

**Application Number:** 17/11283 Full Planning Permission

**Site:** DAMERHAM BAPTIST CHURCH, LOWER DAGGONS LANE,  
SOUTH END, DAMERHAM

**Development:** Use as dwelling; single-storey extension; fenestration alterations;  
rooflights; flue; parking; septic tank

**Applicant:** Mr & Mrs Ferguson

**Target Date:** 07/11/2017

**Extension Date:** 18/12/2017

**RECOMMENDATION:** Refuse

**Case Officer:** Peter Burridge

**1 REASON FOR COMMITTEE CONSIDERATION**

Contrary to Member view and Parish Council views and a departure from policy

**2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS**

Area of Outstanding Natural Beauty  
Aerodrome Safeguarding Zone  
Meteorological Safeguarding  
Plan Area  
Groundwater Protection Zone

**3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES**

**Core Strategy**

Objectives

1. Special qualities, local distinctiveness and a high quality living environment
3. Housing
6. Towns, villages and built environment quality
7. The countryside
8. Biodiversity and landscape

Policies

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS8: Community services and infrastructure
- CS9: Settlement hierarchy
- CS10: The spatial strategy
- CS13: Housing types, sizes and tenure
- 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

DM3: Mitigation of impacts on European nature conservation sites

DM20: Residential development in the countryside

DM24: Loss of rural employment sites, shops, public houses and community facilities

### **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**

Mitigation Strategy for European Sites

Residential Design Guide for Rural Areas

Housing design, density and character

Parking Standards

Conservation Areas

Landscape Types and Character Areas Map

Policy CS15 (Affordable Housing)

Cranborne Chase AONB Management Plan

### **6 RELEVANT PLANNING HISTORY**

None relevant

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

Damerham Parish Council recommend permission under option 3 with the following comments:-

- The Parish Council strongly support this application to bring the vacant, disused building back into a positive use to assist a young family to move into the village;
- We understand there have been several discussions with the planning authority in order to come to a proposal both applicant and planning officer are happy with;
- The immediate neighbour has pledged their support of the application.

### **8 COUNCILLOR COMMENTS**

Cllr Edward Heron: supports the application:

'While it is accepted that the conversion of the former Baptist chapel to residential use may be contrary to policy, the building is no longer required for its original purpose, is not suitable for nor is there funding available for an alternative community use and is unsuitable by reason of location and conversion costs for an employment use. The proposed conversion to a single dwelling is sympathetic to the existing building and the surrounding area.'

## **9 CONSULTEE COMMENTS**

- 9.1 Ecologist: no objection subject to conditions
- 9.2 Tree Officer: no objection subject to condition
- 9.3 Landscape Officer: no objection subject to condition
- 9.4 Conservation Officer: objection
- 9.5 Hampshire County Council Highway Authority: no comment (below threshold)
- 9.6 Archeologist: no objection subject to condition
- 9.7 Estates and Valuations: advises that the premises should be marketed to establish whether there would be demand for the building for alternative uses.

## **10 REPRESENTATIONS RECEIVED**

One letter received in support of the proposal:

- The applicants will be an asset to the village;
- The property is completely unsuitable for a commercial use;
- There would be an objection to a commercial use for the building;
- It is hoped that planning permission is granted.

## **11 CRIME & DISORDER IMPLICATIONS**

Not relevant

## **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 £2024.

## **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, the application has been submitted further to pre-application discussions with the agent and applicants at which time the objections to the proposal have been made known. These are acknowledged within the Design and Access Statement which has been submitted.

## 14 ASSESSMENT

### Introduction

- 14.1 The application relates to Damerham Baptist Church and seeks permission for its conversion to a two-bedroom dwelling. Damerham Baptist Church falls within the countryside and the Cranborne Chase Area of Outstanding Natural Beauty. The site is also within the Conservation Area, the boundaries of which wrap around the north, west and southern sides of the site. There is a group of trees on the eastern site boundary which are protected by a group tree preservation order; there is a further tree part way along the access drive which is also protected. 'The Old Cottage' in front of the church is listed. It is understood that the building served as a Baptist Chapel until December 2015.
- 14.2 Damerham Baptist Church is an attractive Victorian building comprising brick elevations under a pitched slated roof. A block lean-to extension provides toilet and kitchen facilities, with a further brick lean-to at the rear which provides a function room. Access to the church is via a long narrow private lane flanked by hedgerows/ trees. Land surrounding the chapel is open and laid to grass with no formal parking/ garden area.

### Principle of Development

- 14.3 Policy DM20 cites that residential development in the countryside will only be permitted where comprising a limited extension to a dwelling, the

replacement of a dwelling or affordable housing to meet a local need or provide an agricultural or forestry worker's dwelling. The application is contrary to this policy and has been advertised as a departure to the planning policy. The Design and Access Statement acknowledges that the proposal is not policy compliant but does refer to two other permissions that have been granted (at Whitsbury and Harbridge) where 'material considerations are considered to outweigh that general aim'. In reply, each planning application must be assessed on its own merits and the circumstances of these applications are considered to differ. There is an objection to the application on this basis.

- 14.4 Policy DM24 cites that development that would result in the loss of rural community facilities will not be permitted except where:
- a) alternative equivalent provision is secured as part of the development proposal; or
  - b) the proposed development use would provide greater community benefits, for which there is a recognised local need, than the use lost; or
  - c) the use of the site or building has an adverse impact on the character and amenities of the area which is not capable of being resolved by appropriate measures.

The application is also not considered to comply with this policy thus there is a policy objection to the proposal on this basis. However, the Design and Access Statement has sought to address this policy objection.

- 14.5 In reply, the agent reasons that the proposal will provide a community benefit given that the existing building is empty and that a residential reuse will provide benefits to the local community through helping to sustain other local services (eg the primary school and public house) and will also secure the future of the building that is an established part of the built heritage of the village. Alternative uses are also considered to be unviable; this is addressed below.

#### Alternative Uses

- 14.6 The application seeks to demonstrate that there is no viable alternative use for the building and the application is supported by a letter from a local estate agent and a Viability Study. The letter, dated 6 December 2016, suggests that the lack of alternative uses rests on 3 issues comprising viability, access and demand. The letter also highlights that Damerham already has a village hall, pub and school while the application site benefits in having its own access and land which could be made into garden space. The Viability Study, 3 November 2016, concludes that all commercial uses are unviable with the demand for offices and workshop units in rural areas essentially non-existent and that such locations present problems in terms of the lack of public transport, the lack of infrastructure and services and difficulties of access.
- 14.7 The Council's Estates and Valuation Manager has considered the information submitted but advises that it is necessary for the premises to be marketed at the agreed current use value totalling £70,000 to find out whether the predicted lack of demand for other uses is correct; instead the Viability Study contains opinion as to why no demand would be expected. Until an open and fairly reported marketing campaign to reflect the current use value has been submitted (which would negate the need for a developers profit), other policy compliant uses can not be reasonably discounted.

## Design/ Conservation Area

- 14.8 The application has been subject to pre-application discussions at which time, design based objections to the proposal have been discussed in addition to the policy objections as detailed. This submission accounts for some concerns that have previously been raised with the rear lean-to extension initially to have been replaced and with a larger side extension previously shown. The application does not however address many further concerns and also backtracks on some other areas reverting to earlier proposals. These issues are acknowledged by the Design and Access Statement advising that the applicants are unable to agree with the Local Planning Authority on a number of fundamental points and therefore, in order to progress this matter, an application has been made.
- 14.9 By way of explanation, it is considered that any successful scheme for the reuse of this building should be a simple low key use that would preserve the main hall without subdivision or major alteration; the existing building is characterised by both its simplicity and the comparatively large open space provided by the main building. For this reason, from the outset, Officers have maintained the view that the Council would seek to resist any proposal for a mezzanine floor which would destroy this key characteristic and be visible through the side windows.
- 14.10 Externally, the number of alterations proposed are extensive. All external windows would be altered with important cill heights lowered and roof lights added. The front elevation would not escape alteration and the commemorative plaque reading 'Baptist Chapel 1863' would be moved. The new first floor would be visible through the windows (and particularly prominent at night) whilst services to the side walls are likely to be required and an external flue is shown to the roofline. This degree and extent of external alteration would have a harmful effect on the building adversely impacting upon its simple form. The Conservation Officer further concludes that this would result in an adverse impact on the setting of the Damerham Conservation Area due to its open aspect and edge of settlement location.
- 14.11 Regarding the extension, it is acknowledged that removal of the concrete block addition is of benefit and that the rear lean-to would be retained. However, the large number of roof lights and full height glazed doors would add a distinctly domestic character to this part of the building, while the proposed side extension would relate poorly comprising a flat roofed addition that would extend beyond the side of the rear lean-to, encompassing the corner of the main church. It is considered that a significant reduction in the amount of accommodation sought would be required should a residential scheme be supported.

## Landscape Impact

- 14.12 The application site occupies a sensitive position on the southwest extent of the village within the Cranborne Chase Area of Outstanding Natural Beauty and the Conservation Area where the landscape is characterised as Enclosed Arable Farmland within the landscape character area of Damerham and Rockbourne Valley. The site is considered to be typical of this landscape character reached along a long narrow track flanked by hedges, contained by Green Bank Copse and Crockers Copse to the west and mature trees and native hedges along its boundaries backed by a small scale unimproved paddock. It sits above the village with long and

rare views over the village and valley, in an isolated and tranquil location. There are no views into the site from public footpath routes or the highway network, except for limited and curtailed views up the access track.

- 14.13 The application suggests that very little change would be made to the character of the site but it is difficult to see how this highly sensitive location would retain its isolation and tranquillity once changes are made; notably the introduction of roof lights and when the external space is given over to domestic paraphernalia and parking. On the latter, the application does not address how the narrow track would accommodate construction traffic without harm to its enclosing hedges. Nonetheless, overall, it is considered that it would be difficult to substantiate any landscape objection even though its impact, e.g. the narrow access track would widen over time with constant use and domestic paraphernalia would be likely to increase to support this use. Therefore, on balance there is no associated objection to this application. In the event that planning permission is granted, a landscape condition is suggested requiring details of enclosures, boundary treatments, surfacing materials and planting.

### Trees

- 14.14 The location of the site within the Conservation Area affords protection to the trees on the site while there is also a Tree Protection Order encompassing trees growing on the boundary line of the Church, within the curtilage of The Old Cottage to the front.
- 14.15 The Tree Officer cites that works to the Church are unlikely to directly adversely affect the boundary trees, although associated building activities have the potential to cause harm; details on how the trees would be protected are therefore required given that no information has been supplied. It is considered that this information can form the basis of an appropriately worded condition should planning permission be granted.

### Ecology

- 14.16 The application is supported by a Daytime Bat and Nesting Bird Survey Report dated February 2017. The Council's Ecologist has raised no objection to the application subject to securing the recommendations for biodiversity protection and enhancement detailed within this report, and in particular the Biodiversity Mitigation Plan in appendix 2 via a suitable condition (which allows for variation in agreement with the Council in the event of any ecological changes during the period of the consent).
- 14.17 In accordance with the Habitat Regulations 2010 an assessment has been carried out of the likely significant effects associated with the recreational impacts of the residential development provided for in the Local Plan on both the New Forest and the Solent European Nature Conservation Sites. It has been concluded that likely significant adverse effects cannot be ruled out without appropriate mitigation projects being secured. In the event that planning permission is granted for the proposed development, a condition is recommended that would prevent the development from proceeding until the applicant has secured appropriate mitigation, either by agreeing to fund the Council's Mitigation Projects or otherwise providing mitigation to an equivalent standard.

### Residential Amenity

14.18 The application site is remote from neighbouring dwellings with the exception of The Old Cottage, in front with the access track to the site adjoining the north flank boundary of this property. While the proposal would have an impact, it is not considered that any significant adverse impact in residential amenity would be caused. In this regard, given that the track currently serves a church, its use could be more intensive than for a single dwelling (albeit probably not the case in this instance). Accordingly, there is no associated objection to this proposal.

### Highway Safety

14.19 During pre-application discussions, Hampshire Highways have advised that any application should be supported by a swept path analysis to show that turning within the site is feasible to allow vehicles to enter and leave the site in forward gear. The restrictions on access were highlighted given that it would be unlikely that refuse or emergency service vehicles would be able to enter. Therefore as the existing church is located in excess of the recommended carry distance for refuse vehicle operatives a suitable bin store should be provided in close proximity to the highway. As the church is located in excess of the criteria laid down in the Manual for Streets in respect of a fire appliance, consideration should be given to a sprinkler system to avoid the need for a fire appliance to enter the site.

14.20 The application is devoid of these details but given its existing use as a church which could generate more traffic than a dwelling, it is considered that any associated refusal reason would be unsustainable. In the event that permission was granted, cycle and bin storage should be secured through appropriately worded conditions. The need for a sprinkler system would be addressed by building regulations legislation.

14.21 In conclusion, it is considered that the proposal would result in an unjustified permanent dwelling in this sensitive countryside location and the proposed works would detract from the simple architectural form of the existing building.

### Human Rights

14.22 In coming to this recommendation, consideration has been given to the rights set out in Article 8 (Right to respect for private and family life) and Article 1 of the First Protocol (Right to peaceful enjoyment of possessions) of the European Convention on Human Rights. Whilst it is recognised that this recommendation, if agreed, may interfere with the rights and freedoms of the applicant to develop the land in the way proposed, the objections to the planning application are serious ones and cannot be overcome by the imposition of conditions. The public interest and the rights and freedoms of neighbouring property owners can only be safeguarded by the refusal of permission.



## CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
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Dwelling houses	148	125	23	23	£80/sqm	£2,024.00 *
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Subtotal:	£2,024.00
Relief:	£0.00
Total Payable:	£2,024.00

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

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

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

### Refuse

#### Reason(s) for Refusal:

1. The proposed development would result in an unjustified new permanent dwelling in a sensitive location within an area of countryside that forms part of a designated Area of Outstanding Natural Beauty. The proposed dwelling would further be unjustified because it has not been demonstrated that the existing redundant building could not be reasonably used for alternative purposes that would be consistent with the Council's Local Plan policies. The proposal is therefore considered to be contrary to the provisions of the NPPF, Planning Policies of the Core Strategy for the New Forest District outside of the National Park (Adopted October 2009) and planning policies DM20 and DM24 of the Local Plan Part 2: Sites and Development Management Document (Adopted 2014).

2. The development proposed would result in the unsympathetic, inappropriate and overly intensive conversion of an existing Victorian chapel building which comprises a non-designated heritage asset in a sensitive position on the edge of the Damerham Conservation Area and within the Area of Outstanding Natural Beauty and which is characterised by its simple architectural form. The application fails justify the extent of the alterations which are proposed which would be harmful to the significance of the building and its relationship and contribution as a building within the Conservation Area. The proposal is therefore considered to be contrary to the provisions of the NPPF, polices CS1, CS2 and CS3 of the Core Strategy for the New Forest District outside of the National Park (Adopted October 2009) and planning policies DM1 of the Local Plan Part 2: Sites and Development Management Document (Adopted 2014).

**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, the application was been submitted further to pre-application discussions with the agent and applicants at which time the objections to the proposal were made known. These were acknowledged within the Design and Access Statement which was submitted.

**Further Information:**

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**Planning Development  
Control Committee**

December 2017

Item No: 5f

Damerham Baptist Church  
South End  
Damerham  
17/11283  
SU1015

Scale 1:1250

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

