

Application Number: 18/10749 Full Planning Permission

Site: THE OLD PUMPHOUSE, MARL LANE, SANDLEHEATH
SP6 1NU

Development: Use as residential dwelling; rear extension; dormer window;
parking

Applicant: Sean Kelly

Target Date: 02/08/2018

RECOMMENDATION: Refuse
Case Officer: Stephen Belli

1 REASON FOR COMMITTEE CONSIDERATION

Contrary Parish Council view

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

- 1 Special qualities and local distinctiveness
2. Climate change and environmental sustainability
3. Housing
5. Travel

Policies

CS1: Sustainable development principles

CS2: Design quality

CS3: Protecting and enhancing our special environment (Heritage)

CS9: Settlement hierarchy – countryside designation

CS10: Spatial strategy

CS15: Affordable housing contribution requirements from developments

Local Plan Part 2 Sites and Development Management Development Plan Document

NPPF1: Presumption in favour of sustainable development

DM1: Heritage and conservation

DM3: Mitigation of impacts on European 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 - Residential design guide for rural areas

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

6 RELEVANT PLANNING HISTORY

None

7 PARISH / TOWN COUNCIL COMMENTS

Sandleheath Parish Council recommend approval for the reasons listed below

1. This is a solid proposal to convert a derelict building into a residential one
2. There would be no meaningful impact on traffic in Marl Lane
3. Scheme is in keeping with the nature of the property and makes good use of an old building.

8 COUNCILLOR COMMENTS

None received

9 CONSULTEE COMMENTS

Conservation Officer - The Old Pumphouse is considered to be a non-designated heritage asset and is important to the character of the area. It was built between 1901 and 1909 as an engine house and appears on the 1909 map along with a new dwelling on the site of what is now Hurley Farm. It is highly likely that the two were built at the same time and the engine house may have pumped water from a well up to the house giving it running water in a rural location, still something of a novelty in rural areas at this stage in history.

This building is important to the understanding of the development of this area and is architecturally interesting as an industrial building. The roof slope of the building is simple and uncluttered and it is in this simple form that part of the character of this building lays.

Given the current interventions into the roof slope and the loss of the rear circular window, along with the rather odd roof form of the rear extension and lack of a heritage assessment. I feel that paragraph 189, paragraph 197 and paragraph 130 of the NPPF should apply in this case and I am unable to support the scheme as it stands.

10 REPRESENTATIONS RECEIVED

6 letters of objection received raising the following concerns

- Marl Lane is heavily used by walkers and horses and is not suitable for extra vehicular traffic by virtue of its unmade and narrow nature. Consideration should be given to highway safety and the danger that this dwelling will bring to existing users
- Site is in open countryside where there is a presumption against new dwellings on the grounds of sustainability
- Plans are inaccurate and impinge on other boundaries and land
- No gas, water or electricity and there is concern over how surface and foul waste will be dealt with
- Location is prone to flooding so surface water systems of disposal will not work
- No ecological report has been submitted - bats have been seen in the area
- Proposed works have an adverse impact on the character of the building, new extensions, roof extension and external timber cladding are unacceptable
- Both adjoining owners dispute that the red line site boundary is wholly within the applicant's ownership.
- The site is too small to allow for adequate drainage. There is insufficient room to site a sewage disposal system within the grounds. Neither are there any proven and adequate ways of disposing of surface water – the whole area is waterlogged in winter months. There is no evidence that the proposal will comply with Building Regulations

11 CRIME & DISORDER IMPLICATIONS

None relevant

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive £1224.00 New Homes Bonus 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 £2,118.77.

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 unacceptable both in principle and in matters of detail as submitted no specific further actions were required. The applicant did not avail himself of the Council's pre application advice service where matters of principle and design considerations could have been set out thus avoiding what is considered to be an abortive application on this occasion. The applicant has been advised of the case officer's concerns but no response has been received.

14 ASSESSMENT

14.1 Application site and surroundings

14.1.1 The site is located in the open countryside and outside the settlement limits of both Ashford to the south and Sandleheath to the west. Fordingbridge lies to the east. The site comprises a former Pumphouse building constructed to manage water supplies, it is thought in

connection with Hurley Farm to the west. The building has the appearance of an ornate lodge type structure at the entrance to Hurley Farm, albeit its purpose was as an engine pump house not residential. The building as described by the Conservation Officer has a number of ornate architectural details such as exposed rafters, round windows and English brick bond brickwork.

14.1.2 The building is constructed in brick under a clay tiled roof and is of a simple rectangular form with a lean to extension to one end. The building presents its gable end to the access road to Hurley Farm which in this case is also a public footpath. The building sits in a small fenced curtilage which separates it from the agricultural land to the west and north, and the domestic access and gardens belonging to Sandle Grange house to the east. Little survives in the interior of the building apart from a queen post roof and some original window frames. There is currently no first floor.

14.1.3 Access to the site is via a long unmade track leading from the Fordingbridge Fire station. This track known locally as Marl Lane is approximately 2-3 metres in width with no passing places other than where there is local widening to serve cottages along the lane or by using driveways. There are a number of older residential properties along the lane probably built as estate workers cottages.

14.2 Proposal

14.2.1 The proposal involves the renovation and conversion of the building to form a single open market dwelling. The building works include a modification to and part new extension on the site of the existing single storey lean to and a large dormer type extension to the western roof slope. The lean to extension would be extended upwards to form part of the new first floor.

14.2.2 The existing building measures some 8 metres by 4.5 metres wide with a ridge height of 5.5 metres. The proposed new accommodation would comprise an open plan lounge and dining area with a kitchen on the ground floor, with a new floor inserted to form a first floor with a double bedroom, dressing room and bathroom.

14.2.3 The building at the present time has no water supply or means of disposing of foul waste. The application form states that surface water will be dealt with via a sustainable drainage system, but that the means of foul water disposal are unknown at this time. Access is intended via Marl Lane and the submitted site layout plan indicates two tandem parking spaces to serve the new dwelling. The building would to be provided with a fenced garden area to the north and east with a smaller strip of land to the west. The red line boundary appears according to the neighbours to cross land in their ownership. A large tree exists on the eastern side of the building.

14.2.4 The applicant currently lives in London and he describes the use of the building as being a storage lock up historically an engine house. It is understood that the property more recently used to belong to Sandle Grange to the east but was recently sold at auction. There were no pre application discussions leading up to the submission of the application.

The key issues in this case are as follows

- the principle of development in the open countryside,
- impact on the character and appearance of the existing building and area,
- impact on neighbours,
- highway safety including rights of way,
- drainage and services.
- Ecological impact

14.3 Principle

- 14.3.1 The site is in the open countryside where normally new dwellings are not permitted unless they are required for agricultural purposes or to serve an established rural based business where there is a functional need to live on the spot. The proposal for an open market rather than affordable dwelling is also contrary to established Core Strategy and Local Plan Part 2 policies as set out above and comprises an isolated new dwelling which is contrary to paragraph 79 of the National Planning Policy Framework. While the building could be described as a local non designated heritage asset it is not a Listed Building so there are no overriding exceptional circumstances to allow an exception in this case as there might be with a Listed Building at risk for example.
- 14.3.2 From a sustainability point of view it is clear that this isolated new dwelling would require any occupiers to have the use of a motor car to access everyday services. Both local and national policy dictates that there need to be very special circumstances to set aside such a presumption against residential development in the open countryside.
- 14.3.3 In the light of recent changes to national planning policy, it is considered inappropriate to secure a contribution towards affordable housing in respect of schemes of 10 residential units or fewer. In essence, national planning guidance would now outweigh the Council's own policies on this particular issue
- 14.3.4 The Local Planning Authority is not currently able to demonstrate a 5 year supply of housing land when assessed against its most recent calculation of Objectively Assessed Need. Relevant policies for the supply of housing are therefore out of date. In accordance with the advice at paragraph 11 of the NPPF, permission should therefore be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate that development should be restricted. In this case, the presumption in favour of sustainable development does not apply because the development requires an appropriate assessment in compliance with the Birds or Habitats Directive, and there is therefore a specific policy in the NPPF (paragraph 177) which indicates that development should be restricted. Moreover, as set out above, it is considered that the adverse impact of the proposed development would significantly and demonstrably outweigh the benefits of the development.

14.4 Character impact

- 14.4.1 The Conservation Officer considers the building to be of interest and important locally to the history of the area. The Officer advises that national policy dictates as follows -

Paragraph 197 of the NPPF states that consideration needs to be given to the significance of a non-designated heritage asset when determining an application. A balance needs to be struck between the harm caused and the significance of the heritage asset. This building is important to understanding of the landscape of the area and its development in the late Victorian / Edwardian period. Its architectural detailing is important to its character and the simple roof slope is characteristic of late Victorian buildings but appropriate for the industrial use it was intended for. The building is unique to the area and therefore the survival of its intrinsic character is important. This building could be capable of conversion however, there needs to be more of an understanding as to what makes this building special and in accordance with paragraph 189 of the NPPF a basic heritage assessment should be provided that describes the buildings architectural character and what is significant about it. This should be reflected in the proposal.

14.4.2 It is clear that the proposed alterations to the building, particularly by way of a first floor upwards extension of the lean to at the rear, and a large flat roofed dormer window extension in the roof space jars with the simple uncluttered lines and character of the building detracting from its appearance and undermining its character and historical significance. The Conservation Officer in her report also refers to other changes which adversely impact on the building. In addition other domestic features and paraphernalia surrounding the building would also impact adversely on the character and appearance of the building and the site. The Conservation Officer considers that the building *could* be converted to a dwelling but much more understanding is required of the form and features of the building, what makes it special, and a much simpler approach being taken, without roof or other extensions or other changes of materials or changes to windows and doors.

14.4.3 While the building is clearly of some local importance and interest it should also be stated that it is not a building at risk in the conventional sense. There is no pressure to find an alternative use and in any event such a use does not have to be residential in nature. The applicants purchased the building at auction with a view to a residential use but there was no indication given that such a use would be acceptable in planning policy terms. The existing or former use of the building as storage could be re-instated. Alternatively the building could go back to the ownership of either Hurley Farm or Sandle Grange and be used as an ancillary outbuilding of some sort which in real terms would be a more appropriate use, connected to an existing dwelling. Such a low key use would put less pressure on needing to service the site or in changing and adapting the building to a full blown residential use.

14.5 Impact on neighbours' amenity

14.5.1 The two nearest neighbours to the site are Sandle Grange and Hurley Farm both of whom have objected. While there is no direct loss of privacy to either property they are both concerned regarding the details of the proposal and the fact they say that the red line boundary crosses their own land. The applicant has been made aware of this but has not responded. This raises civil law matters between property owners. The grant of a planning permission does not override civil law and in this respect the Authority must take at face value the Certificate A submitted with the application notwithstanding the concerns of the neighbours. There are a number of other local residents in the area but the impact on

those is more limited to the stated difficulties of accessing the site and the way in which this impinges on their opportunity to enjoy the lane as a public right of way.

14.6 Highway safety and rights of way

- 14.6.1 There have been a number of objections submitted by those neighbours who currently use the access track leading to the site. They all point to the inadequacy of the existing track. An additional dwelling together with the usual comings and goings (6-8 traffic movements per day is a rough guide) they consider would be prejudicial to highway safety. The track itself is loose gravel and has potholes and is clearly in need of maintenance. There are very few passing places along the length of the track leading to the site (some 700 metres). This could result in traffic meeting each other in the lane and having to reverse in an area frequented by walkers and horse riders and with no lighting.
- 14.6.2 There is another means of access from Puddleslosh Lane but if anything this access is even more substandard. Policy CS10 seeks to ensure that there is adequate access to all development sites and that any adverse impacts from traffic and access are minimised. In this case there are no submitted proposals to improve the access road, which in any event is not within the control of the applicant. The fact that the access road is a well-used public right of way means that any additional traffic does not meet the policy requirements notwithstanding that it could be argued that only one additional dwelling is not a material increase in traffic volumes. Added to these difficulties is the added short term problem of accessing the site by construction traffic. Given the distance of the site from every day services and local employment it is also unlikely that more sustainable forms of transport can be used instead of the motor car.

14.7 Drainage and services

- 14.7.1 The application at this stage contains inadequate details in relation to the disposal of surface water or how waste flows would be dealt with. The application form and plans contain no details as to how this would be accommodated within the site. While these matters are more generally dealt with under the building regulations there is a concern that the applicant has failed to demonstrate that a new dwelling can be satisfactorily accommodated together with all the necessary services. This however does not result in a reason for refusal albeit any works outside the curtilage of a dwelling to install such drainage works would require planning permission in their own right.

14.8 Ecological impact

- 14.8.1 In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment has been carried out as to whether granting planning permission would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the recreational impacts on the European sites, but that the adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact in accordance with the Council's Mitigation Strategy or mitigation to at least an equivalent effect.

- 14.8.2 In accordance with the Habitat Regulations 2017 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
- 14.8.3 The Council has recently been advised by Natural England and the Environment Agency that existing measures to off-set the amount of phosphorous entering the River Avon as set out in the Hampshire Avon Nutrient Management Plan will not be sufficient to ensure that adverse effects on the integrity of the River Avon Special Area of Conservation do not occur. Accordingly, new residential development within the catchment of the Hampshire Avon needs to be "phosphate neutral". In order to address this matter the Council in conjunction with Natural England, the Environment Agency and adjoining local authorities proposes to develop appropriate phosphorous controls and mitigation measures to achieve phosphorous neutrality. A Memorandum of Understanding to that effect has been signed by the aforementioned parties Hereafter, all new residential development will be subject to a condition which will prevent occupation of the development until either mitigation in accordance with the Council's Phosphorous Mitigation Strategy is secured or, in advance of the publication of the Strategy, on-site foul drainage infrastructure capable of achieving an equivalent reduction in phosphorous has been installed in accordance with details approved by the Council.
- 14.8.4 Finally some local objectors point to anecdotal evidence that there may be bats using the building. If that is the case there is then an onus on the applicant to show that the conversion of the building would not harm any potential ecological interest the site may have. It is an offence under the Wildlife and Countryside Act to harm any bats or to destroy or harm any roosting area. However, given that the recommendation in this case is one of refusal on grounds of principle it is considered unnecessary to require any further evidence to be submitted to demonstrate there would be no harm to matters of ecological importance.

14.9 Conclusions

- 14.9.1 The building in question clearly has some local and historic importance and can be considered a non-designated heritage asset. It is clear from the submitted plans that the proposals would harm this asset in terms of its character and appearance. The building in any event lies in the open countryside and there are no exceptional circumstances which would allow the setting aside of local and national policies of restraint on new dwellings in such non sustainable locations. The access road leading to the site is severely substandard and additional traffic would be prejudicial to highway safety of existing users both in vehicles and on foot or horseback. The proposal is considered to be contrary to a range of policies as set out in the Development Plan and government advice as set out in the National Planning Policy Framework.

14.9.2 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	58	36	22	22	£80/sqm	£2,118.77 *
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Subtotal:	£2,118.77
Relief:	£0.00
Total Payable:	£2,118.77

* 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 2018 this value is 1.2

15. RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The site lies in the open countryside divorced from local facilities and services. The proposed new open market dwelling is not required for any agricultural or rural based business for the occupier to live on that spot. Any occupiers of the proposed new dwelling will be reliant on the use of a private motor car to service their everyday needs. This is compounded by a long narrow inadequately lit and surfaced access road with few opportunities for vehicles to pass. In addition the access road is used as a public right of way. Any additional traffic would be material and would add to the current dangers, and would be prejudicial to highway safety for existing users of the track. The proposed new dwelling is not sustainable and is considered to be contrary to Core Strategy Policies CS1, CS9 and CS10, DM20 of the Local Plan Part 2, as well as with the principles of sustainability set out in the National Planning Policy Framework (NPPF). There are no exceptional circumstances in this case to warrant setting aside this presumption against new dwellings in such areas.
2. The proposed works to the building do not respect the building's qualities, local distinctiveness and character, and will adversely impact on the significance of this local non designated heritage asset. There are insufficient details submitted to demonstrate an understanding as to what makes this building special and how the proposed works are in sympathy with the building. The proposal is considered contrary to Core Strategy Policy CS2 as well as Local Plan Part 2 policy DM2 which set out the necessary high standards of design and in particular that adverse impacts on buildings considered to be of heritage importance should be avoided. The proposal is furthermore considered to be contrary to the advice on heritage assets and good design as set out in the NPPF

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 but as the application was unacceptable both in principle and in matters of detail as submitted no specific further actions were required. The applicant did not avail himself of the Council's pre application advice service where matters of principle and design considerations could have been set out thus avoiding what is considered to be an abortive application on this occasion. The applicant has been advised of the case officer's concerns but no response has been received.

Further Information:

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New Forest DISTRICT COUNCIL

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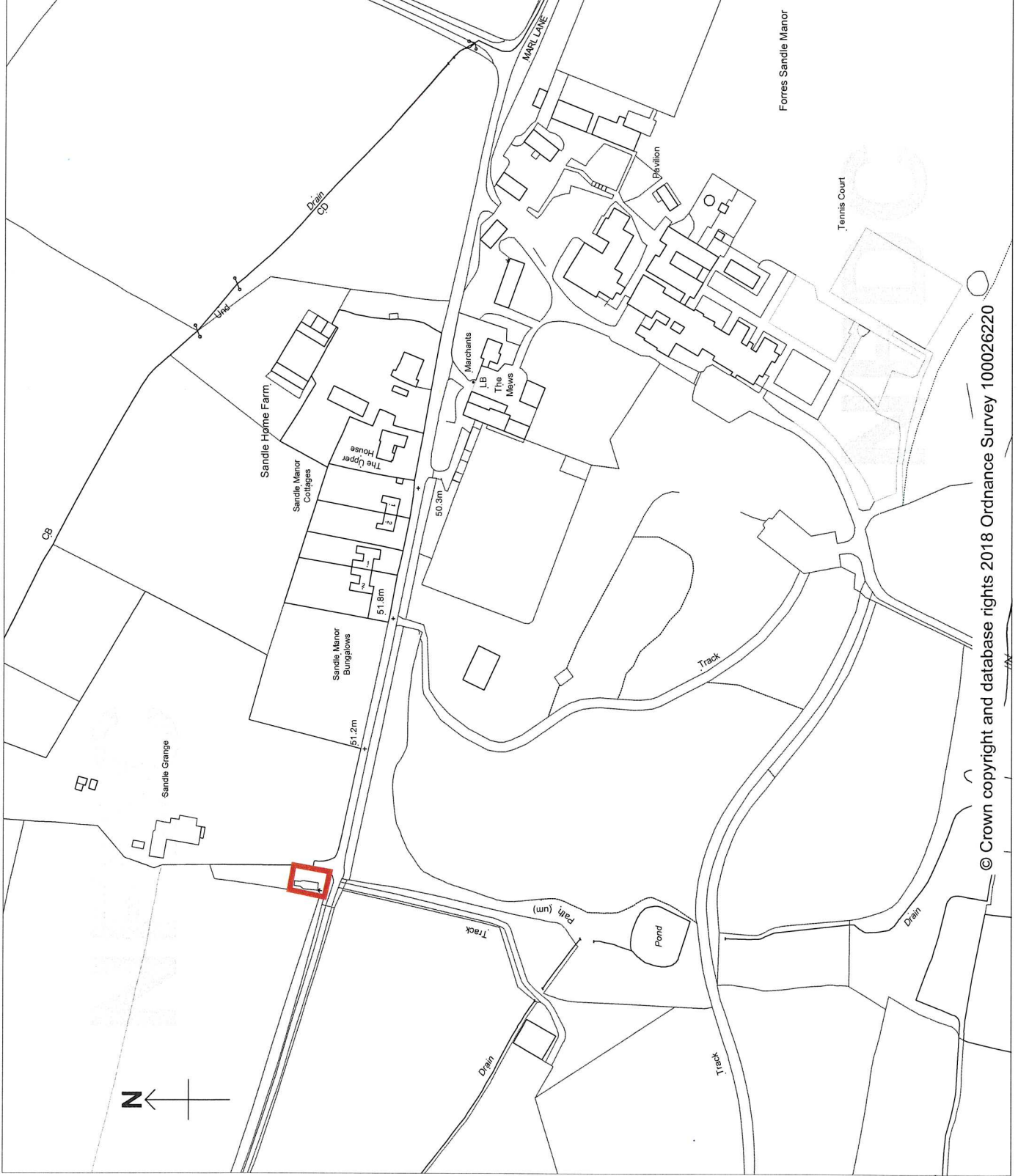
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**Planning Development
Control Committee**
August 2018

Item No: 3i
The Old Pumpphouse
Marl Lane
Sandheath
18/10749

Scale **1:2500**

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



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