

Application Number: 25/10616 Full Planning Permission
Site: WHITE CROFT, FARMERS WALK, EVERTON, HORDLE
SO41 0JZ
Development: Dwelling to rear of garden with cycle store and associated
landscaping; porch canopy and fenestration alterations to
existing dwelling
Applicant: REDSTOCK HOMES LTD
Agent: Draycott Chartered Surveyors
Target Date: 01/09/2025
Case Officer: Vivienne Baxter
Officer Recommendation: Service Manager - Grant
**Reason for Referral
to Committee:** Parish Council contrary view

1 SUMMARY OF THE MAIN ISSUES

The key issues are:

1. Principle of the development;
2. Impact on the character and appearance of the area;
3. Trees;
4. Residential amenity;
5. Highway matters including parking;
6. Ecology;
7. Habitat mitigation.

2 SITE DESCRIPTION

The site lies within the built-up area of Everton in a residential area. Farmers Walk has a variety of old and new dwellings where infilling has become commonplace. North of the site is a planned estate, and the dwelling immediately to the west was added on to those overall proposals. Land to the east of the site contains three new dwellings the nearest one of which is now occupied.

The rear garden of the site is presently overgrown although the boundaries generally consist of close-boarded fencing. The host dwelling is a chalet style property with two bay windows and a dormer to the front elevation. The 'front' door to the property is to the eastern elevation, and there is a long, garage style addition to the western rear corner of the dwelling.

There is a protected beech tree on land adjoining the site which overhangs the proposed access to the rear of the host dwelling. Trees to the north of the site are also protected.

3 PROPOSED DEVELOPMENT

The current scheme seeks planning permission for a detached two storey property comprising hall, shower room, study/bed 3 and open plan kitchen, dining, living room at ground floor level with two bedrooms (one with dressing area and ensuite) at first floor level.

The existing access to the site would be utilised to serve both the host and proposed dwelling. The new dwelling would have three allocated parking spaces to its frontage. Two spaces would be provided for the existing dwelling behind the front boundary of the site with Farmers Walk.

The host dwelling would the existing main entrance door which is located to the side elevation blocked up and relocated to the front elevation. An open canopy with pitched roof would be located over the new front door.

The current application follows a previous refusal for a single dwelling and seeks to address the concerns raised at that time. (Ref 24/10525).

4 PLANNING HISTORY

Proposal	Decision Date	Decision Description	Status
24/10525 New dwelling with parking and fenestration alterations to existing dwelling	20/08/2024	Refused	Decided
XX/LYB/14883 Single storey extension to provide study and additional bedroom.	13/09/1973	Granted	Decided
XX/LYB/09614 Addition of bay window and construction of garage and vehicular access.	12/11/1964	Granted	Decided

5 PLANNING POLICY AND GUIDANCE

Local Plan 2016-2036 Part 1: Planning Strategy

Policy CCC2: Safe and sustainable travel
Policy ENV1: Mitigating the impacts of development on International Nature Conservation sites
Policy ENV3: Design quality and local distinctiveness
Policy IMPL1: Developer Contributions
Policy STR4: The settlement hierarchy

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 - Housing Design, Density and Character
SPD - Mitigation Strategy for European Sites
SPD - Parking Standards
SPD - Climate Change

Neighbourhood Plan

N/A

National Planning Policy Framework 2024

NPPF Ch.12 - Achieving well-designed places

National Planning Policy Guidance

6 PARISH / TOWN COUNCIL COMMENTS

Hordle Parish Council

Parish 4 - We recommend REFUSAL.

The Parish Council's concerns about the previous application on this site have not been addressed and are still relevant to this application.

These are:

1. Over-development of the site – the bulk and massing of the new property contrast sharply with the very small garden. Although the property has been relocated to help protect the mature trees bordering Shepherds Way, this has made the plot even more cramped offering a poor level of residential amenity for residents of both properties on the site. This is contrary to ENV1 of the Local Plan Part 1.
2. Out of character with the area and streetscene, especially when viewed from Shepherd's Way.
3. Lack of parking provision and narrowness of the proposed driveway past the existing White Croft property, which could pose a danger for all residents.
4. Lack of sightlines and visibility onto Farmers Walk, particularly with the residents from the additional 20 properties being built on the Everton Nurseries site at the end of the road.
5. This form of backland development is at odds with the Village Design Statement (10.90, GBE04, RBE02, RBE04).

7 COUNCILLOR COMMENTS

No comments received

8 CONSULTEE COMMENTS

Comments have been received from the following consultees:

Forestry England

Comment only- provides advice.

NFDC Tree Team

No objection subject to condition

Ecology

No objection subject to condition

9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

- fence details are misleading
- trees will require protection
- house would be bulky

- limited amenity space
- would be out of alignment with Shepherds Way
- adjacent tree could be affected by tall construction vehicles
- doesn't address previous concerns
- overdevelopment
- overbearing impact on adjacent property in Shepherds Way
- overshadowing and loss of privacy
- ecological damage
- access is very narrow
- services will be difficult to install

For: 0

Against: 2

10 PLANNING ASSESSMENT

Introduction

The application follows a refusal of planning permission for a new dwelling in August 2024. This application was refused for the following three reasons:

1. The proposal development would be detrimental to the character and appearance of the area and would be a poor design that would fail to respect local distinctiveness because:

a) the proposed dwelling would have a bulk, massing and setting that would not adequately reflect the character and context of other adjacent dwellings within Shepherds Way, appearing as an excessively large, incongruous and unsympathetic development within the streetscene, and with the frontage of the dwelling being unduly dominated by hard surfaces.

b) The proposed development would be likely to compromise the long-term future of trees (including trees protected by a Tree Preservation Order) which make a valuable contribution to the visual amenities and landscape character of the area due to the close proximity of the dwelling and its small rear garden to those trees, which would be likely to lead to future pressures to have these trees significantly cut back or felled. For these reasons, the proposal would be contrary to policy ENV3 of the Local Plan Part 1.

2. The proposal would offer a poor level of residential amenity for future occupiers of the proposed dwelling due to the inappropriately small size of the rear garden amenity space, which would be significantly shaded by trees on the rear boundary of the plot. Additionally, based on the submitted details, the proposal would harmfully compromise the amenities of the existing occupiers of the host dwelling (White Croft) through the removal of its 'front' door without showing any new means of access to the property. As such, the proposal would be contrary to the amenity related provisions of policy ENV3 of the Local Plan Part 1.

3. The recreational 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, the Solent and Southampton Water Ramsar site, the Solent Maritime Special Area of Conservation, and the Solent and Dorset Coast Special Protection Area would not be adequately mitigated. The air quality impacts of the proposed development on the New Forest Special Area of Conservation, the New Forest Special Protection Area, and the New Forest Ramsar site, would also not be adequately mitigated. The proposed development would therefore be likely to unacceptably

increase recreational and air quality pressures on these sensitive European nature conservation sites, contrary to Policy ENV1 of the Local Plan 2016-2036 Part One: Planning Strategy and the Council's Supplementary Planning Document "Mitigation for Recreational Impacts on New Forest European Sites".

The previous scheme was a full two storey dwelling and that proposed is now a chalet style property with accommodation in the roof space. The proposed scheme has been amended in order to seek to address these concerns.

The current proposal is of a completely different design and size of property removing two ensuite bathrooms and a utility room. The bulk and massing of the property would be reduced including a large area of flat roof.

Principle of Development

In principle, there are no objections to the provision of additional residential development within the built-up area. Everton is classed as a 'main village' under Policy STR4 and can support small scale development such as a single dwelling. However, consideration needs to be given to protected trees and the impact of the proposal on the character and appearance of the area along with residential amenity. These matters are considered below.

5 year housing land supply, the NPPF and the approach to decision making

In determining planning applications decisions should be made in accordance with the policies of the extant Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning & Compulsory Purchase Act). Material considerations include the planning policies set out in the National Planning Policy Framework (NPPF).

Paragraph 11 of the NPPF clarifies what is meant by the presumption in favour of sustainable development for decision taking. It states:

For decision-taking this 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, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance 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.

Taking NPPF paragraph 11(c), if the proposed development accords with the local plan it should be approved. If the development does not accord with the local plan, the development must be considered against NPPF paragraph 11(d).

Footnote 8 to the NPPF paragraph 11 is clear that in such circumstances where a five-year supply of deliverable housing sites is not demonstrated those policies which are most important for determining the application are to be considered out-of date meaning that the presumption in favour of sustainable development in paragraph 11 is engaged.

The most recent five-year housing land supply statement published by the Council, confirms that there is 2.39 years of housing land available in the district.

Taking the first limb of paragraph 11(d), in this case there are specific policies in the NPPF which protect areas of assets of particular importance referred to within footnote 7 of the NPPF, namely habitats sites. Therefore, a judgement needs 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 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 set out in the first limb.

With regard to paragraph 11d) of the NPPF, for the purposes of housing provision, the Local Planning Authority's (LPA's) development plan would be considered to be out of date where the LPA cannot demonstrate a five year supply of deliverable housing sites or where the Housing Delivery Test was substantially below (less than 75%) of the housing requirement.

The following sections of the report assess the application proposal against this Council's adopted local planning policies and considers whether it complies with those policies or not. Following this Officers undertake the Planning Balance to weigh up the material considerations in this case.

Design, site layout and impact on local character and appearance of area

Policy ENV3 requires development to create buildings which are sympathetic to their surroundings in terms of layout, scale and relationship to other buildings.

Although the proposed dwelling is sited to the rear of the existing property of White Croft, Shepherds Way lies to the north of the site and to its west, are two dwellings built at the end of properties fronting Farmers Walk, which are accessed from Shepherds Way. By contrast, the proposed dwelling would not have any access onto Shepherds Way. Nevertheless, it would be positioned within the site so as to appear as an additional dwelling within the Shepherds Way streetscene. The new dwelling would be set back from the highway mid way between the recently occupied dwelling to the east and 21, Shepherds Way.

The street scene of Shepherds Way includes single storey eaves levels, front gables and half hips, all of which would feature on the proposed dwelling and whilst the new dwelling would be visible from the east, it is not considered that its appearance would be out of context in this setting.

From Farmers Walk, there would be limited views of the new dwelling due to its location on the site, the length of the drive and overhanging branches of the adjacent beech tree. There would be a proposed new door and porch canopy on the front elevation of the existing property would have a minimal impact on the street scene and the removal of the side chimney below eaves level enables a new decorative detail to the side elevation. It is not considered that there would be any adverse visual impact on this street scene due to these changes..

The design of the proposed dwelling has been significantly altered since the previous refusal which incorporated a large area of flat roof and had a much greater

footprint. It is noted that 21, Shepherds Way has a plot depth of 24.5m compared to 26.5m for the proposed dwelling which also has a smaller footprint. As such, the proposed dwelling would have a footprint more comparable to others in the area and would sit more comfortably within its plot.

The concerns of the Parish Council in this respect of overdevelopment and lack of amenity space have been noted although given the substantial reduction in footprint, it is considered that the proposed dwelling would be in keeping with the area and would now provide an adequate level of amenity space to serve future residents.

To summarise, the combination of setting the dwelling back from Shepherds Way and its revised design with significantly less bulk and a smaller footprint is considered to have addressed the first part of the first reason for refusal. The introduction of grasscrete reduces the visual impact of hard surfacing to the property's frontage. The proposal is therefore considered to comply with Policy ENV3 of the Local Plan Part 1.

Trees

Policies ENV3 and ENV4 of the Local Plan Part 1 require development to provide appropriate designed green spaces and to retain features that contribute to a green infrastructure. The previous application was refused partly due to it compromising the long-term future of trees within and close to the site.

The site has a number of trees situated within and adjacent to the existing property including oaks, sycamore and beech. These trees provide a positive contribution in terms of public amenity and are a material consideration in the planning process.

The changes between the current and previous schemes increase the separation between the proposed dwelling and protected trees to the north, providing a more favourable relationship so as to reduce the dominance of these trees on the garden area and future pressure to undertake tree works. The dwelling is now shown to be outside of the root protection zone and appropriate tree protection fencing and ground protection works are detailed within the submitted Tree Report.

The construction of the drive is within the root protection zone of the adjacent beech tree to the east. However, it is noted that a cellular confinement system is proposed with a supporting method statement provided within the tree report. This is considered to be an acceptable approach in view of the existing drive/hard surfacing which is acceptable in tree terms.

The NFDC Tree Officer is satisfied with the submitted details and considered that subject to the proposal being implemented in accordance with the measures set out in the report, there will be no significant adverse impact on the retained trees. This can be secured through an appropriately worded condition. As such, it is considered that the previous reason for refusal in this respect has been addressed and the proposal complies within Policies ENV3 and ENV4 of Local Plan Part 1.

Residential amenity

Policy ENV3 requires development to avoid unacceptable effects by reason of overbearing impact, shading and overlooking.

The proposed dwelling would be sited 2m from the western boundary with 21, Shepherds Way and 6m from the 2-storey element of that dwelling which is located to the north. Whilst the new dwelling would be visible from the rear of this adjacent

dwelling, it would not be directly in front of any habitable windows. Furthermore, the roof form which would have an eaves level a little over ground floor height and would pitch away from this boundary, minimising the impact of the built form on the adjacent property.

The distances between 21, Shepherds Way and proposed dwelling are such that a significant level of harmful overshadowing of the property would not result. Due to the orientation any shading experienced would be limited to early in the day. It is not considered that the new dwelling to the east would be adversely affected by the built form of the proposal.

In terms of privacy, the proposed obscure glazed rooflight to the western elevation would not impact on the level of privacy currently enjoyed by no.21. This is a secondary rooflight serving bedroom 1 but this would face towards a roof slope. However, a condition requiring this roof light to be maintained as obscure glazed is considered appropriate in view of the proximity of the mutual boundary.

The eastern facing rooflights would be clear glazed and would look towards the northern corner/garden of the new dwelling fronting Farmers Walk at a separation distance of approximately 10m. In view of this distance and the angle of outlook, it is not considered that there would be any direct overlooking. The adjacent property has an obscure glazed bathroom window facing the site which would maintain privacy for both dwellings.

Previously, concern was expressed with regard to the loss of the main entrance door to the host dwelling. Whilst the existing door remains to be blocked up as part of these proposals, a new entrance door and porch canopy are proposed to the front elevation which would address the road frontage and have an acceptable appearance. This change would ensure an appropriate access can be provided to the new dwelling off of Farmers Walk and associated parking spaces are provided.

The proposal level of amenity space for the new dwelling has been increased when compared to that proposed for the previous refusal and is now comparable to other amenity spaces in the immediate area. This would also be the case for the remaining garden curtilage for White Croft. As stated above, the adjacent property in Shepherds Way has a larger footprint and slightly less depth to the plot indicating that the current proposal would not result in a more cramped development when compared to existing dwellings and as such would not be out of character.

It is therefore considered that the previous reason for refusal relating to residential amenity has been addressed. Furthermore, the proposal would not result in any other material impacts on residential amenity and is considered to comply with Policy ENV3 in this respect.

Highway safety, access and parking

Policies ENV3 and CCC2 of the Local Plan Part 1 require development to provide sufficient car and cycle parking spaces for the development. The NFDC Parking Standards SPD recommends that the proposed dwelling provides 2.5 spaces and three spaces are proposed. This is considered acceptable in accordance with standards.

The recommended parking provision for the existing 3-bed dwelling is 2.5 spaces on-plot. Two spaces would be accommodated to the front of the host dwelling for its use. Whilst the concerns of the Parish Council on lack of parking have been noted, it is not considered that the shortfall of 0.5 space for the existing 3-bed property is significant enough such as to warrant refusal. A condition is

recommended to ensure the retention of parking for the dwellings.

As the proposed is for a single dwelling with no alterations to the existing access width (in excess of 3m), nor accessed from a classified road, the Highway Authority standing advice applies. This HCC standing advice requires the ability for all vehicles to be able to enter and leave the site in a forward gear and this is the case for both dwellings.

The Parish have expressed concerns about the narrowness of the proposed driveway past the existing property. It is noted that the existing side door to Whitecroft has been relocated to the front and the chimney breast removed below the roof line. The access driveway would be in excess of 5 m wide. It is of a sufficient width to serve a single property and its straight alignment would allow forward views up and down the drive. Furthermore, there would be no ground floor door or fenestration and the rear garden of Whitecroft would be enclosed by a close boarded fence with no side gate onto the driveway access. Due to these factors these arrangements would not lead to safety concerns for residents.

The site includes adequate capacity to accommodate cycle parking in cycle stores. A condition is proposed requiring these provisions to be provided and retained.

The proposal is therefore considered to comply with policies ENV3 and CCC2 and in complying with the Highway Authority standing advice, there are no highway reasons for refusal.

Ecology

Policy DM2 of the Local Plan Part 2 requires development to incorporate features to encourage biodiversity and where possible, retain existing features of nature conservation value. In this case, the submitted Ecological Appraisal states that a bat block, swift brick and two bee bricks would be provided within the fabric of the proposed dwelling together with a hedgehog nest box and hedgehog holes within fences. A new hedge is also proposed along the rear boundary fence.

It is recommended that a condition is imposed to ensure these items are provided and thereafter retained, together with specific details of where they would be located.

In relation to Biodiversity Net Gain (BNG) the effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition that development may not begin unless (a) a Biodiversity Gain Plan has been submitted to the planning authority, and (b) the planning authority has approved the plan in writing.

The submitted BNG metric has a slight error relating to the onsite habitat baseline although the NFDC Ecologist has agreed that it is not vital to correct this at the application stage. The metric shows a loss for area based habitats and a net gain for hedgerow units. As such, there is a requirement to provide units off-site or via the purchase of credit. This can be resolved through the standard informative requiring the submission of a Biodiversity Gain Plan together with the correction in the metric.

Habitat Mitigation and off-site recreational impact

Habitat Mitigation

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 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 such adverse impacts would be avoided if the applicant were to enter into a Section 106 legal agreement to secure a habitat mitigation contribution in accordance with the Council's Mitigation Strategy. In this case, the applicant has agreed to enter into a Section 106 legal agreement, before the decision is issued which will secure the required habitat mitigation contribution.

Nitrate neutrality and impact on Solent SAC and SPAs

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 permission which includes an element of new residential overnight accommodation would adversely affect the integrity of the New Forest and Solent Coast European sites, in view of that site's conservation objectives having regard to nitrogen levels in the River Solent catchment. The Assessment concludes that the proposed development would, in combination with other developments, have an adverse effect due to the impacts of additional nitrate loading on the River Solent catchment unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place prior to any new dwelling being occupied. In accordance with the Council Position Statement agreed on 4th September 2019, these adverse impacts would be avoided if the planning permission were to be conditional upon the approval of proposals for the mitigation of that impact, such measures to be implemented prior to occupation of the new residential accommodation. These measures to include undertaking a water efficiency calculation together with a mitigation package to addressing the additional nutrient load imposed on protected European Sites by the development. A Grampian style condition has been agreed with the applicant and is attached to this consent

Air Quality

To ensure that impacts on international nature conservation sites are adequately mitigated, a financial contribution is required towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site. There is potential for traffic-related nitrogen air pollution (including NO_x, nitrogen deposition and ammonia) to affect the internationally important Annex 1 habitats for which the New Forest SAC was designated, and by extension those of the other International designations. Given the uncertainties in present data, a contribution is required to undertake ongoing monitoring of the effects of traffic emissions on sensitive locations. A monitoring strategy will be implemented to provide the earliest possible indication that the forms of nitrogen pollution discussed (including ammonia concentrations) are beginning to affect vegetation, so that, if necessary, measures can be taken to mitigate the impact and prevent an adverse effect on the integrity of the SAC habitats from occurring. In this case, the applicant has agreed to enter into a Section 106 legal agreement to secure the required monitoring contribution, before the decision is issued.

In response to the requirements of the recently adopted 'Air Quality Assessments in New Development Supplementary Planning Document 2022, the applicant has provided information explaining the measures that they will take to reduce the potential adverse impact new development can have upon air quality, thereby lessening the negative effects upon health and wellbeing. These will be no kerbside development, no solid fuel appliances and electric car charging points.

Climate Change

In line with the adopted Planning for Climate Change SPD, a Climate Change Statement has been requested from the applicant to demonstrate how the proposal would meet Local Plan requirements in relation to climate change. At the time of writing, this statement has not been received but can be secured by a suitable condition if it is not submitted prior to the decision being issued.

Developer Contributions

As part of the development, the following will be secured via a Section 106 agreement:

- Habitat Mitigation
- Bird Aware Solent
- Air Quality Monitoring

As part of the development, subject to any relief being granted the following amount Community Infrastructure Levy will be payable:

Type	Proposed Floorspace (sq/m)	Existing Floorspace (sq/m)	Net Floorspace (sq/m)	Chargeable Floorspace (sq/m)	Rate	Total
Dwelling houses	121.14	0	121.14	121.14	£80/sqm	£14,574.07 *

Subtotal:	£14,574.07
Relief:	£0.00
Total Payable:	£14,574.07

**The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the RICS CIL Index (<https://www.rics.org/uk/products/data-products/rics-community-infrastructure-levy-index/>) and is:*

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

11 OTHER MATTERS

The Parish Council has made reference to parts of the Hordle Village Design Guide in terms of a reduction in the level of privacy for existing occupiers and congestion on roads having inadequate capacity for the development (paragraph 10.90). Whilst residential amenity has been addressed above, it is accepted that the Highway Authority were not consulted on this application. However, the road width outside the site measures approximately 5.5m, the minimum road width for cars and light vehicles. The adopted extent of the highway in this location is significantly greater (13.7m) and includes the verges. It is noted that much of the parking on the road occurs by those living in the estate to the south of the site where they have communal parking.

Policy GBE04 requires a sympathetic design and this is covered above. Policy RBE02 relates to density. Whilst there are no local plan policies requiring a specific density, as acknowledged above, the plot size is comparable to others in the immediate area and the proposal is not considered to be out of character to this.

Finally, policy RBE04 requires planting to property frontages. In this case, a landscape plan has been submitted and a condition to ensure the planting is implemented is recommended. The host dwelling already has planting, including a mature tree to its frontage and this will not be affected by the proposal. Furthermore a new hedge is proposed to be planted to Framers Walk. To Shepherds Way, the land to the north of the boundary fence is not in the applicants ownership but it appears to have been adequately landscaped by the landowner. Comments raised by a local resident with regard to the location of the existing fence to the north have been noted. The submitted landscaping scheme indicating the proposed planting in this location should ensure an appropriate frontage should the owner of the fence choose to remove it.

12 CONCLUSION / PLANNING BALANCE

In view of the Council's lack of a 5-year housing land supply, consideration has to be given to the benefits of the provision of new housing under paragraph 11d) of the NPPF, which states:

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 where we cannot demonstrate a 5 year housing land supply), granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance 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.

Under limb i) of 11(d) Footnote 7 refers to policies in the Framework (rather than those in development plans) relating to habitats sites (and those sites listed in paragraph 194). The above report concludes that there no "strong reasons for refusal" of the proposal under limb i) of paragraph 11(d) as habitat mitigation can be secured. As such the proposal falls to be considered against the second limb of paragraph 11(d), the so called "tilted balance" whereby in applying the presumption in favour of sustainable development even greater weight should be accorded in the overall planning balance to the provision of new housing.

The current proposal is for a very modest level of housing provision however it offers a scheme that addressed the previous reason for refusal in view of its revised design and the reduced scale and massing of the dwelling. Therefore the conclusion reached is that subject to securing the required habitat and air quality mitigation and the imposition of appropriately worded planning conditions, the current proposal is not considered to have a harmful impact on the character or appearance of the area, highway safety or residential amenity.

Subject to the completion of a legal agreement to secure the necessary mitigation measures set out above, it is therefore considered that the proposal complies with the relevant Development Plan policies and planning permission is therefore recommended.

13 RECOMMENDATION

Delegated Authority be given to the Service Manager Development Management to **GRANT PERMISSION** subject to:

- i) the completion of a planning obligation entered into by way of a Section 106 Agreement to secure Habitat Mitigation, Bird Aware Solent and Air Quality Monitoring
- ii) the imposition of the conditions set out below.

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:

Landscape and Ecology Management Plan - The Landscape Service Ref 734-4 dated 2/06/2025

Preliminary Ecological Appraisal - KJF Consultancy Ltd ref PEAR.V1.WC.FW.E.L dated 19/12/2023

Tree Report - KJF Consultancy Ltd ref TR.V2.WC.FW.E.L dated 21/06/2025

ASP.25.017.001 - block and location plan

ASP.25.017.P002 - proposed site plan

ASP.25.017.003 - existing topographic survey

ASP.25.017.P004 - existing plans & elevations of host property

ASP.25.017.P005 - proposed plan & elevation of host property

ASP.25.017.100 rev.A - proposed plans

ASP.25.017.200 rev.B - proposed elevations

ASP.25.017.300 rev.A - proposed street scene

ASP.22.041.P201 - proposed cycle store

737-1 - landscape plan

737-5 - fence detail

Reason: To ensure satisfactory provision of the development.

3. Before development commences, samples or exact details of the facing and roofing materials 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 ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

4. Before development commences, the proposed slab levels in relationship to the existing ground levels set to an agreed datum shall be submitted to and approved in writing by the Local Planning Authority. Development shall only take place in accordance with those details which have been approved.

Reason: To ensure that the development takes place in an appropriate way in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

5. Prior to the commencement of development hereby approved, the NFDC Ecological Enhancement Schedule (available at: Ecological Enhancement Schedule - New Forest District Council) supported by an appropriately detailed plan showing the locations of the enhancement measure(s), shall be submitted to the Local Planning Authority for written approval.

Prior to occupation, evidence shall be submitted to confirm the agreed features have been installed as agreed, for example, a photographic record and/or a signed statement by a suitably qualified ecologist.

Reason: To ensure that biodiversity enhancement measures are delivered throughout the development in accordance with Policy DM2 of the Local Plan Part 2 (Sites and Development Management) for the New Forest outside of the National Park.

6. The development hereby permitted shall not be occupied until the spaces shown on plan ASP.25.017.P002 for the parking of motor vehicles and cycles have been provided. The spaces shown on plan ASP.25.017.P002 for the parking of motor vehicles and cycles shall be retained and kept available for the parking of motor vehicles and cycles for the dwelling hereby approved and the host dwelling at all times.

Reason: To ensure adequate parking provision is made in the interest of highway safety and in accordance with Policies ENV3 and CCC2 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

7. The development hereby permitted shall not be occupied until:

A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; all measures necessary to meet the agreed waste water efficiency calculation must be installed before first occupation and retained thereafter;

A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and

The mitigation package shall include a timetable for implementation and measures for retention and maintenance of that mitigation package, which shall thereafter be implemented.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

8. All external works (hard and soft landscape) shall be undertaken in accordance with the approved plans 737-1 and 737-5 unless the Local Planning Authority gives written consent to any variation. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. All external works (hard and soft landscape) shall be maintained thereafter as approved. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size or species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the achievement and long term retention of an appropriate quality of development and to comply with Policies ENV3 and ENV4 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

9. The first floor ensuite and bedroom 1 rooflights on the north, south and west elevations of the approved dwelling shall be permanently glazed with obscured glass and thereafter retained as such in perpetuity

Reason: To safeguard the privacy of the adjoining neighbouring properties in accordance with Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy for the New Forest District outside of the National Park.

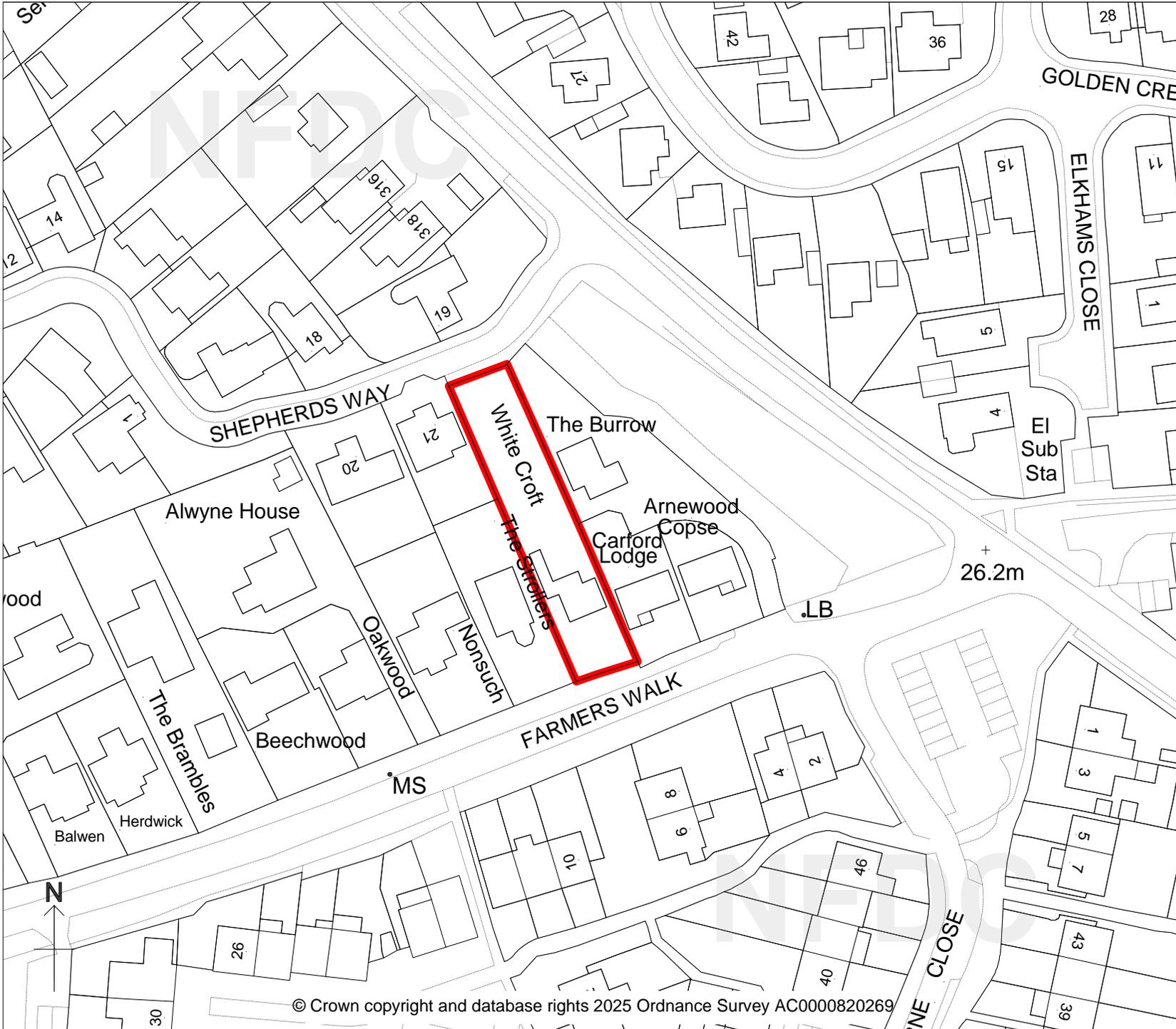
10. All works should be undertaken in accordance with the approved Tree Report (KJF Consultancy Ltd ref TR.V2.WC.FW.E.L dated 21/06/2025). The trees on the site which are shown to be retained on the approved plans shall be protected during all site clearance, demolition and building works in accordance with the protection measures set out in the submitted Tree Report (KJF Consultancy Ltd ref TR.V2.WC.FW.E.L dated 21/06/2025) and Tree Protection Plan No. CTPP.V1.WC.PW.E.L

Reason: To safeguard trees and natural features which are important to the visual amenities of the area and in accordance with Policy ENV3 of the Local Plan Part 1 and Policy DM2 of the Local Plan Part 2 for the New Forest outside of the National Park.

Further Information:

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New Forest

DISTRICT COUNCIL

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 Lyndhurst
 SO43 7PA

PLANNING COMMITTEE

September 2025

White Croft, Farmers Walk
 Everton, Hordle

25/10616

Scale 1:1000

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