing flats have access to the small level of outdoor space within the site and this would remain available for future occupants. Whilst this space is relatively limited, there are open spaces nearby such as the churchyard/cemetery and Chauombe Green a few minutes walk away. All rooms would have south facing windows aside from the largest room at first floor level which would have a north facing window and windows to the west on an elevation set back from the boundary.

As such, it is considered that the proposal complies with Policy ENV3 of the Local Plan Part 1 in terms of residential amenity.

Ecology

The proposal is exempt from the mandatory biodiversity net gain uplift in view of the existing lack of habitats within the site.

Habitat Mitigation

In accordance with policy ENV1 and 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 is in the process of entering into a Section 106 legal agreement, which will secure the required habitat mitigation contribution before planning permission is granted.

Nitrate neutrality and impact on Solent SAC and SPAs

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 which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied. In accordance with the Council Position Statement agreed on 4th September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected

European Sites by the development. A Grampian style condition has been agreed with the applicant and is attached to this consent

Air Quality

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. In this case, the applicant is in the process of entering into a Section 106 legal agreement, which will secure the required air quality monitoring contribution before planning permission is granted.

In response to the requirements of the adopted 'Air Quality Assessments in New Development Supplementary Planning Document 2022, the applicant has provided 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 are the provision of cycle parking, no kerbside development, no solid fuel appliances, electric car charging points, gas boiler below minimum standard.

Developer Contributions

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

- Habitat Mitigation £11,961
- Air Quality Monitoring £336
- Bird Aware Solent £1,446

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

11 OTHER MATTERS

Concerns have been raised with regard to future occupants and the management of the facility. Whilst these are not planning matters, it is noted that the supporting statement advises that the property would be professionally managed.

12 CONCLUSION / PLANNING BALANCE

The proposal offers small residential units within an accessible location close to amenities. The development is acceptable in principle and it would not harm the character or appearance of the area or residential amenity. The proposal is considered to preserve the character and appearance of the conservation Area. Whilst there is a single parking space provided, it is not considered that this is

sufficient to outweigh the benefits of the proposal at a time when the Council does not have a 5-year housing land supply.

Subject to the completion of a legal agreement to secure habitat mitigation and air quality contributions, planning approval is therefore recommended.

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 financial contributions for Habitat Mitigation, Air Quality Monitoring and Bird Aware Solent,
- ii) and 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:

000 - location and block plan
100 - existing floor plans
101 - proposed floor plans
200 - existing elevations
201 - proposed elevations

Design, Access and Planning Statement
Air Quality Statement

Reason: To ensure satisfactory provision of the development.

3. The development hereby permitted shall not be occupied until the cycle parking spaces shown on plan 000 for the parking cycles have been provided. The spaces shown on plan 000 for the parking of cycles shall be retained and kept available for the parking of cycles 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.

4. The development hereby permitted shall not be occupied until:

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;

A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and

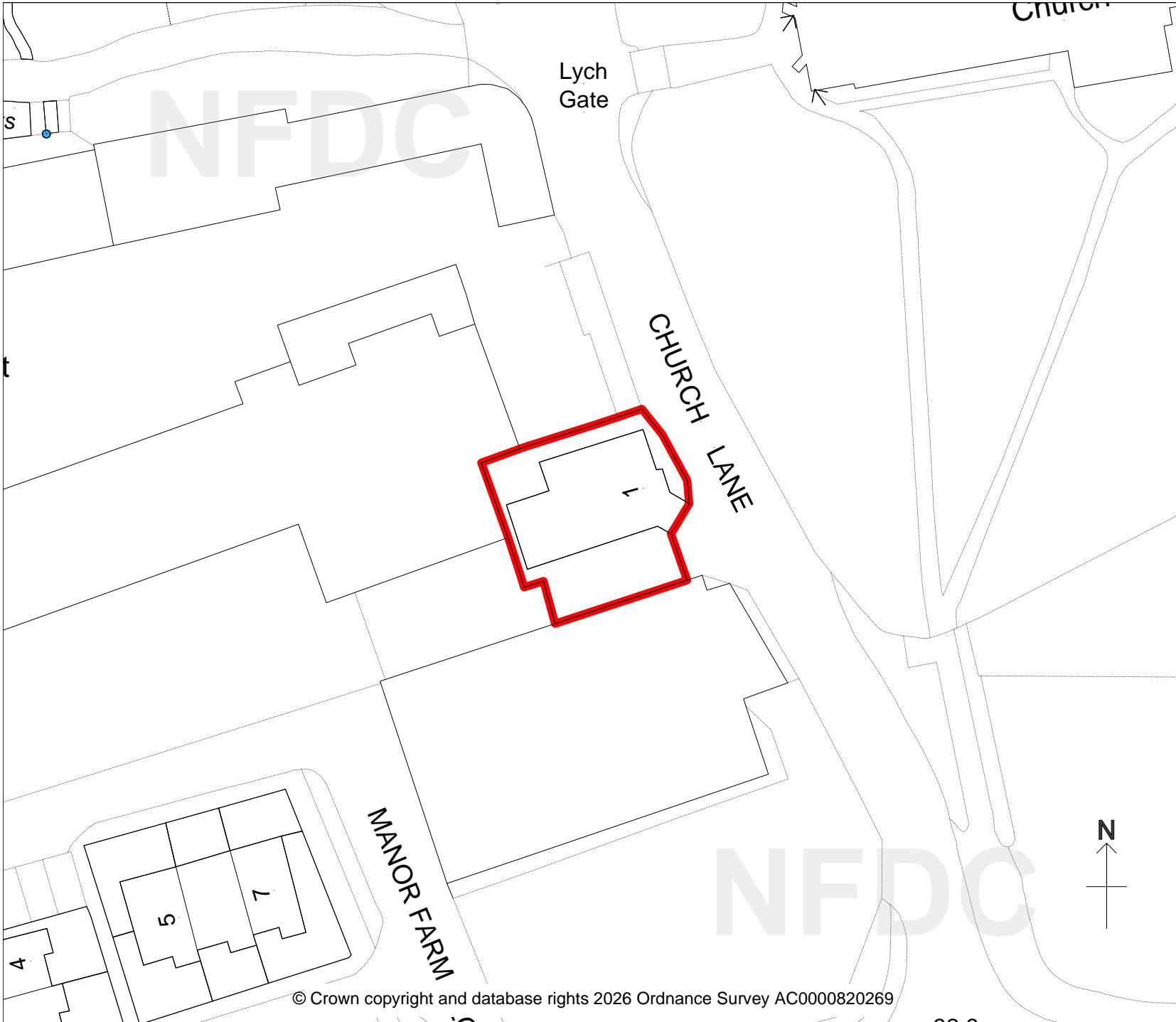
The mitigation package shall include a timetable for implementation and measures for retention and maintenance of that mitigation package, which shall thereafter be implemented.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

Further Information:

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PLANNING COMMITTEE

May 2026

Hatch Farm
Church Lane
New Milton
26/10066

Scale 1:500

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