

**Application Number:** 24/10939 Full Planning Permission

**Site:** WHITSBURY STABLES, FORDINGBRIDGE ROAD,  
WHITSBURY SP6 3QB

**Development:** Demolition of existing dwelling and barn, partial demolition and conversion of existing racing stables and erection of five dwellings with associated infrastructure and landscaping.

**Applicant:** Whitsbury Manor Stud

**Agent:** Chapman Lily Planning Ltd

**Target Date:** 02/01/2025

**Case Officer:** Vivienne Baxter

**Officer Recommendation:** Refuse

**Reason for Referral to Committee:** Parish Council contrary view

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## 1 SUMMARY OF THE MAIN ISSUES

The key issues are:

- 1) Principle of the development
- 2) Impact on the character and appearance of the Conservation Area
- 3) Impact on the residential amenities of the area
- 4) Highway matters including parking
- 5) Ecology
- 6) Habitat mitigation

## 2 SITE DESCRIPTION

The site lies within the village of Whitsbury and is within the Whitsbury Conservation Area and Cranbourne Chase National landscape.

The site is 0.37ha in size and comprises a courtyard grouping of three stable buildings (35 stables, feed store, tack room and rest room) immediately to the north of the listed Majors Farmhouse. Behind the courtyard is an open sided barn set into a bank. Access to the site is through a covered way between two of the stable buildings and leads to a large hard surfaced area with two grassed areas centrally located in the courtyard. One of the stable buildings accommodates a 2-bed residential property although it is vacant at present.

The adjacent farmhouse and land to the rear are within the applicant's ownership and this land ownership extends to much of the local area and property

## 3 PROPOSED DEVELOPMENT

The proposal is for 5 new dwellings, one of which would be within a converted building. This entails the demolition of the western building and its replacement with two pairs of semi-detached houses which generally comprise kitchen/dining room,

sitting room, and WC at ground floor level (unit 2 also has a boot room) with three bedrooms and a bathroom at first floor level. Units 1, 2 and 4 also have an en suite to the main bedroom.

The northern building would be converted into a single storey dwelling comprising open plan kitchen, dining, sitting room, cloakroom, study and two en suite bedrooms.

The eastern building forming the boundary to the road would be converted into car ports (2 per dwelling) and a store for each dwelling. Within the courtyard, each dwelling would have a semi-private garden area although their main private gardens would be to the west of the buildings.

#### **4 PLANNING HISTORY**

Proposal	Decision Date	Decision Description	Status	Appeal Description
XX/RFR/10835 Loose boxes and bungalow.	21/01/1966	Granted Subject to Conditions	Decided	
XX/RFR/10177 40 loose boxes.	23/04/1965	Granted Subject to Conditions	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 ENV4: Landscape character and quality  
 Policy IMPL1: Developer Contributions  
 Policy STR1: Achieving Sustainable Development  
 Policy STR2: Protection of the countryside, Cranborne Chase Area of Outstanding Natural Beauty and the adjoining New Forest National Park  
 Policy STR3: The strategy for locating new development

##### **Local Plan Part 2: Sites and Development Management 2014**

DM1: Heritage and Conservation  
 DM2: Nature conservation, biodiversity and geodiversity  
 DM25: Recreational uses in the countryside - including horse-keeping/riding  
 DM20: Residential development in the countryside  
 DM21: Agricultural or forestry workers dwellings

##### **Supplementary Planning Guidance And Documents**

SPD - Air Quality in New Development. Adopted June 2022  
 SPD - Design of Waste Management Facilities in New Development  
 SPD - Housing Design, Density and Character  
 SPD - Mitigation Strategy for European Sites  
 SPD - Parking Standards  
 SPD - Climate Change

## **National Planning Policy Framework**

NPPF Ch. 5 - Delivering a sufficient supply of homes

NPPF Ch.11 - Making effective use of land

NPPF Ch.12 - Achieving well-designed places

NPPF Ch.16 - Conserving and enhancing the historic environment

## **National Planning Policy Guidance**

### **6 PARISH / TOWN COUNCIL COMMENTS**

#### **Whitsbury Parish Council**

Whitsbury Parish Council recommends PERMISSION under PAR3. The reasons for this are (1) the need for housing in Whitsbury, (2) an appropriate use and enhancement of an existing building, and (3) this application supports a local employer.

### **7 COUNCILLOR COMMENTS**

No comments received.

### **8 CONSULTEE COMMENTS**

Comments have been received from the following consultees:

#### **NFDC Ecologist**

Ecological mitigation/enhancement recommendations are welcomed, conditions recommended

#### **NFDC Trees**

No objection subject to conditions

#### **NFDC Conservation**

Clarification sought regarding levels and window vents (now resolved)

#### **NFDC Policy**

Proposal can be considered under DM21 and CS21(g), the need for the houses needs to be demonstrated

#### **NFNPA Archaeologist**

No objection subject to conditions

#### **Highway Authority**

No objection

#### **Reading Agricultural Consultants**

Limited evidence has been provided to demonstrate an essential need under Policy DM21

#### **National Landscape Officer**

Raises concerns about the impact on the International Dark Sky Reserve and the lack of a landscaping plan.

## 9 REPRESENTATIONS RECEIVED

The following is a summary of the representations received.

- more detail (drainage and design) should be provided
- trees should be retained
- parking likely to occur on road
- concern about holiday letting
- overlooking/lack of privacy
- horses should be rerouted across the fields to the Gallops rather than the road
- change to views through the archway and from elevated land opposite
- conversion of buildings should be preferable
- loss of visual working element of village
- alternative sites are available that would have less impact

For: 0

Against: 4

## 10 PLANNING ASSESSMENT

### 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 1.5 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 National Landscapes. 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 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 11(d) 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.

#### Principle of Development

Policy DM20 of the Local Plan Part 2 allows for new residential development within the countryside but only where this is proportionate additions to existing dwellings, replacement dwellings, affordable housing or dwellings which are specifically for agricultural or forestry workers.

In this case, the site contains one single storey dwelling which would be replaced. The policy also requires replacement dwellings to '*not normally provide for an increase in floor space of more than 30%*' although this could be exceeded where the floor space does not exceed 100m<sup>2</sup>. The existing dwelling has a floor space of less than 59m<sup>2</sup> meaning that 100m<sup>2</sup> would be the maximum permitted as a replacement. The proposal conversion is some 17.5m<sup>2</sup> greater than this. Although the converted dwelling (as the smallest proposed dwelling) would be contrary to the floor space provisions of policy DM20, in view of it being contained in existing built form and impact on the Conservation Area grouping, this small increase over the policy guidance the replacement dwelling can be accepted in this instance.

The final part of the policy DM20 requires development to respect the character and scale of the existing dwelling and should not significantly alter the built form of development on the site within its setting. In this case, the replacement dwelling is a converted property, utilising existing built form. Reducing the built form in order to comply with the floor space requirements would have an adverse impact on the courtyard grouping in the Conservation Area, creating a gap where presently there is none.

The additional dwellings are not proposed as part of a conversion scheme. These are new buildings in the countryside. The application submits that these dwellings are proposed for occupation by employees of the stud farm business. Policy DM21 expressly provides for this type of development.

Policy DM21 reads as follows:

*New permanent dwellings will be allowed to support existing agricultural/forestry activities on well-established agricultural or forestry enterprises, where:*

- (i) *there is a clearly established existing functional need;*

First it is important to acknowledge that an equine enterprise is not technically an agricultural or forestry activity as expressed in the policy however the enterprise also includes an element of agricultural use whereby hay is produced for the animals. However, it is well accepted practice that equestrian enterprises are assessed against the same policy tests as other agricultural and rural works. To that end, the application of policy DM21 is appropriate. Policy CS21 of the Core Strategy also relates to the rural economy where agricultural enterprises are encouraged.

In this case the agricultural consultant advising the Council has concluded that given the specialist brood mare foaling down along with stallions and young stock facility, it is clearly essential that staff live on site

- (ii) *the need relates to a full-time worker, or one who is primarily employed in the agriculture/forestry enterprise and does not relate to a part-time requirement;*

The Council's Consultant has confirmed that the activities at the stud meets a functional need that would require the equivalent of 32 full time workers

- (iii) *the unit and the agricultural/forestry activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so;*

The stud farm has been established for many years and from the submission it would appear that it has a clear prospect of remaining so

- (iv) *the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned.*

The stud enterprise and land ownership extends to several other properties (34) in Whitsbury, 32 of which are occupied by staff. The supporting information does not clarify why the two properties currently tenanted could not be utilised for the business, suggesting that two of the proposed new build dwellings are not required for business purposes. Further, there is no detail as to what might happen to the properties currently occupied by workers who may relocate to the new dwellings. It is not clear whether or not the workers' titles proposed to occupy the new dwellings are existing employees or future additional workers.

In the absence of such detail it is not clear whether the functional need could indeed be met by one or more of the existing 32 on site residential employees. The application proposal conflicts with this policy requirement as submitted.

*Where the need is established, the dwelling should be sited so as to meet the identified functional need and be well-related to existing farm buildings or other dwellings. All dwellings permitted under this policy will be subject to an appropriate restrictive occupancy condition.*

The proposed dwellings are well-related to existing farm buildings although it is noted that they are some 1,200m from the stud operations. The applicant has advised a restrictive occupancy condition would be acceptable. However whilst a

condition may be able to control the occupancy to stud workers, the proximity of the proposal to the stud operations means that the necessary functional link – related to the husbandry of the stock – is over a kilometre from the animals.

*An occupancy condition restricting the occupancy of a dwelling to a person employed or last employed in agriculture or forestry will not be removed unless the local planning authority is satisfied that the long term need for the dwelling has ceased and there is no evidence of a continuing need for housing for persons employed or last employed in the locality in these categories.*

This final policy test is not relevant to the application.

The information provided to support the application has been considered for the Council by an independent agricultural consultant with experience in equestrian development. The advice to the Council has concluded that there is an essential need for staff to live on site in order to provide 24 hour supervision for the horses and the number of hours labour requirement equates to 32 full-time jobs. However, the consultant advice also states that the application does not suggest that the new houses are essential for the proper functioning of the stud or agricultural element of the business nor why the two tenanted properties could not be made available for additional staff. On this basis, there is very limited evidence to demonstrate an essential need for the proposed five new dwellings.

Having regard to policy DM21 therefore, whilst it is considered that the business is well established and there is a functional need for some staff to live on site, there are concerns that there are existing properties which could be made available for the business and that the proposed residential properties are not necessarily sited, being some distance from the stud, to meet the functional need and welfare of the animals. The proposal is therefore contrary to policies DM20 and DM21 of the Local Plan Part 2.

#### Impact on character and appearance of Conservation Area and National Landscape

Policy ENV3 of the Local Plan Part 1 requires development to create buildings and spaces which are sympathetic to their environment and context in terms of scale, layout, height in relationship to adjoining buildings and spaces. Development should contribute to local distinctiveness.

Policy DM1 of the Local Plan Part 2 requires development to conserve and seek to enhance the historic environment and heritage assets. Section 72 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.

Policy STR2 of the Local Plan Part 2 requires development not to have any unacceptable impact on the Cranborne Chase National Landscape or its setting with weight being given to ensuring that the character of this area is protected and enhanced. Local Authorities have a duty to seek to further the purposes of the National Landscape designation.

Majors Yard is a racing stables constructed in the mid-sixties in a courtyard arrangement. The yard is located on the site of the former Majors Farm which previously existed on the site with a range of buildings in a courtyard arrangement. The yard buildings, which are of modest scale and utilise traditional materials, construction and form are considered to have a neutral impact to the character of the Conservation Area. The surrounding topography means that the village and the

application site is overlooked from the surrounding higher ground and heritage assets.

The proposal includes the retention of the frontage building to the site with new build houses sited behind this and visible through the archway entrance into the site and wider views from public rights of way to the east of Fordingbridge Road. In terms of layout, the proposal largely follows the existing layout although there would be a reduction in built footprint to the north west of the site and to the south adjacent Majors Farmhouse. Whilst alterations to the landscaping within the courtyard are proposed by relocating the central grassed area to be closer to the proposed dwelling frontages, the openness of this area is maintained. Details of how the semi-private garden frontages would be marked out have been requested but the applicant has declined to provide this information at the current time. The finer details of how the courtyard and areas to the rear of the houses could reasonably be dealt with by an appropriately worded planning condition were permission to be forthcoming. The impacts on the wider landscape is considered in the section below.

The pedestrian access in the frontage building is proposed to be retained and this is welcomed along with the retention of the stable doors to stables 1, 6, 9 and 14. However, stables 2-5, 7 & 8 and 10-13 would have their existing openings widened in order to create access for vehicles. A reduction in the proposed width of these openings has been requested although it is accepted that this is difficult to achieve due to turning requirements into the spaces and the need to be able to open car doors. It is accepted that the proposed use of these stables as parking is of overall benefit to the proposal, as it would enable the visual impact of cars not to undermine the character of the open courtyard. Furthermore, the openings would not be visible from public vantage points and as such these alterations are considered acceptable on this basis.

The section of building to be converted running along the northern edge of the site includes a new front wall below the eaves thus slightly increasing the footprint but not the roof plan. It is noted that the proposed openings in the southern elevation are not directly in line with the existing stable doors although in view of the new wall and the fact that this elevation does not include any retained fabric, it is not considered that this would be harmful. The additional glazing next to the proposed front door is considered acceptable.

The proposed new-build dwellings are laid out as two pairs of semi-detached houses constructed in brick and timber shiplap cladding under tiled roofs. The design incorporates brick window arches and shutters over windows and doors together with feature dormer windows and conservation style roof lights. Examples of this type of feature can be found in other locations within Whitsbury. The applicant has also confirmed that the windows would be double glazed with concealed trickle vents which would be in keeping with the Conservation Area and appropriate details could be secured on this basis.

As existing, the stables have 33 roof lights, all of which face towards the courtyard. Clearly, they do not relate to habitable rooms and light pollution through these roof lights is unlikely to be significant. Fourteen of these roof lights are to be retained within the garage/store building and due to the nature of the use of the buildings are unlikely to adversely or harmfully increase the impact on the International Dark Sky Reserve (IDSR).

The existing roof lights within the building to be converted (5) would be removed and replaced by a single, double sized roof light above one of the proposed en suite bathrooms. This represents a reduction of 3 in the number of roof lights in this



element of the scheme which on its own, offers a slight improvement in terms of the impact on the IDSR.

The proposed new build properties were initially designed with 17 roof lights although following a request to streamline these numbers where possible, the proposal now includes 10 roof lights (including a double size one). The double sized roof light is the only one which serves a bedroom, there being no alternative option to provide a traditional window in view of its location within the eaves of the building. The other roof lights relate to landings, bathrooms and en suites. Whilst discussions were had with regard to the reduction of the number of roof lights, those remaining are still significant in this sensitive area.

Although the proposal would not include any external lighting, the provision of 10 roof lights within the new dwellings would not comply with the Environmental Lighting Zone E0 which requires zero upward light, encouraging a greater awareness of the impact of artificial light pollution in support of nocturnal habitats. Whilst there are ways which would help to minimise the impact of the roof lights, such as automatic dusk to dawn blinds or polymer-dispersed liquid crystal 'smart' glass, it would be difficult to secure these options through a planning condition due to issues of enforceability. As such, the number of roof lights within the proposal would conflict with policy STR2 of the Local Plan Part 1 which requires development to not have an unacceptable impact on the special qualities and purposes of the National Landscape.

Overall, there are no objections in principle on heritage grounds with details able to be secured through suitably worded conditions and the character of the conservation area would be preserved. However, the presence of so many roof lights is not considered to minimise the adverse impact on the National Landscape and this would conflict with policies STR2 and ENV4 of the Local Plan Part 1.

#### Residential amenity

Policy ENV3 of the Local Plan Part 1 requires development to avoid unacceptable impacts on residential amenity.

The site abuts Majors Farmhouse which is owned by the applicant and has several windows and an access facing the stable courtyard. The tack/rest room element of the existing stable block adjacent to this property would be demolished opening up the rear outlook of this property. The property is slightly unusual in that its rear garden is not fully enclosed and can be accessed from the access track to the west which leads into the stable courtyard. Proposed Unit 1 would be aligned with the current location of the western stables with its kitchen window approximately 8m from a first floor window to a rear projection to this house albeit off-set with a 1.7m high brick wall between the two. Whilst this is not an ideal relationship, in view of the angles and boundary treatment between the two, it is not considered that the amenity currently enjoyed by the occupant of the house would be significantly harmed as a result of the proposed Unit 1. The proposed bathroom window at first floor level would be further from the house and could be obscure glazed.

To the north of the site, there are two residential properties which border the site. The rear gardens for these properties varies between 22m and 34m in length. The building closest to this boundary would be retained (stables 15-20) and converted into a single storey dwelling. Ground floor windows would be inserted in the northern elevation at a distance varying between 1.8m and 2.5m from the mature beech hedge along the mutual boundary. Two of these would serve the hall, one would serve the study and two secondary windows would serve the open plan sitting, dining, kitchen area with this room's main outlook to the west across the

proposed garden area. An existing high level window in the north facing gable of the eastern part of the building would be replaced. The distance between the study window and the adjacent dwelling would be in excess of 35m. Given the intervening (deciduous) hedge and the fact that the windows are at ground floor level where the amenity impacts are reduced, it is not considered that the proposed unit 5 would give rise to any significant loss of residential amenity.

Within the development, the relationship between the proposed dwellings would be comparable to many residential developments and they would all have their own private amenity space together with parking and storage facilities away from the main dwelling. These storage rooms are large enough to accommodate the necessary waste facilities.

It is not considered that the proposal would conflict with the requirements of policy ENV3 in terms of its impact on residential amenity.

#### Highway safety, access and parking

Policies ENV3 and CCC2 require proposals to integrate sufficient car and cycle parking facilities so as not to prejudice that character and quality of the street, highway safety, emergency or service access or pedestrian convenience.

As no alterations are proposed to the existing access provisions for the site, the Highway Authority do not have any concerns with the proposal.

The NFDC Parking Standards SPD recommends 2.5 car parking space per dwelling where they are on-plot and 1.9 spaces were they to be provided communally.

Having regard to this, the proposal includes two car port spaces for each dwelling and, given the courtyard style development, there would be adequate space within the site for additional vehicles to be parked. It is noted that representations made raise concern about displaced parking on the highway which could cause problems for larger traffic (such as farm vehicles and horse boxes) through the village although it is noted that there are no parking restrictions on the highways outside the site. Cycle parking (3 per dwelling) could be provided within the storage rooms.

On balance, the shortfall of 0.5 of a parking space per dwelling is not considered to be harmful to highway safety given the available courtyard area and in this instance and the proposal would comply with the requirements of policies ENV3 and CCC2 in this respect.

#### Ecology

Development is expected to incorporate features to encourage bio-diversity in line with policy DM2 of the Local Plan Part 2. The policy also requires securing the habitat of protected species.

The Bat Report provided with the application identifies three species of bat having day roosts within two buildings on site. Building A fronting the road and adjacent to Majors Farmhouse supports common pipistrelle and is proposed to be retained and converted into car ports/storage for properties 1 and 2. Building D to the north east of the site supports the common pipistrelle, soprano pipistrelle and brown long-eared bat. The building is proposed to be demolished. This means that a European Protected Species Mitigation Licence (EPSML) or Bat Mitigation Class Licence (formerly Bat Low Impact Class Licence) site registration from Natural England is required should permission be forthcoming. The mitigation and methodology provided in the Bat Report suggest that favourable conservation status

of the species would be maintained following the development and there is no alternative given the proposed development. As such, it is considered that all the necessary derogation tests have been met in this respect.

The proposed ecological enhancements include bat boxes/tubes and no external lighting to avoid impacts on bats and these matters are considered to be satisfactory. The site also accommodates nesting swallows and any works should occur outside of the nesting bird season. The ecologist has welcomed the provision of nesting cups to mitigate the loss of nesting habitat as a result of the proposal. The ecological enhancements also include hedgehog friendly fencing across the site which is also welcomed. These ecological enhancements could be secured by condition if the proposals were otherwise acceptable.

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 ("the biodiversity gain 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 proposal would require the submission and written approval of a Biodiversity Gain Plan before any development is begun because none of the Statutory Exemptions and transitional arrangements are considered to apply.

A Bio-Diversity Net Gain Assessment has been provided with the application and this concludes that the development would achieve a net gain of over 40% habitat units and over 120% of hedgerow units through the provision of rear garden hedge boundaries. This is considered acceptable.

Overall, the proposal offers a variety of ecological enhancements and a clear biodiversity net gain, both of which should be secured by condition should approval be forthcoming.

### **Landscape impact and trees**

Policy ENV4 requires development to retain or enhance landscape features and characteristics, including trees through sensitive design. Due to the site's location within the Cranborne Chase National Landscape and policy STR2 of the Local Plan Part 2 is also relevant and this requires development to not have any unacceptable impact on this designation or its setting with weight being given to ensuring that the character of this area is protected and enhanced. Local Authorities have a duty to seek to further the purposes of the National Landscape designation.

All trees within the site with a diameter greater than 75mm when measured 1.5m from ground level are protected by virtue of being within a conservation area. Most of the trees are set back within the site and not prominent in the street scene although the larger mature trees do provide a positive contribution as a backdrop to the site. A small group (hedge) consisting of 3 Western Red Cedar will be removed to facilitate the scheme. These trees are not significant in terms of their public amenity value and replacement planting would ensure future canopy cover as mitigation.

Having regard to the wider, landscape setting of the site within the National Landscape, designated as such for landscape reasons, it is not considered that the applicant has provided sufficient details of the landscaping to justify the proposed development. It is noted on the submitted site plan that banks to the west of the site

would be planted with a woodland planting mix with small trees but there is no reasoning as to why this is considered an acceptable landscape feature in this sensitive location.

The measures as set out in the report and protection plan would be sufficient for this scheme. Overall, if the measures set out within the arboricultural report are followed there will be no significant adverse impacts to the retained trees. There are therefore no objections on tree grounds subject to conditions. In landscape terms, there are concerns that the wider setting has not been properly considered and this would conflict with policies ENV4 and STR2 of the Local Plan Part 1.

## **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. Although the adverse impacts could 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, no such legal agreement has been completed in this instance. As such, it is not possible, in respect of recreational impacts, to reach a conclusion that adverse effects on European sites would be avoided.

### Phosphate neutrality and impact on River Avon SAC

In accordance with the Conservation of Habitats and Species Regulations 2017 ('the Habitat Regulations') an Appropriate Assessment was carried out as to whether granting planning permission would adversely affect the integrity of the River Avon European sites, in view of those sites' conservation objectives, having regard to phosphorous levels in the River Avon. However, Natural England has drawn attention to the fact that the submitted Appropriate Assessments (AA) rely on the delivery of the phosphate neutrality measures set out in the River Avon SAC – Phosphate Neutral Development Plan Interim Delivery Plan (Wood Environment & Infrastructure Solutions UK Limited – January 2019). The Interim Delivery Plan set out mitigation measures for new development up to the end of March 2020, and thereafter relied on the delivery of the Wessex Water River Avon Outcome Delivery Incentive (ODI), if fully in place. Natural England's view is that, as the initial Interim Delivery Plan period has now concluded, the submitted AAs should not simply be rolled forward, at least without a valid evidence-based justification that provides the required reasonable certainty for phosphate neutrality. They also note that circumstances are different from those of when the Interim Delivery Plan was first agreed because of external developments in caselaw, notably the Dutch case (Joined Cases C-293/17 and C-294/17 Coöperatie Mobilisatie for the Environment UA and Others v College van gedeputeerde staten van Limburg and Others).

With regard to current proposals, Natural England agrees with the competent authority that the plan or project for new residential development, without mitigation, has a likely significant effect on the River Avon Special Area of Conservation (SAC). The site is also listed as a Ramsar site and notified at a national level as the River Avon System and River Avon Valley Sites of Special Scientific Interest (SSSIs). Listed Wetlands of International Importance under the Ramsar Convention (Ramsar) sites are protected as a matter of Government policy. Natural England

considers that impacts of phosphates on the Ramsar interest features are likely to be similar to the impacts on the SAC. As the Council cannot now rely on the Interim Delivery Plan to address phosphate levels in the River Avon, there needs to be a mitigation project to provide this development with a phosphate budget that will enable the development's phosphate impact to be offset. Such a project has now been secured and were permission to be recommended, a Grampian style condition would need to be imposed that will secure the appropriate level of phosphate mitigation.

### 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 NOx, 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 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 provision of cycle storage, increase in green space, occupants to be encouraged to walk or cycle to work.

### Developer Contributions

As part of the development, the following would need to be secured via a Section 106 agreement if the proposals were otherwise acceptable:

- Habitat Mitigation £27,288 (infrastructure) and £3,964 (non-infrastructure)
- Air Quality Monitoring £448

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

Type	Proposed Floor space (sq/m)	Existing Floor space (sq/m)	Net Floor space (sq/m)	Chargeable Floor space (sq/m)	Rate	Total
Dwelling houses	951		951	951	£80/sqm	£114,412.62 *

Subtotal:	£114,412.62
Relief:	£0.00
Total Payable:	£114,412.62

*\*The formula used to calculate the amount of CIL payable allows for changes in building costs over time and is Index Linked using the 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**

With regard to the Parish Council's reasons for supporting the proposal, the need for housing in Whitsbury is noted although should approval be given for the development, the new dwellings would be secured for the business and not available for affordable or open market purposes. The conversion of much of the built form on site is welcomed as this would limit the impact of the proposal on the street scene through the village. Supporting local businesses such as the high value-added business in Whitsbury is compliant with policy (ECON1).

## **12 CONCLUSION / PLANNING BALANCE**

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'*

Starting with the development plan the proposal is contrary to policies DM20 and DM21 of the Local Plan Part 2 as it would provide new residential development within the countryside where it has not been demonstrated that the proposal is fully justified in this location.

As set out earlier in this report Paragraph 11 of the NPPF is a Material Consideration. Paragraph 11 clarifies the presumption in favour of sustainable development.

Paragraph 11(c) states for decision making this means approving development proposals that accord with an up-to-date development plan without delay.

The lack of a demonstrable five-year land supply however, means that the titled balance in NPPF paragraph 11(d) is engaged for this application.

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

- (ii) *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 to paragraph 11(d)(i) defines the policies that protect areas of particular importance. These include a National Landscape, designated Heritage Assets and protected Habitat Sites.

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 report has considered the impacts upon the National Landscape via the provision of rooflights in the buildings and the demonstrably harmful impact this would have on the International Dark Sky Reserve( IDSR).

The proposal seeks to deliver five new dwellings in the countryside in an unsustainable location for which there is no overriding need demonstrated. It is accepted that the wider stud farm is an established rural enterprise however there is no demonstrated functional need for the provision of five additional dwellings at the site. Whilst the impact of the proposal on the Whitsbury Conservation Area heritage asset is not considered to be significant such as to warrant refusal, the proposal would have a harmful impact upon intrinsic qualities of the National Landscape and, in particular, the IDSR. This identified harm to the National Landscape and IDSR is considered to be a “strong” reason for refusal of the application pursuant to footnote 7 of the NPPF under the first limb of Para 11d. As such the “tilted balance” under Para 11 d (ii) is not engaged as these 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. Therefore, the application can be determined in accordance with paragraph 38(6) of the Act which essentially means the assessment is made against the policies of the development plan

In addition to this, the effect of NPPF paragraph 195 means as a result of these proposals having an adverse effect on the integrity of a habitats sites, in the absence of any secured mitigation, as concluded by the Appropriate Assessment, the ‘titled balance’ is not engaged and the application can be determined in accordance with paragraph 38(6) of the Act which essentially means the assessment is made against the policies of the development plan.

In view of the above concerns, the necessary legal agreement to secure Habitat Mitigation and Air Quality Monitoring has not been sought and this is a further reason for refusal.

## **13 RECOMMENDATION**

### **Refuse**

#### **Reason(s) for Refusal:**

1. The site is located within the countryside where new residential development is restricted. It has not been demonstrated that there are no suitably available properties in the local area which could fulfill the functional need for additional residential accommodation. Further, it has not been demonstrated that the proposed dwellings are sited in an appropriate location, relative to the stud farm, to fulfill this functional need. As such the proposals would be contrary to policies DM20 and DM21 of the Local Plan Part 2 for the New Forest outside of the National Park.

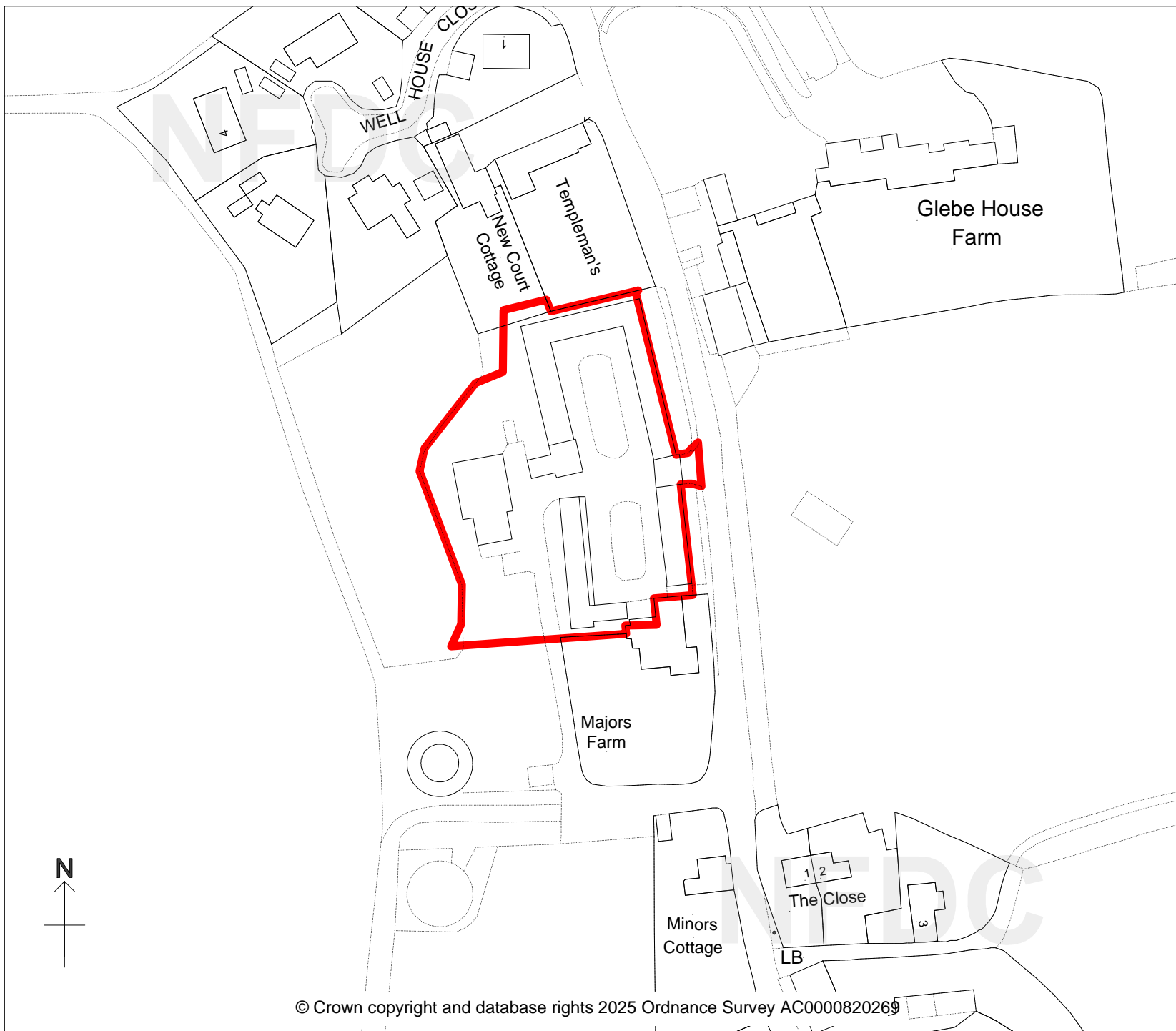
2. The proposal includes 10 roof lights within the dwellings which would adversely affect the National Landscape which is also an International Dark Sky Reserve. Combined with the lack of a landscape assessment to justify the proposed landscaping scheme, the proposal would be contrary to policies STR2 and ENV4 of the Local Plan Part 1 and paragraph 189 of the NPPF.
3. The recreational and 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 not be adequately mitigated and 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".

**Further Information:**

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**New Forest**  
DISTRICT COUNCIL

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## PLANNING COMMITTEE

October 2025

Whitsbury Stables  
Fordingbridge Road  
Whitsbury  
24/10939

Scale 1:1250

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