

Application Number: 25/10450 Full Planning Permission
Site: AVONDALE LODGE CARE HOME, HYTHE ROAD,
MARCHWOOD SO40 4WT
Development: Change of use from care home to C3 dwelling house
Applicant: Mrs Chilton
Agent:
Target Date: 23/07/2025
Case Officer: John Fanning
Officer Recommendation: Refuse
Reason for Referral to Committee: Ward Councillor contrary view

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Site history
- 2) Principle of development
- 3) Housing land supply
- 4) Character and amenity
- 5) Highways and parking
- 6) Ecology and mitigation

2 SITE DESCRIPTION

The application site is situated in the defined built-up area of Marchwood. The site is currently occupied by a two-storey property which has been extended to project quite deeply into the plot. There is a garden to the rear and a shared accessway running down the side of the property, leading to a gravelled parking area to the rear. There are some trees and vegetation around this parking area which partially screen this part of the site from neighbouring properties.

The surrounding area is residential in nature, with a mix of styles and forms including both detached and semi-detached properties.

3 PROPOSED DEVELOPMENT

The site has historically operated as a care home but is currently vacant. The current application proposes the change of use of the property to a use as a single dwellinghouse, with no internal or external alterations proposed.

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
24/10391 Change of use from care home to house in multiple occupation (HMO)	09/04/2025	Refused	Decided

05/83692 Two-storey extension	28/07/2005	Granted Subject to Conditions	Decided
04/81455 Two-storey extension	15/07/2004	Granted Subject to Conditions	Decided
03/80237 Ground-floor rear extension	18/02/2004	Granted Subject to Conditions	Decided
93/NFDC/52308 Additions on ground and first floors	11/08/1993	Granted Subject to Conditions	Decided
93/NFDC/51764 Additions on ground and first floors	12/05/1993	Refused	Decided
84/NFDC/28014 Change of use from residential to rest home.	15/03/1985	Granted Subject to Conditions	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy ENV3: Design quality and local distinctiveness

Policy ENV4: Landscape character and quality

Policy HOU1: Housing type, size, tenure and choice

Policy HOU3: Residential accommodation for older people

Policy IMPL1: Developer Contributions

Policy IMPL2: Development standards

Policy STR1: Achieving Sustainable Development

Policy STR3: The strategy for locating new development

Policy STR4: The settlement hierarchy

Policy STR5: Meeting our housing needs

Policy STR8: Community services, Infrastructure and facilities

Policy CCC2: Safe and sustainable travel

Local Plan Part 2: Sites and Development Management 2014

DM2: Nature conservation, biodiversity and geodiversity

Supplementary Planning Guidance And Documents

SPD - Air Quality in New Development. Adopted June 2022

SPD - Mitigation Strategy for European Sites

SPD - Parking Standards

National Planning Policy Framework

National Planning Policy Guidance

6 PARISH / TOWN COUNCIL COMMENTS

Marchwood Parish Council

No objection.

Note: Following on from a 'no objection' comment on the application as submitted, Marchwood Parish Council confirmed they would be happy to accept a delegated decision on the application.

7 COUNCILLOR COMMENTS

Cllr Richard Young

Wholehearted support for application. Fit within residential area, minimal impact on traffic and local environment. Provides a home for a family within the district. Urge support in the strongest terms.

8 CONSULTEE COMMENTS

NFDC Ecology

No comment

9 REPRESENTATIONS RECEIVED

21 letters of support received from local residents:

- More in keeping with surrounding area than previous application
- Reduction in traffic impact
- Support for applicant

10 PLANNING ASSESSMENT

Site history

The property has historically operated as a care home. No physical alterations are proposed as part of the current application. The property was most recently extended under application 05/83692, at which time the floor plans indicated the property had 12 separate bedrooms. A condition on that permission required that an upstairs 'office' window be obscurely glazed and top hung opening only. The current submitted plans indicate this room as a bedroom.

A recent application was submitted on the site under application reference 24/10391, seeking permission to change the use of the dwelling to serve as a sui generis House in Multiple Occupation (HMO). This application was considered by the Council's Planning Committee, and was subsequently refused in April 2025.

The application was refused for the following reasons:

1. The proposed development would represent an overly intensive form of development which would fail to provide a suitable living environment for future residential occupants. It is considered that the reduction and overall poor quality of external amenity space exacerbates concerns about a poor quality internal living environment and the cumulative impact would result in a poor quality living environment for proposed residential occupiers. The proposal would thereby constitute poor design which would be symptomatic of the overintensive nature of the proposed residential use. For these reasons, the proposal would be contrary to Policy ENV3 of the Local Plan Part 1 Planning Strategy for the New Forest outside of the National Park and the provisions of Chapter 13 and paragraph 135 of the National Planning Policy Framework (2024).

2. The recreational and air quality impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent and Southampton Water Special Protection Area / Ramsar site, the Solent Maritime Special Area of Conservation and the Solent and Dorset Coast Special Protection Area, would not be adequately mitigated, and the proposed development would therefore unacceptably increase recreational and air quality pressures on these sensitive European nature conservation sites, contrary

to Policy ENV1 of the New Forest District Local Plan Part 1 and Policy DM2 of the Local Plan Part 2 Sites and Development Management Development Plan Document and the Supplementary Planning Document - Mitigation Strategy for European Sites.

Principle of development

The application site is located within the defined built-up area. Policy STR8 outlines that the Local Planning Authority (LPA) will typically resist the loss of education, health, social and other community facilities unless the use of the site or building is redundant or the service will be provided in another way. The provision of care facilities within the district is an important part of meeting the area's wider housing need. However, in this case, the use as a care home ceased in May 2022 and the property has been unoccupied since that date. This long period of vacancy, with no significant likelihood of the care home use resuming, weighs in favour of the site being used for an appropriate alternative use.

Policy HOU1 identifies the need to provide a mix and choice of dwelling types within the district to meet the diverse housing needs of the district's residents. In principle, it is considered that bringing the site back into use as a single dwelling would contribute to meeting the housing needs of the district.

Overall, taking into account that the building has been vacant since May 2022, significant weight must be afforded to bringing the building back into a use which can contribute to meeting the district's housing needs. On balance, weighing these matters against each other, it is considered that the loss of the care home is justified and the principle of the development is acceptable.

Housing land supply

In determining planning applications, there is a presumption in favour of the policies of the extant Development Plan unless material considerations indicate otherwise (Section 38(6) of the Act). Material considerations include the National Planning Policy Framework (NPPF).

NPPF (December 2024) Paragraph 11 clarifies what is meant by the presumption in favour of sustainable development. It states that for decision making it means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date[8], granting permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance[7] provides a strong reason for refusing the development proposed; or*
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.*

For reference, NPPF Footnote [8] above sets out:

This includes, for applications involving the provision of housing, situations where:

- *the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78); or*
- *where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. See also NPPF paragraph 227.*

The Council cannot demonstrate a five-year supply of deliverable housing land. As such, paragraph 11d of the NPPF is engaged in the case of this application.

Taking the first limb of paragraph 11(d), as this report sets out, there are specific policies in the NPPF which protect areas or assets of particular importance referred to within footnote 7 of the NPPF, that are relevant in this case - namely the policies that apply to designated habitat sites. Therefore, a judgement will need to be reached as to whether policies in the Framework provide a strong reason for refusing the development. Where this is found to be the case, the development should be refused.

The second limb of paragraph 11(d), namely whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination when assessed against the policies of the NPPF taken as a whole (the so called 'tilted balance'), will only apply if it is judged that there are no clear reasons for refusing the development, having applied the test at limb 1.

The following sections of the report assess the application proposal against this Council's adopted local planning policies and consider whether it complies with those policies or not. Following this, Officers have applied the planning balance, weighing up the material considerations in this case.

Character and amenity

Policy ENV3 requires that proposals must be sympathetic to their surrounding context and relate appropriately to the surrounding area. Proposals should accommodate the needs of the proposed occupiers, whilst avoiding harmful impacts upon the amenities of neighbouring properties.

The existing building is sizeable, having previously operated as a 12-bedroom care home (with 3 bedrooms at ground floor level and 9 bedrooms at first floor level, along with associated kitchen and living areas and an office space). Converted to use as a single dwellinghouse, this would result in a sizeable dwelling sufficient to accommodate substantial internal living space for the proposed occupiers. Whilst the number of proposed bedrooms (12) would be highly unusual for a single dwellinghouse in this context, there would be no in-principle policy objection to such a dwelling.

It is noted that the side facing window required to be obscured by condition as part of application 05/83692 serves as the sole outlook for a room identified as a bedroom on the current floor plans. It is considered that this arrangement would

represent a poor quality of outlook for a primary living space. Notwithstanding this, given the property is proposed to be occupied as a single residential unit, with 12 other rooms previously serving as bedrooms, it is considered that it would fall within the control of the occupiers to manage the use of this room. Overall, no objection is raised in this regard.

It is considered that there would be a reasonable quality of living environment for the proposed use as a single dwelling in terms of the internal and external living environment. The surrounding area is residential in nature, and it is not considered that the use as a single dwelling would be contrary to the existing pattern of use within the surrounding street scene. Nor is it considered the use of the building as a single dwelling would result in additional impacts that would be harmful to the amenities of neighbouring properties.

With regard to the issues outlined above, it is therefore considered that the proposal would integrate acceptably with the context of the surrounding residential area and would not have a harmful impact on the amenity of neighbouring occupiers. As such, it is considered that the proposal would comply with the requirements of Policy ENV3 in these regards.

Highways and parking

Policy ENV3 requires new development to integrate sufficient car and cycle parking spaces to address the needs of the proposed development without being prejudicial to the character and quality of the surrounding area or highway safety. Policy CCC2 requires the provision of suitable parking areas in accordance with the Local Planning Authority's adopted parking standards.

The property has an existing parking area situated to the rear of the site, accessed by a side accessway. At present, the space is informally laid out, with vegetation screening the boundaries of the site.

The Council's Parking Standards SPD has a recommended parking provision of 3 spaces for dwellings with 4 or more bedrooms. A detailed parking layout has not been provided with the application, but the existing parking area to the rear is sizable (with an area of ~275m², with a maximum width of 20m and maximum depth of 13.5m). It is considered that this space provides a reasonable and adequate area to accommodate the requirements of the proposed single dwellinghouse, noting that the site could easily accommodate 7 spaces (5 standard spaces to the rear and 2 parallel spaces running against the back of the garden) without any alterations to the existing on-site landscaping.

It is accepted that the Council's parking standards do not really cover the potential parking demand associated with a single dwelling with this level of accommodation capacity. However, in this case, as set out above, it is considered that the proposal would have sufficient on-site capacity to reasonably meet the parking demands of the proposed use.

No details of cycle storage have been proposed, though it is considered that there is capacity for this to be provided on the site, and this could be reasonably secured by condition.

Overall, based on the above, it is considered that the proposal would not have any adverse impact on highway safety, and it is considered that the proposed would be compliant with the relevant aspects of Policy ENV3 and CCC2.

Ecology and mitigation

An Appropriate Assessment has been undertaken with regard to the potential impacts of the development on designated habitat sites, both with regard to the recreational impacts of the development and the nutrient impacts of the development.

Policies ENV1 and DM2 (as supported by the Council's Mitigation for Recreational Impacts on New Forest European Sites SPD) identify a requirement for all development to appropriately mitigate the impacts of additional overnight accommodation on sensitive habitats within the Solent and New Forest area.

In this case, the proposal seeks a change of use from an existing care home (Class C2) to a use as a single dwellinghouse (Class C3).

Broadly speaking, it is considered that the nutrient and water quality impacts of the proposed development are likely to be similar to the existing use, given that no enlargement of the property is proposed, and it is unlikely that the intensity of occupation would increase. On this basis, the Appropriate Assessment concludes that given the particular circumstances of the application site and proposed use, it is neither appropriate nor necessary to pursue nutrient mitigation in this case.

However, with regard to Policy ENV1, care home uses would typically be expected to have much less of an impact than other residential uses in terms of the associated recreational and air quality impacts on designated European sites. As such, the Appropriate Assessment concludes that there would be an adverse impact associated with the potential additional recreational and air quality pressures from the proposed change of use to a single dwelling. Therefore, in accordance with Policy ENV1, it is considered appropriate and necessary to secure mitigation for the development on this basis.

This matter has been raised with the applicant on a number of occasions following the initial validation of the planning application in May 2025. To date, no response has been received from the applicant advising if they are willing to enter into a legal agreement to secure appropriate mitigation to address this issue.

In the absence of any mitigation being secured, the proposal would be contrary to Policy ENV1 in so far as the proposal would give rise to an unmitigated recreational impact upon Habitat Sites and, as such, the application can only be recommended for refusal.

Developer Contributions

As part of the development, the following would need to be secured via a Section 106 agreement:

- Air quality monitoring: £112
- Habitat Mitigation (Access Management and Monitoring) Contribution: £1,217
- Habitat Mitigation (Bird Aware Solent) Contribution: £1,251
- Habitat Mitigation (Infrastructure) Contribution: £7,657

11 OTHER MATTERS

N/A

12 CONCLUSION / PLANNING BALANCE

Planning Committee Members will be aware that Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determination of planning applications:

'If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.

As set out earlier in this report, the NPPF is a material consideration. Paragraph 11 of the Framework is considered to be engaged given the Council's failure to be able to demonstrate a five year supply of deliverable housing sites.

As is set out above, the first limb of paragraph 11(d) of the NPPF advises that applications should be refused if:

- (iii) *the application of policies in this Framework that protect areas or assets of particular importance [7] provides a strong reason for refusing the development proposed.*

Footnote [7] of the NPPF clearly refers to habitat sites and/or Sites of Special Scientific Interest amongst other designations. Furthermore, paragraph 195 of the NPPF sets out that:

"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site"

The above planning assessment identifies that the proposed development would have an adverse affect on the integrity of designated habitat sites if the appropriate mitigation is not secured. In the absence of a completed legal agreement to secure the required mitigation, the presumption in favour of sustainable development does not apply in this instance, and a strong reason for refusal arises in accordance with Paragraph 11(d)(i). As such, the application can be refused without engaging the so called "tilted balance" in paragraph 11(d)(ii).

Notwithstanding the consideration that the scheme would otherwise be acceptable, in the absence of a legal agreement to secure appropriate mitigation, the application is therefore recommended for refusal.

13 RECOMMENDATION

Refuse

Reason(s) for Refusal:

1. The recreational and air quality impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent and Southampton Water Special Protection Area / Ramsar site, the Solent Maritime Special Area of Conservation and the Solent and Dorset Coast Special Protection Area, would not be adequately mitigated, and the proposed development would therefore unacceptably increase recreational and air quality pressures on these sensitive European nature conservation sites, contrary to Policy ENV1 of the New Forest District Local Plan Part 1 and Policy DM2 of the Local Plan Part 2 Sites and Development Management Development Plan Document and the Supplementary Planning Document - Mitigation Strategy for European Sites.

Further Information:

John Fanning

Telephone: 023 8028 5962

