

Application Number: 18/10871 Full Planning Permission

Site: WEST BARNES, BLEAK HILL FARM, BLEAK HILL, ELLINGHAM,
HARBRIDGE & IBSLEY BH24 3PX

Development: Reconstruction of barn to form Dwelling, use of barn as garage
and ancillary residential accommodation (part retrospective)

Applicant: Mr & Mrs Lewis

Target Date: 21/08/2018

Extension Date: 13/09/2018

RECOMMENDATION: Grant Subject to Conditions
--

Case Officer: Richard Natt

1 REASON FOR COMMITTEE CONSIDERATION

Contrary to Policy

2 DEVELOPMENT PLAN AND OTHER CONSTRAINTS

Countryside outside the New Forest

3 DEVELOPMENT PLAN, OBJECTIVES AND POLICIES

Core Strategy

Objectives

- 1. Special qualities, local distinctiveness and a high quality living environment
- 3. Housing
- 7. The countryside

Policies

Core Strategy

- CS1: Sustainable development principles
- CS2: Design quality
- CS3: Protecting and enhancing our special environment (Heritage and Nature Conservation)
- CS10: The spatial strategy
- CS15: Affordable housing contribution requirements from developments
- CS24: Transport considerations
- CS25: Developers contributions

Local Plan Part 2 Sites and Development Management Development Plan Document

- DM2: Nature conservation, biodiversity and geodiversity
- DM3: Mitigation of impacts on European nature conservation sites
- DM20: Residential development in the countryside

4 RELEVANT LEGISLATION AND GOVERNMENT ADVICE

Section 38 Development Plan
Planning and Compulsory Purchase Act 2004
National Planning Policy Framework

5 RELEVANT SUPPLEMENTARY PLANNING GUIDANCE AND DOCUMENTS

SPD - Mitigation Strategy for European Sites
SPG - Residential Design Guide for Rural Areas

6 RELEVANT PLANNING HISTORY

6.1 Use as 1 residential dwelling - 15/10488 (Prior Approval not required on the 18th May 2015)

7 PARISH / TOWN COUNCIL COMMENTS

Ellingham and Harbirdge Parish Council: propose to recommend to permission under option 1 with delegated powers to NFDC with the following comments:-

- Being mindful of the rural location and the extent of glazing, the Parish Council would like the importance of mitigating any light pollution to be stressed with the applicant with all external lighting to be a material consideration with Passive Infrared (PIRs) sensors as standard.
- The two outbuildings should be conditioned for incidental use only to prevent any future conversion to habitable floor space or separate dwellings.

8 COUNCILLOR COMMENTS

None

9 CONSULTEE COMMENTS

None

10 REPRESENTATIONS RECEIVED

None

11 CRIME & DISORDER IMPLICATIONS

No relevant considerations

12 LOCAL FINANCE CONSIDERATIONS

If this development is granted permission, the Council will receive New Homes Bonus £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 aCIL liability of £25,810.

Tables setting out all contributions are at the end of this report.

13 WORKING WITH THE APPLICANT/AGENT

In accordance with paragraph 38 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 application site known as 'West Barn' forms part of a larger group of former farm buildings which are situated around a traditional farmstead including farm house in a rural setting named Bleak Hill Farm. It should be noted that the other existing farm buildings at Bleak Hill Farm, which include the farmhouse and 'North Barn' are completely separate from this current application and are in separate ownership.
- 14.2 Bleak Hill Farm previously formed a group of former traditional farm buildings and farmhouse dating back over 100 years. The buildings subject to this current application known as 'West Barn' were more modern buildings, and previously comprised the main timber framed barn, a single storey open fronted solid brick building under a tiled roof,

and a blockwork structure under a corrugated sheet roof. The existing farmhouse has recently been renovated and one of the former farm buildings, known as 'North Barn' has now been converted into a dwelling, following the grant of planning permission. A further building within the courtyard also has permission to be converted into a dwelling.

- 14.3 In terms of the relevant planning history, in May 2015, under reference 15/10488, 'West Barn' received Prior Approval for the change of use of the three existing buildings into a dwelling, car port and annex. A structural report accompanied that application which concluded that part of the existing structural fabric of the timber framed building could be retained to form a dwelling, whereas the two smaller buildings could be used for more ancillary/incidental purposes to the main dwelling.
- 14.4 Shortly after permission to convert the buildings into a dwelling, a significant part of the main timber building collapsed due to poor weather conditions. Following the unexpected collapse of the building, works continued to implement that permission, however, it was not until March 2018 that the Council's Enforcement team first investigated the site to understand whether the works that had taken place were in accordance with permission granted under 15/10488.
- 14.5 The applicant states that the construction work to the timber barn was undertaken with great care, to try and preserve as much of the existing structure as possible. However, a significant part of the existing had already collapsed and following the Enforcement investigation, it was concluded that the building to be converted into a dwelling was completely demolished to ground level and rebuilt. In addition, the dwelling under construction was not being built in accordance with the approved design and use of materials compared to the approved scheme. It should be noted that the two other existing buildings on the site were not demolished and are being converted in accordance with the approval. Accordingly, this application seeks to regularise the situation.
- 14.6 Visually the building under construction is very similar to the design and appearance of the dwelling that was granted under the Prior Approval Application. Although there are some slight differences, including the extent of glazing, materials and detailing, on the whole, there are some clear similarities. The main difference is that the building has been rebuilt rather than being a conversion. Currently the dwelling and its associated buildings have been built and are nearing completion.
- 14.7 In assessing this application, it should be noted that had the main timber barn not collapsed, the works could have been undertaken in accordance with that already approved. Nevertheless, a planning application has now been submitted and must be considered against local plan policy, unless material considerations indicate otherwise.
- 14.8 Local Plan Part 2 Policy DM20 states that residential development in the countryside will only be permitted where it is for a replacement dwelling, affordable housing or agricultural worker's dwellings. The policy goes on to state that in all cases, development should be of an appropriate design, scale and appearance in keeping with the rural character of the area, and should not be harmful to the rural character of the area by reason of traffic and other activity generated or other impacts.

- 14.9 In assessing against this policy, the proposal is not a replacement dwelling, nor is it for an agricultural worker or for affordable housing. On this basis, the proposal for a new dwelling in the countryside does not accord with the policy criteria. While there is nothing in the policy which specifically relates to the conversion or rebuilding of existing buildings into residential uses, it is clear that the proposal for new residential development in the countryside is only permitted if it is a replacement dwelling, or for affordable housing or an agricultural worker.
- 14.10 This policy is consistent with paragraph 79 of the National Planning Policy Framework which sets out criteria where residential development in rural areas might be found acceptable. These include the re-use of a redundant or disused building where it would lead to an enhancement of the immediate setting, or in order to meet an essential need for a rural worker to live permanently at or near their place of work. Given that the existing building has been demolished, the proposal does not meet the test of policy DM20 for new residential development in the countryside or with paragraph 79 of the Framework.
- 14.11 A further consideration is that the Council is able to achieve a 5 year supply of housing land when calculated using the housing requirement figure in the current Local Plan. However, the Local Plan requirement for housing is based on a system of national targets and a Regional Spatial Strategy that was abolished in 2013. The requirement figure is therefore out of date.
- 14.12 Recent studies indicate a need to deliver a significantly greater number of houses in the future than are provided for in the existing local plan. The Council is addressing the need for an increased supply of housing through the emerging local plan and anticipates submitting a draft local plan for independent examination later this year. When adopted, the new local plan will establish a housing target from which an annual supply of housing sites will be derived. Until then, in the absence of an up to date housing requirement figure in an adopted local plan, the Council is unable to demonstrate a 5 year supply of deliverable housing sites.
- 14.13 The National Planning Policy Framework advises that where a Local Planning Authority is unable to demonstrate a 5 year supply of deliverable housing sites, policies for the supply of housing should not be considered up to date. Moreover, where plans are out of date, proposals for development should be approved unless specific policies in the NPPF indicate that development should be restricted or unless any adverse impact of allowing development would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF when taken as a whole. The proposal would make a modest contribution to the Governments housing supply.
- 14.14 A further material consideration is that consent had been granted for the change of use of the original building to residential under a Prior Approval Application. Unfortunately due to the unexpected collapse of part of the building, it was not practical to convert the existing building and the only solution from a safety and structural perspective was to rebuild from the ground floor. While this is not a matter that should be used as a precedent to allow existing farm buildings to be rebuilt to form a dwelling, considerable weight should be given to the previous permission which accepted the change of use of the building.

- 14.15 With regard to other matters, the proposal would not impact on residential amenity. There are no material changes in the size or position of windows compared to that previously approved. Moreover, there is sufficient space provided on site for car parking.
- 14.16 The overall design of the dwelling is similar to that previously approved. It is considered that the materials used on the buildings are sympathetic to the rural character of the area including timber cladding, slate and standing seam roof for the main dwelling and re-using brick and clay tiles for the outbuilding. The extent of glazing used on the buildings is relatively limited to ensure the buildings retain their traditional appearance and would be unlikely to lead to excessive levels of light pollution. A condition is proposed (No. 5) to limit alterations that may otherwise be permitted development due to the sensitive location of the site in the countryside. The Parish Council's suggestion to impose a condition to prevent the formation of additional dwellings is not necessary as this would require planning permission in its own right.
- 14.17 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.
- 14.18 In accordance with the Conservation of Habitats and Species 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.
- 14.19 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, Natural England have been consulted on this and raised no objection. 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.
- 14.20 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 has been signed by the aforementioned parties and it is proposed that this matter is dealt with by condition which would prevent occupation of this development until implementation of the necessary mitigation or offsetting has been secured.

- 14.21 In balancing out the issues, while the proposal is not strictly in accordance with local plan policy, which does not permit new dwellings in the countryside, given that the principle to convert the building into a dwelling was previously granted and that the government is encouraging the change of use of former agricultural buildings to dwellings, which makes an enhancement to its setting, the proposal to create an additional dwelling outweighs the policy position.
- 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 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

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

CIL Summary Table

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	392		392	392	£80/sqm	£37,752.62 *

Subtotal:	£37,752.62
------------------	-------------------

Relief:	£0.00
Total Payable:	£37,752.62

* 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:

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

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

Grant Subject to Conditions

Proposed Conditions:

1. The development permitted shall be carried out in accordance with the following approved plans: P 00-01, P 00-05, P 03 01 Rev A, P 03 -30 Rev A, P 03-31 Rev A, P 03-02 Rev A, P 03-03 Rev B, P 03-130 Rev A, P 03-131 Rev A, P 03-100 Rev A, P 03-101 Rev A, P 03-105 Rev A, P E1-130. P E1-100, P 00-08, P 00-09, P 00-11.

Reason: To ensure satisfactory provision of the development.

2. Within 3 months from the date of this permission, a scheme of landscaping of the site shall be submitted for approval in writing by the Local Planning Authority. This scheme shall include :

- (a) the existing trees and shrubs which have been agreed to be retained;
- (b) a specification for new planting (species, size, spacing and location);
- (c) areas for hard surfacing and the materials to be used;
- (d) other means of enclosure;
- (e) a method and programme for its implementation and the means to provide for its future maintenance.

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

Reason: To ensure that the development takes place in an appropriate way and to prevent inappropriate car parking to comply with Policy CS2 of the Local Plan for the New Forest District outside

the National Park (Core Strategy).

3. All external works (hard and soft landscape) shall be carried out in accordance with the approved plans and details set out in condition 2 following first occupation of the dwelling and maintained thereafter as built and subject to changes or additions only if and as agreed in writing with the Local Planning Authority.

Reason: To ensure the achievement and long term retention of an appropriate quality of development and to comply with Policy CS2 of the Local Plan for the New Forest District outside the National Park (Core Strategy).

4. 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.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any re-enactment of that Order) no extension (or alterations) otherwise approved by Classes A, B or C of Part 1 of Schedule 2 to the Order, garage or other outbuilding otherwise approved by Class E of Part 1 of Schedule 2 to the Order, or means of enclosure otherwise approved by Class A of Part 2 of Schedule 2 to the Order shall be erected or carried out without express planning permission first having been granted.

Reason: To ensure the dwelling remains of a size which is appropriate

to its location within the countryside and to comply with Policy DM20 of the Local Plan for the New Forest District outside the National Park. (Part 2: Sites and Development Management).

6. The development hereby approved shall only be constructed from the materials as out under drawing No P 03-130 Rev A, P 03-31 Rev A, P 03-30 Rev A, P 03-131 Rev A unless otherwise agreed in writing by the local Planning Authority.

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.

7. The development shall not be occupied until proposals for the mitigation or offsetting of the impact of phosphorus arising from the development on the River Avon Special Area of Conservation (SAC), including mechanisms to secure the timely implementation of the proposed approach, have been submitted to and approved in writing by the local planning authority. Such proposals must:

- (a) Provide for mitigation in accordance with the Council's Phosphorus Mitigation Strategy (or any amendment to or replacement for this document in force at the time), or for other mitigation which achieves a phosphorous neutral impact from the development.;
- (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 monitoring of any such proposals which form part of the proposed mitigation measures.

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 River Avon Special Area of Conservation (SAC) (adding, when it is in place and as applicable), in accordance with the Council's Phosphorus Mitigation Strategy / the Avon Nutrient Management Plan.

8. The installation of fittings and fixed appliances in the dwelling(s) hereby approved shall be designed to limit the consumption of wholesome water to 110 litres per person per day in accordance with Regulation 36(2)b of Part G of the Building Regulations 2010 as amended.

Reason: The higher optional standard for water efficiency under Part G of the Building Regulations is required in order to reduce waste water discharge that may adversely affect the River Avon Special Area of Conservation by increasing phosphorous levels or concentrations and thereby contribute to the mitigation of any likely adverse impacts on a nationally recognised nature conservation interest.

Notes for inclusion on certificate:

1. In discharging condition No 4 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/>
2. In accordance with paragraph 38 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.

3. In advance of the publication of the Council's Phosphorous Mitigation Strategy, the development hereby permitted shall be deemed to provide mitigation to "at least an equivalent effect" if it provides for a reduction of the Total Phosphorous Load generated by the development permitted for each year (or part thereof) from the year of occupation to 2025 at a rate of 0.083 kg of phosphorous per dwelling per annum.

4. The Environmental Health Officer has made the following comments:

A Site Environmental Risk Assessment (SERA) had been carried out for the site dated December 2014 (undertaken by RPS) which also encompassed the adjacent 'North Barn' planning permission 16/10688. This identifies no significant sources of contamination off-site or on-site, apart from the general agricultural activities undertaken on the site.

RPS recommends that where existing concrete floors are to be removed a hydrocarbon resistant membrane will be installed within the building footprint as a precautionary measure. This will address any contamination underlying the site from the previous agricultural activities.

The SERA also recommends that shallow hand dug soil sampling and chemical analyses are carried out in areas of proposed soft landscaping and residential gardens to determine the nature and the extent of any areas of contamination (if present). Environmental Protection would expect some soil sampling to ensure risks to human health are appropriately assessed due to the proposed sensitive end use.

Further Information:

Richard Natt

Telephone: 023 8028 5588



New Forest DISTRICT COUNCIL

Tel: 023 8028 5000
www.newforest.gov.uk

David Groom
Service Manager
Planning and Building Control
New Forest District Council
Appletree Court
Lyndhurst
SO43 7PA

**Planning Development
Control Committee**
September 2018

Item No: 3j
West Barns
Bleak Hill Farm
Ellingham Harbridge & Ibsley
18/10871

Scale 1:2500

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

