

**Application Number:** 17/10273 Full Planning Permission

**Site:** COURTHOOD FARM, COURT HILL, DAMERHAM SP6 1QD

**Development:** Use as 2 bungalows; single-storey extension; alterations

**Applicant:** Mr Ings

**Target Date:** 03/05/2017

**Extension Date:** 12/05/2017

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**1 REASON FOR COMMITTEE CONSIDERATION**

Recommendation contrary to provisions of Policy DM20 which seeks to restrict the creation of additional dwellings in the countryside.

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Plan Area  
Area of Outstanding Natural Beauty

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Local Plan Part 1 (Core Strategy) 2012:**

Policy CS1 - Sustainable development principles  
Policy CS2 - Design quality  
Policy CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)

**Local Plan Part 2 (Sites and Development Management DPD) 2014**

Policy NPPF1 - Presumption in favour of sustainable development  
Policy DM3 - Mitigation of impacts on European nature conservation sites  
Policy DM20: Residential development in the countryside

**National Planning Policy Framework**

Requiring Good Design (chapter 7)

**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**

Parking standards SPD (NFDC 2012)  
SPD Mitigation Strategy for European Sites

## **6 RELEVANT PLANNING HISTORY**

16/11403 - Use as two bungalows; single storey side extension - refused December 2016. Appeal lodged against this decision - pending.

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

DAMERHAM PARISH COUNCIL - recommend permission but would accept the decision reached by the DC Officers under their delegated powers.

The Parish Council had supported the previously refused application and after discussion it was agreed that nothing had altered in this new application to change that view.

## **8 COUNCILLOR COMMENTS**

None

## **9 CONSULTEE COMMENTS**

9.1 Southern Gas Networks - no objections, but give informatives

9.2 Environmental Health (Contaminated Land) - no objections

## **10 REPRESENTATIONS RECEIVED**

None

## **11 CRIME & DISORDER IMPLICATIONS**

None

## **12 LOCAL FINANCE CONSIDERATIONS**

If this development is granted permission, the Council will receive New Homes Bonus of £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 £300.18.

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 lies beyond any built up area, in an area characterised predominantly by commercial activity at Courtwood Farm, involving industrial processes, storage and recycling. The property is an existing bungalow located approximately 400m away from village facilities in Sandleheath to the south east.
- 14.2 The proposal seeks permission for the subdivision of an existing albeit vacant bungalow to create 2 no. two bed dwellings in this countryside location. The proposal involves modest external alterations to the property including a small rear extension, removal and insertion of windows, a raised terrace area to the rear and new boundary treatments to subdivide the proposed dwellings. Off-street parking for at least two vehicles would be made available for each of the dwellings. The scheme is exactly the same as one refused in December 2016, however the Council has been in discussion with the applicant subsequently in relation to reviewing its stance
- 14.3 The proposal needs to be considered under the provisions of Policies CS2 and CS3 of the Core Strategy and Policy DM20 of the Local Plan Part 2 with emphasis placed upon potential impacts on the character of the area, on the AONB, the amenity of future occupiers and in relation to whether it would be appropriate to create an additional dwelling in this countryside location.

- 14.4 The previous application was refused on grounds of non-compliance with adopted policy DM20, which seeks to restrict the creation of additional dwellings in the countryside. However, in retrospect, considering the very modest scale of extension proposed and the impact of built form on the openness and character of the countryside, the level of identifiable harm associated with the proposed subdivision would be low. This, on the basis that the impact of built form on the openness and character of the countryside would be minimal, subject to the removal of permitted development rights to prevent further extension of the dwellings. The site is reasonably well related to local services and public transport links between 300 metres and 400 metres away to the south east in Sandleheath. Furthermore, the proposal would add to the stock of small dwellings within the rural area, so the sustainability credentials of the proposal are acceptable. Consequently the harm perceived to be caused in terms of visual impact and the sustainability of location by the previously refused scheme would be negligible. It is concluded that while an additional dwelling would be created in a countryside location, contrary to Policy DM20, the level of actual harm caused would be extremely low. In addition, in lodging the appeal referred to in Section 6 of this report, the applicants have submitted further information which justifies an approval of planning permission in this case, in relation to the need for small dwellings in the countryside.
- 14.5 The proposal would have no implications on adjoining amenity being of very modest scale and being well separated from any other residential properties, in accordance with Policy CS2 of the Core Strategy.
- 14.6 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 the New Forest 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.
- 14.7 In conclusion, the proposed subdivision and modest extension of the existing dwelling would be appropriate to the character and appearance of the area and countryside with no adverse implications on neighbouring amenity considered to be acceptable. Consequently the application is recommended for approval.
- 14.8 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>
<b>Habitats Mitigation</b>			
Financial Contribution	£3,050	£3,050	£0

## CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	3.6		3.6	3.6	£80/sqm	£300.18 *

Subtotal:	£300.18
Relief:	£0.00
Total Payable:	£300.18

\* 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:

- 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 plan no. 1616/1

Reason: To ensure satisfactory provision of the development.

3. The external facing materials shall match those used on the existing building.

Reason: To ensure an acceptable appearance of the building in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park Core Strategy.

4. 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 dwellings remain 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).

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

- (a) Provide for mitigation in accordance with the New Forest District Council Mitigation Strategy for European Sites SPD, adopted in June 2014 (or any amendment to or replacement for this document in force at the time), or for mitigation to at least an equivalent effect;
- (b) Provide details of the manner in which the proposed mitigation is to be secured. Details to be submitted shall include arrangements for the ongoing maintenance and monitoring of any Suitable Alternative Natural Green Spaces which form part of the proposed mitigation measures together with arrangements for permanent public access thereto.
- (c) The development shall be carried out in accordance with and subject to the approved proposals.

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

## Notes for inclusion on certificate:

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

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

2. In discharging condition No. 5 above the Applicant is advised that appropriate mitigation is required before the development is commenced, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard. Further information about how this can be achieved can be found here <http://www.newforest.gov.uk/article/16478/>
3. New Forest District Council has adopted a Community Infrastructure Levy (CIL) charging schedule and any application now decided, including those granted at appeal, will be CIL Liable. CIL is applicable to all applications over 100sqm and those that create a new dwelling. Under Regulation 42A developments within the curtilage of the principal residence are likely to be exempt from CIL so CIL may not be payable provided the applicant submits the required exemption form prior to commencement of the development.
4. An extract of Southern Gas Networks mains records of the proposed work area is available to view on the Council's website for your guidance. This plan only shows the pipes owned by SGN in their role as a Licensed Gas Transporter (GT). Please note that privately owned gas pipes or ones owned by other GTs may be present in this area and information regarding those pipes needs to be requested from the owners. If they know of any other pipes in the area they will note them on the plans as a shaded area and/or a series of x's. The accuracy of the information shown on this plan cannot be guaranteed. Service pipes, valves, siphons, stub connections etc. are not shown but you should look out for them in your area. Please read the information and disclaimer on these plans carefully. The information included on the plan is only valid for 28 days.

On the mains record you can see their low/medium/intermediate pressure gas main near your site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes. A colour copy of these plans and the gas safety advice booklet enclosed should be passed to the senior person on site in order to prevent damage to our plant and potential direct or consequential costs to your organisation.

Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant.

Damage to their pipes can be extremely dangerous for both your employees and the general public. The cost to repair pipelines following direct or consequential damage will be charged to your organisation.

**Further Information:**

Major Team

Telephone: 023 8028 5345 (Option 1)



