

**Application Number:** 16/11602 Full Planning Permission

**Site:** HARBRIDGE SCHOOL, HARBRIDGE, ELLINGHAM,  
HARBRIDGE & IBSLEY BH24 3PW

**Development:** Use as one dwelling; rooflights; demolition of single-storey flat  
roofed extension; alterations to windows

**Applicant:** Somerley Estate

**Target Date:** 06/02/2017

**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Policy

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Countryside

Listed building

Conservation Area

Adjacent to Public Right of Way

**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**

CS1: Sustainable development principles

CS2: Design quality

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

CS8: Community services and infrastructure

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

### **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 - Parking Standards

SPD - Mitigation Strategy for European Sites

### **6 RELEVANT PLANNING HISTORY**

6.1 Use as 1 dwelling (Lawful Development Certificate for retaining an existing use) 10148. Was not lawful on the 1st April 2016

6.2 Associated application for Listed Building Consent 16/11603: Item 3m on this Agenda

### **7 PARISH / TOWN COUNCIL COMMENTS**

Ellingham and Harbridge Parish Council: recommend permission but would accept a decision reached under delegated power.

The Parish Council feel that the property was already used as a residential dwelling by the headmaster and thus if an imaginary 30% increase in habitable floor space or permitted development were to be added to the residential part of the property, then it would cover a significant area of the school. Thus the Parish Council are happy for this property to be wholly residential. Furthermore, provided none of the existing external walls and features are to be replaced and maintained then the property as a whole would look better as one property rather than one that has been subdivided.

Incorporating the school house into one dwelling with the Headmaster's quarters will result in the habitable floor space being increased dramatically. To protect the dwelling from being extended further in the future, the Parish Council request it should be conditioned as if the 30% increase in habitable floor space rule has been used. Additionally the mezzanine floor should be conditioned to remain as it is, and not be extended to create further habitable floor space.

Definition of the domestic curtilage should be clarified, as there is no site plan. A before and after site plan would be beneficial, to understand what the site will look like and to establish the treatment of the outbuildings.

The Parish Council feel strongly about light pollution and request that all external lighting is subject to a condition that they should work with PIRs and all roof lights should be fitted with blinds to minimise any additional light pollution.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

9.1 Conservation Officer: no objection subject to condition

9.2 Ecologist: comments awaited

9.3 Hampshire County Council Highway Engineer: no objection

## **10 REPRESENTATIONS RECEIVED**

10.1 2 letters of support. Repairs are needed urgently to building

## **11 CRIME & DISORDER IMPLICATIONS**

No relevant considerations

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission the Council will receive the New Homes Bonus, which in this case will be £1224 in each of the following four years, subject to the following conditions being met:

- a) The dwellings the subject of this permission are completed, and
- b) The total number of dwellings completed in the relevant year exceeds 0.4% of the total number of existing dwellings in the District

Based on the information provided at the time of this report this development has a CIL liability of £10,236.30

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 The site known as Harbridge School comprises a Grade II Listed building located in the hamlet of Turnor on the Somerley Estate, which lies within the countryside and Conservation Area. Harbridge School is an attractive red brick 19th Century building, built as a school with adjoining masters' accommodation. The building sits on an open setting situated off a private gravel track which also serves a collection of farm buildings and residential properties within a rural setting.
- 14.2 Harbridge School was originally divided between the masters dwelling to the right and the school to the left which comprised a main school hall, a smaller classroom and cloakrooms. The use of part of the building as a school ceased many years ago.
- 14.3 This planning application proposes the use of all the building as one dwelling and use of surrounding land as residential curtilage. The application also proposes internal and external alterations and the demolition of the existing single storey addition. Although it is claimed that the whole of the building was converted to a single residential use in the 1960s and has been continuously used as such until last year, this was not proved following the refusal of a Lawful Development Certificate (existing) on 1 April 2016.
- 14.4 In assessing this proposal, the starting position would be local and national policy. For the purposes of local planning policy, the site is located outside the built up area. Local Plan Part 2 Policy DM20 is applicable and relates to residential development in the countryside. The policy states that residential development in the countryside will only be permitted where it is either a limited extension to an existing dwelling; or the replacement of an existing dwelling, or affordable housing to meet a local need, in accordance with Core Strategy Policy CS22; or an agricultural workers or forestry workers dwelling in accordance with Policy DM21.
- 14.5 In assessing this policy, there is nothing which especially relates to the conversion of existing buildings into residential uses. Policy DM20 does not include the conversion of buildings to residential uses and on this basis, there are no supportive local plan policies for the conversion of existing buildings to residential uses in the countryside other than for

affordable housing and agricultural workers dwellings. The submitted proposal has made no reference to the residential uses being for affordable housing or for an agricultural workers dwelling. The main factor that can be given weight is the fact that half of the existing building is lawfully used as a dwelling and accordingly the proposal would effectively utilise the remainder of the building to form a single dwelling.

- 14.6 Local Plan Policy DM1 is also applicable and relates to heritage assets and Conservation. The general objective of the policy is to ensure development proposals conserve and enhance the historic environment and heritage assets with regard to local character and setting, however, the policy also states that where appropriate and necessary to secure the long term future of a heritage asset, in particular where it is in a poor condition or at risk, an exception may be made to other local plan policies.
- 14.7 In this case, while the proposed use would secure the long term retention of the building and provide some much needed investment to facilitate the general repair and maintenance work to the building, the building is not at risk. It is considered that a residential use or a holiday let use is likely to be a more appropriate use compared to employment uses such as office or community use which could result in substantial internal changes and the need for large car parking areas which would have a negative impact. The Conservation Officer is fully supportive of the proposed change of use to residential. Moreover while part of the building was used a school, it would not be reasonable to argue that a school or other community use should be retained given the length of time since it was last used for those purposes.
- 14.8 In terms of central government guidance, it is clear that there is a general steer towards the conversion of vacant and disused buildings into residential development. Paragraph 55 of the National Planning Policy Framework is applicable and seeks to promote sustainable development in rural areas, and housing should be located where it will enhance or maintain the vitality of rural communities. The guidance states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting.
- 14.9 A further consideration is the change to government legislation as set out in the Town and County Planning (General Permitted Development) Order 2013, which permits the change of use of a building from offices, storage, retail and agricultural to residential (Class C3) without requiring planning permission, but would need to be subject of a Prior Approval Application. In this case, the change of use does require planning permission because the building is listed and falls outside these uses classes. However, it does highlight the governments intention to permit the change of use of buildings from a number of different uses to residential.
- 14.10 In assessing both local and national planning policies, it is clear that local plan policies are less supportive of residential uses in the countryside in comparison to national policies. However, given that there is support from the Conservation Officer and that a residential use is considered to be the most appropriate use for the building in the long term and within this sensitive rural location, an exception to local plan policy should be

made in this case. Accordingly, while the proposal would result in a new dwelling in the countryside, this type of use is likely to have a much less impact on the character of the area and highway safety matters compared to other uses.

- 14.11 In terms of the impact on the character and appearance of the listed building and wider Conservation Area, the Conservation Officer does not raise any objections. The proposal should preserve and enhance the Conservation Area and protect the setting of listed fabric both here and nearby. The removal of a modern extension to the building would be an improvement and the other external works mainly involve repair and replacement of materials and windows, which are all acceptable in principle.
- 14.12 The proposed residential curtilage forms a square area of land around the building, which is currently used in part as a garden, access and car parking. The residential curtilage would be appropriate for the size of the dwelling and it is not proposed to extend the residential curtilage into the open countryside. A condition will need to be imposed to secure full details of landscaping and boundary treatment to ensure that the works are appropriate in this rural setting.
- 14.13 With regard to residential amenity, the proposed change of use would not have any adverse impact on the nearby residential properties given the distances to the nearest neighbouring residential properties.
- 14.14 While concerns have been raised about light pollution and a request has been made that all external lighting is subject to a condition and all roof lights should be fitted with blinds to minimise any additional light pollution, this would not be reasonable for a building that is already in use.
- 14.15 In terms of car parking and access requirements, the site benefits from sufficient areas to serve the dwelling. Other uses such as offices or community uses are likely to put greater pressure on car parking and accordingly, it is not anticipated that the proposal would lead to a public highway safety concern.
- 14.16 In relation to the affordable housing requirements, 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 floor space 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"

- 14.17 With this latest application, the only matter that needs to be considered is whether the previously secured affordable housing obligation should now be discharged in the light of this recent change to national guidance. This national guidance is at odds with Policy CS15 of the Council's Core Strategy. In these circumstances, the law gives no priority to either the Council's Core Strategy or to the Government's national guidance. It is for the decision maker to assess both policies as "material considerations" and to decide which should have greater weight 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 exceptional circumstances which indicate otherwise. While the need for affordable housing in this District is pressing, this in itself does not give rise to the sort of circumstances that can be considered exceptional.
- 14.18 In conclusion it is considered that the change of use of this listed building to a residential unit would be acceptable and would have little impact on the character of the Conservation Area and the character of the listed building. On the basis that part of the building has been used as a dwelling, and the proposal would not increase the number of dwellings, habitat mitigation is not required.
- 14.19 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.

### Section 106 Contributions Summary Table

|                             |                                |                                     |                   |
|-----------------------------|--------------------------------|-------------------------------------|-------------------|
| <b>Proposal:</b>            |                                |                                     |                   |
| <b>Type of Contribution</b> | <b>NFDC Policy Requirement</b> | <b>Developer Proposed Provision</b> | <b>Difference</b> |
| Financial Contribution      |                                |                                     |                   |
| <b>Habitats Mitigation</b>  |                                |                                     |                   |
| Financial Contribution      |                                |                                     |                   |

### Cil Summary Table

| Type            | Proposed Floorspace (sq/m) | Existing Floorspace (sq/m) | Net Floorspace (sq/m) | Chargeable Floorspace (sq/m) | Rate    | Total      |
|-----------------|----------------------------|----------------------------|-----------------------|------------------------------|---------|------------|
| Dwelling houses | 250.89                     | 128.13                     | 122.76                | 122.76                       | £80/sqm | £10,236.30 |

|                |            |
|----------------|------------|
| Subtotal:      | £10,236.30 |
| Relief:        | £0         |
| Total Payable: | £10,236.30 |

\* 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)*

Where:

*A = the net area of floor space chargeable in square metres after deducting any existing floor space and any demolitions, where appropriate.*

*R = the levy rate as set in the Charging Schedule*

*I = All-in tender price index of construction costs in the year planning permission was granted, divided by the All-in tender price index for the year the Charging Schedule took effect. For 2017 this value is 1.1*

## 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: PA15-150:06 Rev E, PA15-150:01, PA15-150:02, PA15-150:07 Rev E, PA15-150:08 .  
  
Reason: To ensure satisfactory provision of the development.
  
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (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: To ensure the dwelling remains of a size which is appropriate to its location within the countryside and to comply with Policy DM20 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).



4. Before development commences a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :
  - (a) the existing trees and shrubs which have been agreed to be retained;
  - (b) a specification for new planting (species, size, spacing and location);
  - (c) areas for hard surfacing and the materials to be used;
  - (d) other means of enclosure;
  - (e) a method and programme for its implementation and the means to provide for its future maintenance.

No development shall take place unless these details have been approved and then only in accordance with those details.

Reason: To ensure that the development takes place in an appropriate way and to prevent inappropriate car parking 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.

**Further Information:**

Major Team  
Telephone: 023 8028 5345 (Option 1)



**New Forest**  
DISTRICT COUNCIL

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**Planning Development  
Control Committee  
February 2017**

**Item No: 3I & 3m**  
Harbridge School  
Harbridge  
E.H.I  
16/11602 & 11603  
SU1309

Scale 1:1250

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

