

Application Number: 17/11244 Full Planning Permission

Site: DOWNTON MANOR FARM, CHRISTCHURCH ROAD,
DOWNTON, MILFORD-ON-SEA SO41 0LA

Development: Use of barn as 3 dwellings; associated alterations and partial
demolition; cycle/bin store; parking; landscaping

Applicant: HH & DE Drew Ltd

Target Date: 30/10/2017

Extension Date: 15/12/2017

RECOMMENDATION: Grant Subject to Conditions

Case Officer: Vivienne Baxter

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Green Belt

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

- CS1: Sustainable development principles
- CS2: Design quality
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

- NPPF1: National Planning Policy Framework – Presumption in favour of sustainable development
- 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

Achieving Sustainable Development
NPPF Ch. 3 - Supporting a prosperous rural economy
NPPF Ch. 6 - Delivering a wide choice of high quality homes
NPPF Ch. 7 - Requiring good design
NPPF Ch. 9 - Protecting Green Belt land

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Mitigation Strategy for European Sites
SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

17/10394 - use of barn as three dwellings, associated alterations, cycle/bin store, parking, landscaping. Granted 9.8.17

16/11370 - use of barn as three residential units, associated works. Prior approval refused 30.11.16, appeal withdrawn.

16/10826 - use of barn as three residential units, associated alterations. Prior approval refused 11.8.16

7 PARISH / TOWN COUNCIL COMMENTS

Milford on Sea Parish Council - recommend permission but would accept a delegated decision

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

9.1 Southern Gas Networks - offer advice

9.2 Ecologist - no objection subject to condition

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 £3,672 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 £0.00.

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.

Additional information was requested in order to ascertain the full extent of remedial works required for the conversion and rebuild together with further justification for the proposal given its location within the Green Belt.

14 ASSESSMENT

14.1 The site lies within the Green Belt and close to the hamlet of Downton. It is part of a wider planning unit which includes agricultural and extraction uses. Although the site is set back from the main road, there are residential properties opposite and a site with an extant permission for a replacement farmhouse on adjacent land in the same ownership. The proposal entails the conversion of an agricultural building into three dwellings. A further building would be converted into a shared bin and bike store and other structures attached to the large agricultural building adjacent to the site would be demolished. The courtyard between the converted building and adjacent barn would be landscaped to provide parking and access for the residents and their visitors. Turning for larger vehicles would be provided outside the courtyard.

14.2 The principle issues to consider, having regard to relevant development plan policies, the National Planning Policy Framework and all other material considerations are as follows:

- i. Is the development appropriate in the Green Belt by definition?
- ii. What would the effect of the development be on the openness of the Green Belt and on the purposes of including land within the Green Belt?
- iii. Would there be any other non-Green Belt harm?
- iv. Are there any considerations which weigh in favour of the development?
- v. Do the matters which weigh in favour of the development clearly outweigh any harm to the Green Belt and any other harm?
- vi. Are there 'very special circumstances' to justify allowing inappropriate development in the Green Belt?

14.2.1 (i) Is the development appropriate in the Green Belt by definition?

The application site is located within the Green Belt and therefore the proposal must be assessed against Green Belt policies. The National Planning Policy Framework (NPPF) suggests that the construction of new buildings in the Green Belt is inappropriate other than for specific exceptions although the re-use of buildings is not inappropriate providing the buildings are of permanent and substantial construction. The previous application accepted that the proposed conversion had no greater volume and also included the demolition of a large, lean-to structure and, as such, it was considered that the three proposed dwellings would have no greater impact on the openness of the Green Belt. However, even if it is concluded that the proposal would have no greater impact on the openness of the Green Belt, the proposal must still be deemed inappropriate development, as the building is an agricultural building which cannot be considered as brownfield land. The NPPF makes it clear that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

14.2.2 (ii) What would the effect of the development be on the openness of the Green Belt and on the purposes of including land within the Green Belt?

At present, the buildings are in need of refurbishment and, more recently, partial rebuilding. The proposed development would have a limited impact on the appearance of this land with the rebuild/conversion being within the envelope of the original barn. The openness of the Green Belt would be improved due to the removal of a lengthy lean-to structure from the large agricultural barn adjacent to the site.

The main purpose for including land within the Green Belt is to safeguard the countryside from encroachment. Given the surrounding land uses to this site, there is limited scope for additional residential development other than the scheme already permitted.

14.2.3 (iii) Would there be any other non-Green Belt harm?

- a. New dwellings in the countryside - Policy DM20 of the Local Plan Part 2 restricts development of new dwellings in the countryside. However, this proposal has arisen following recent changes to the GPDO, which allows the change of use of agricultural buildings to residential use without a requirement for planning permission. Last year, two prior notification applications for the conversion of the building into three dwellings were refused for technical reasons, firstly that the proposed floor space (which included buildings other than that to be converted into the dwellings) was greater than that permitted and for highway safety reasons. The second application addressed these concerns but the overall site area included amenity space in excess of the permitted allowance. A subsequent planning application for the proposal was granted earlier this year. However, the building partially collapsed and the current proposal includes the rebuilding of certain parts of this original fabric. Consequently dwellings of the quality proposed may be supported, as a departure to the provisions of Policy DM20, subject to conditions to remove permitted development rights to extend the dwellings or erect further outbuildings. The proposal complies with the design related provisions of Policy CS2.
- b. Ecology Impacts : the Ecologist raises no objection to the proposal subject to a condition to ensure the proposed biodiversity mitigation and compensation measures are provided. In terms of the Habitat and Species Regulations tests, the comments of the Ecologist confirm that the favourable conservation status of bats may be maintained, subject to this condition. The proposal would not cause any harm to ecological interests in accordance with Policies CS3 and DM2.
- c. Tree Impacts: there are protected trees within land in the same ownership as the site although they are sufficiently far enough away not to be adversely affected by the proposal and no special measures are required in this respect.
- d. Highway Impacts: the Highway Authority has previously advised that the necessary visibility splays (2.4m x 120m) at the junction of the existing access track with Christchurch Road are entirely contained within highway land and are achievable. The site contains adequate space for all vehicles to turn safely as well as parking facilities for future occupants and visitors. While the scheme incorporates parking provision in excess of the recommended amount, it would be considered inappropriate and unsustainable to object to the scheme for this reason. The area between the building to be converted and existing barn is currently an area of hard surfacing and could accommodate many more vehicles although this would be inappropriate and harmful to the setting of the buildings.
- e. Residential Amenity Impacts: with regard to residential amenity, the site is far enough away from existing residential properties and the extant scheme on the adjoining site not to adversely affect existing privacy. Similarly, the proposed dwellings would not impact on the amenity of each other. It is noted that there is gravel extraction which occurs in the immediate vicinity although these works are bound by bunding which should minimise disruption to future occupiers.

- f. In visual terms, the proposed dwellings have been designed with regard to their rural setting and the conversion makes the most of existing openings to the building. It is accepted that there are some large proposed openings to the rear of the building, although these are shown to have sliding screens to minimise light intrusion. As stated above, the existing courtyard is currently hard surfaced, including under the lean-to proposed to be removed. While this part of the site would remain hard surfaced in order to accommodate the parking area, the eastern end of the site would be un-mown grass, as some of it is at present, thus retaining a rural edge to the site. Each dwelling would however, be provided with a small amount of amenity space to the front of the building, comparable to the general minimum guidance within the Local Distinctiveness Supplementary Planning Documents.

Outside of the courtyard area would be the turning area for emergency and refuse vehicles. There is a concrete track here at present and beyond the site, there is extensive hard surfacing in association with the adjoining use. It is not considered that the proposed landscaping of the site would be harmful to the character of the area.

14.2.4 (iv) Are there any considerations which weigh in favour of the development?

Consideration 1:

The proposal is for three dwellings within the confines of the building to be converted/partially rebuilt. A separate detached building would also be used for bin and cycle storage and a lean-to along the side of the adjacent agricultural barn would be removed resulting in an enhancement to the farmyard and the openness of the Green Belt, which weighs in favour of the proposal.

Consideration 2:

The proposal would not cause any other Green Belt harm, subject to conditions to cover highway issues and biodiversity measures, which weighs in favour of the proposal.

Consideration 3:

The level of housing need in the District.

Consideration 4:

Proposals for the conversion of the barn to three dwellings was previously submitted under a prior notification and, had appropriate access, parking and amenity spaces been included, the scheme would have been permitted development. The proposal is considered to be an improvement on what could have been allowed without planning permission in both visual (Green Belt openness) and residential amenity terms

14.2.5 (v) Do the matters which weigh in favour of the development clearly outweigh any harm to the Green Belt and any other harm?

As set out above, the proposed development amounts to inappropriate development in the Green Belt, which by definition is harmful to the Green Belt. Substantial weight attaches to any harm to the Green Belt. However, the proposal would not result in any loss of openness of the Green Belt, rather it would improve its openness due to the removal of a large structure.

With respect to 'any other harm', the site would be largely enclosed from public vantage points and the limited and basic landscaping proposed is likely to lead to a small enhancement in the landscape value for the site. The ecological value of the site would not be harmed by the proposals, subject to conditions. The proposal is not considered to have any harmful impact on existing residential amenity.

In your officers' view the matters which weigh in favour of the development clearly outweigh the very limited harm to the Green Belt caused by the proposal.

14.2.6 (vi) **Are there 'very special circumstances' to justify allowing inappropriate development in the Green Belt?**

In light of the above, it is concluded that 'very special circumstances' do exist, in the form of benefits to the openness of the Green Belt, involving only very limited harm to the Green Belt, to warrant a departure from established and adopted Green Belt policies. The principle of the proposed development within the Green Belt is therefore considered to be acceptable in this instance.

14.3 Other material considerations

The level of housing need in the District is sufficiently above the level of housing supply to know that a five year supply of housing land is currently unavailable. This situation will be addressed through the emerging local plan, but until the new Local Plan is adopted, paragraph 14 of the NPPF advises that planning permission for housing development should normally be granted unless any planning harm identified would "*significantly and demonstrably outweigh the benefits*". This is known as the 'tilted balance' in favour of sustainable development. In this case, it is considered that the adverse impacts of development set out above do not significantly and demonstrably outweigh the benefits. Although the site lies within the Green Belt, very special circumstances are considered to exist and therefore the tilted balance in favour of granting permission is a material consideration in assessing this application.

- 14.4 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.

14.5 Conclusion

The proposal would have no greater impact on the Green Belt than the scheme approved earlier this year, nor would it conflict with the purposes of including land within the Green Belt. Subject to appropriate conditions, there would be no harm to the ecology of the site and adequate parking and access facilities would be provided. Given these benefits together with the need for housing, it is considered approval should be recommended.

Section 106 Contributions Summary Table

Proposal:			
Type of Contribution	NFDC Policy Requirement	Developer Proposed Provision	Difference
Affordable Housing			
No. of Affordable dwellings	0	0	
Financial Contribution	0	0	
Habitats Mitigation			
Financial Contribution	£10,350		

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	374	647	-273	-273	£80/sqm	-£22,764.00 *

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

* 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:

$Net\ additional\ new\ build\ floor\ space\ (A) \times CIL\ Rate\ (R) \times Inflation\ Index\ (I)$

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: letters dated 4.9.17 and 24.11.17, Survey and Structural Report, 101A, 102A, Planning Statement, Biodiversity Checklist, Ecological Appraisal, Design and Access Statement, SK001, SK002, SK001 (photorecord), 00 Rev P2, 01 Rev P2, 02 Rev P2, 03 Rev P2, 04 Rev P3, 07 Rev P2, 05 Rev P3, 06 Rev P3, 08 Rev P3, 09 Rev P1.

Reason: To ensure satisfactory provision of the development.

3. Before development commences, exact details of the facing and roofing materials and windows/doors to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

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

4. Before the occupation of the first dwelling, 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 (including any changes to the access drive) 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 occupation shall occur 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 to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

5. The development hereby permitted shall be carried out in accordance with all the measures outlined in the Ecological Appraisal dated June 2017 by Phil Smith Consultants unless otherwise previously agreed by the Local Planning Authority. Development shall only proceed in accordance with the approved details and shall be implemented prior to the occupation of any dwelling.

Reason: To safeguard protected species in accordance with Policy CS3 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and Policy DM2 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

6. No windows other than those hereby approved shall be inserted into the building unless express planning permission has first been granted.

Reason: To safeguard the rural setting of the building in accordance with policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

7. 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.

8. 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 in view of the physical characteristics of the plot, the Local Planning Authority would also wish to ensure that any future development proposals do

not adversely affect the visual amenities of the area to comply with Policies CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy) and DM20 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

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.

Additional information was requested in order to ascertain the full extent of remedial works required for the conversion and rebuild together with further justification for the proposal given its location within the Green Belt.

2. In discharging condition No. 7 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/>

Further Information:

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New Forest DISTRICT COUNCIL

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Planning Development Control Committee

December 2017

Item No: 5b

Downton Manor Farm
Christchurch Road
Downton Milford on Sea
17/11244
SZ2793

Scale 1:1250

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

