
APPLICATION NO.	21/03330/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	15.11.2021
APPLICANT	Mr and Mrs Phillip and Joanna Moxey
SITE	Butlers Barn, Mount Lane, Lockerley, SO51 0JS, LOCKERLEY
PROPOSAL	Demolition of the existing agricultural building and associated structures, erect 1 x detached dwelling house with associated garage, parking, access and hard and soft landscaping
AMENDMENTS	Received on 15.03.2022: <ul style="list-style-type: none">• Additional visibility splay diagram• Additional traffic survey Received on 07.02.2022: <ul style="list-style-type: none">• Amended Proposed Floor Plan and Elevations• Amended Landscape masterplan Received on 05.01.2022: <ul style="list-style-type: none">• Agent rebuttal to third party representations
CASE OFFICER	Mr Graham Melton

Background paper (Local Government Act 1972 Section 100D)
Background papers to the application can be found [here](#)

1.0 INTRODUCTION

1.1 The application is presented to Southern Area Planning Committee because it is contrary to the provisions of an approved or draft Development Plan or other statement of approved planning policy, adverse third party representations have been received and the recommendation is for permission.

2.0 SITE LOCATION AND DESCRIPTION

2.1 The application site is a 0.9ha area of land located on the east side of Mount Lane within the designated countryside and parish of Lockerley.

2.2 The application site comprises an existing agricultural building with adjoining 'L' shape store structure, located on the western side of the plot adjacent to Mount Lane. The land surrounding the existing building comprises a substantial area of hardstanding.

3.0 PROPOSAL

3.1 The proposal is for the demolition of the existing agricultural barn building and adjoining store structure, and the erection of a part single storey, part two storey residential dwelling.

3.2 The proposed residential dwelling will be located in the centre of the plot and consists of a main two storey section on an east to west axis measuring approximately 23.3m by 7m by 7.2m with additional single storey projections to the north and south. External materials comprise brickwork, timber cladding and a slate roof with the southern end of the plot proposed to serve as a residential garden area.

3.3 The proposed scheme also includes the provision of a new vehicular access onto Mount Lane, located in the north-west corner of the application site.

4.0 **HISTORY**

4.1 **22/00811/PDQS** - Application to determine if prior approval is required for a proposed change of use of agricultural building to dwellinghouse (Use Class C3), and for building operations reasonably necessary for the conversion.
Pending consideration.

4.2 **19/00706/PDQS** - Notification for Prior Approval under Class Q - Change of use of an agricultural building to a dwelling. *Prior Approval not required, decision issued on 09.05.2019.*

5.0 **CONSULTATIONS**

5.1 **Ecology** – No objection subject to conditions.

5.2 **Highways** – No objection subject to conditions.

5.3 **Landscape** – Comment (summarised).

- After visiting the application site with the case officer, can confirm that outstanding concern relates to the amount of glazing on the proposed dwelling and resulting impact on views from Mount Lane and the public footpath
- A revision to the design to reduce glazing is required to overcome concern
- Also identified that a stronger boundary perimeter along the south boundary of the application site will help minimise the impact of the design

Case officer note: Since the receipt of the above consultation response, amended plans have been received reducing the amount of glazing present on the proposed dwelling and additional landscaping proposed on the southern boundary of the application site.

5.4 **Natural England** – No comment to date.

Case officer note: Consultation response to be included as part of an Update Paper.

6.0 **REPRESENTATIONS** Expired 12.04.2022

6.1 **Lockerley Parish Council** – No objection.

6.2 Romsey and District Society (Planning Committee) – Objection (summarised).

- The agent's rebuttal and additional information does not serve to overcome previous concerns

Principle of development

- Agent's rebuttal gives even further endorsement of the concerns raised originally by repeating the fact that the criticisms of implementing the Permitted Development conversion are so strong and emphatic that the conversion is unlikely
- In these circumstances a 'fall back' position cannot be relied upon
- The application has simply used the permitted development conversion as a blatant pretext to build a large dwelling in the countryside
- In other circumstances, the proposal would be contrary to planning policy with no other material considerations to outweigh the conflict and therefore the application would be refused
- The rationale in the supporting information criticises the Permitted Development conversion scheme and therefore, undermines the assertion that the implementation of the previous scheme is a realistic fallback position
- Specific criticisms of the approved scheme include:
 - The conversion would not be of high quality design
 - The unsightly boundary wall structure would be retained
 - Absence of any additional soft landscaping adjacent to Mount Lane
 - The barn conversion has a greater total footprint than the proposed dwelling
 - The residential curtilage for the conversion scheme would result in overlooking to the neighbouring property causing a loss of privacy
- Given that these criticisms of the approved scheme have been identified, it is not considered that this can be used as a balancing tool to justify the current proposal as there is no real prospect or possibility of it being undertaken

Impact on the character and appearance of the area

- Consider that the proposed scheme for a detached two storey dwelling represents a suburban style of development in the countryside with no reference to the existing buildings

7.0 POLICY

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

- 7.2 Test Valley Borough Revised Local Plan (2016) (TVBRLP)
Policy SD1: Presumption in Favour of Sustainable Development
Policy COM2: Settlement Hierarchy
Policy E1: High Quality Development in the Borough
Policy E2: Protect, Conserve and Enhance the Landscape Character of the Borough
Policy E5: Biodiversity
Policy E7: Water Management
Policy E8: Pollution
Policy LHW4: Amenity
Policy T1: Managing Movement
Policy T2: Parking Standards

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Impact on the character and appearance of the area
- Impact on the amenity of residential property
- Ecology
- Water Management
- Impact on the general amenity of the area
- Highways
- Planning Balance

8.2 **Principle of development**

Local Plan

Policy COM2

The application site is located on land outside of a settlement boundary and therefore is designated as countryside by Policy COM2 of the TVBRLP. Policy COM2 of the TVBRLP states that development outside the boundaries of settlements will only be permitted if:

- a) *It is appropriate in the countryside as set out in the RLP Policy COM8 – COM14, LE10, LE16 – LE18; or*
- b) *It is essential for the proposal to be located in the countryside*

8.3 None of the policy exceptions listed under criterion (a) are applicable in this instance and as the proposal comprises the erection of a residential dwelling, it is not considered to be a type of development whereby a countryside location is essential. As a result, the proposal does not comply with criterion (b) either and the application is contrary to Policy COM2 and the development framework of the TVBRLP.

8.4 Other material considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission be determined in accordance with the development plan unless considerations indicate otherwise. This is echoed by the NPPF. In addition, the TVBRLP is considered an up-to-date development plan which is not silent on development within the countryside and thus full weight must be

given to it. However, it is considered that in this instance, there are other material considerations that must be taken into consideration in the determination of the application.

8.5 *Case law*

The relevance of and weight to be attached to a fallback position within the planning balance has been examined by the courts and there is a range of resulting case law that has arisen on this matter. In support of the application, the planning statement draws particular reference to the Court of Appeal decision *Mansell v Tonbridge and Malling Borough Council*, issued on the 8th September 2017. In this case the judge assessed that the Council was entitled to refer to the possible fallback position to convert existing buildings onsite to dwellings under Permitted Development legislation, as justification for an alternative scheme to demolish the existing buildings and erect new dwellings onsite instead.

8.6 At paragraph 27 (3) of this judgement, the judge identifies the following principle when assessing the weight to be applied to a fallback position:

Therefore, when the court is considering whether a decision-maker has properly identified a “real prospect” of a fallback development being carried out should planning permission for the proposed development be refused, there is no rule of law that, in every case, the “real prospect” will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the GPDO. In some cases that degree of clarity and commitment may be necessary; in others, not. This will always be a matter for the decision-maker’s planning judgment in the particular circumstances of the case in hand.

8.7 It is therefore necessary to assess whether the implementation of an alternative fallback development is a realistic prospect based on the individual merits of each application. In support of the application, the planning statement includes a number of appeals (references 3154235, 3171828, 3189624) whereby the presence of an extant Permitted Development consent to convert existing buildings has justified an alternative development for demolition and rebuild, despite the technical conflict with local planning policy.

8.8 Specific examples relating to developments within Test Valley include the Appeal at Barrow Hill Barns, Goodworth Clatford (reference APP/C1760/W/16/3154235). In that case the application site benefited from an extant notification for prior approval under Class J (now Class O) of the Town and Country Planning (General Permitted Development) Order 1995 (GPDO) for the conversion of the existing building into 5 residential units.

In considering the probability that the permitted scheme would be feasible and would be implemented if the appeal scheme for the replacement of the building for 5 dwellings failed at appeal the Inspector stated:

“I have no evidence before me to doubt the appellant in respect of these matters. I therefore find that the fall-back position to convert the building into 5 dwellings is therefore more than a theoretical prospect; there is likely to be a high probability that the scheme would be constructed if the appeal proposal is dismissed.”

- 8.9 When considering the planning balance, the Inspector recognised that the proposal would conflict with Policy COM2 of the TVBRLP, but considered the likely residential use of the site a material consideration which would justify making a decision which is not in accordance with the development plan.

“However, the appellant’s fall-back position to change the use of the existing buildings upon the site is a very real possibility. The effects of the appeal proposal would be unlikely to be discernible over and above the permitted development scheme for the reasons given. I regard the likely residential use of the site, a material consideration which would, in this case, justify making a decision which is not in accordance with the development plan.”

The appeal was allowed on this basis.

- 8.10 The assessment of principle, as outlined by the Inspectors decision, has subsequently been followed in recent applications which were recommended for permission by Officers and subsequently approved at Southern Area Planning Committee, including applications reference 21/00536/FULLS and 21/00650/FULLS.

- 8.11 An assessment of the prospect of a fallback position in relation to this particular application is undertaken below.

8.12 *Planning history*

The existing agricultural barn onsite was previously granted consent under Permitted Development legislation to be converted to a residential dwelling (application reference 19/00706/PDQS, paragraph 4.2). As a result, it has been established that a residential dwelling the size of the existing agricultural barn could be delivered onsite through Permitted Development rights.

- 8.13 However, one of the requirements of Permitted Development legislation is that any conversion is completed within 3 years of the decision date and in this instance, the expiry date for this previous consent is due expire to on the 9th May 2022. From the recent site visits undertaken, it is evident that works to implement the consented conversion have not commenced and therefore, it is very unlikely that this previous consent will be implemented due to the forthcoming expiry date.

8.14 *Currently pending application*

In recognition of the forthcoming expiry of the previous consent to convert the existing agricultural building, a new application (reference 22/00810/PDQS, paragraph 4.1) has been submitted seeking to renew the previous consent. At the current time of writing, the application is pending consideration as the statutory publicity period has not expired. However a recent site visit to inspect the existing building has been undertaken by the case officer and it has been observed that the condition of the existing building has not deteriorated since the previous application. Therefore, it is considered that the current application is likely to be determined positively with the effect that the applicant will have an additional 3 years to implement the conversion of the existing building to a residential dwelling.

8.15 *Third party representations*

Third party representations have been received objecting to the principle of attaching any significant weight to the previously approved conversion scheme, as representing a fallback position and justifying the principle of development for the current application. These concerns relate to the criticisms of the previously approved conversion scheme highlighted by the planning agent including the quality of the design, the lack of scope for additional landscaping and re-organisation of the application site to accommodate a residential use.

8.16 However, the identification of these criticisms as part of comparing the previously approved conversion scheme to the current proposal does not serve as evidence that the applicant has no intent to implement the conversion scheme in the event that the current application is not successful. None of the issues identified prevent the implementation of the previously approved conversion scheme but simply indicate a preference to implement the current proposal to achieve a higher quality development.

8.17 Conclusion on the principle of development

As assessed above, the application site benefits from an extant consent to convert the existing agricultural building onsite to a residential dwelling. Although it is noted that this consent is due to expire shortly, the applicant has submitted application reference 22/00810/PDQS (paragraph 4.1) to secure a renewal of this previous consent.

8.18 None of the shortcomings identified by either the submitted information or third party representations serve as practical reasons to prevent the implementation of the previously approved conversion scheme. In combination with the applicant's intent as demonstrated by the currently pending application, it is considered that there in this instance there is a realistic prospect that the conversion of the existing building to a residential dwelling will be implemented in the event that an alternative proposal is not successful. This fallback position therefore weighs significantly in assessing that the principle of development is acceptable, despite the identified conflict with the development framework of the TVBRLP.

- 8.19 However, before it can be concluded that the application as a whole is acceptable, it is necessary to assess whether the impact of the proposal in relation to the other material considerations would result in any significant impact over and above the previously approved conversion scheme. This assessment is undertaken below.
- 8.20 **Impact on the character and appearance of the area**
The application site is located within the rural countryside to the east of Mount Lane and can be viewed from this public highway, as well as the public footpath (Lockerley no. 17) that runs to the south-west. From these viewpoints, the existing agricultural barn is seen in context with the neighbouring dwelling to the north known as Butlers Barn, a two storey detached property of traditional design, as well as the mature woodland to the south-east. Wider views also encompass the buildings on the opposite side of Mount Lane including the residential dwelling known as Badgers Run, itself comprising a recently converted agricultural building, and the green clad utilitarian agricultural storage buildings directly opposite the application site.
- 8.21 The existing agricultural building onsite is located adjacent to Mount Lane and orientated so that the length of the building runs parallel to the carriageway, with a subsidiary blockwork structure projection positioned in between and to the south. Aside from blockwork, external materials comprise dark green vertical cladding. Consequently, the resulting visual appearance within the street scene and wider landscape is a significant building of functional character with no intervening vegetation to soften its appearance.
- 8.22 The implementation of the previously approved conversion scheme would retain the layout and scale of the existing building, with the overall appearance limited to the addition of replacement vertical black cladding and the installation of windows and doors. Although it is considered that the resulting visual impact will not be wholly unattractive, it would not address the visual prominence of the building within the wider landscape or address the functional character of little visual interest.
- 8.23 The proposed scheme would result in the demolition of the existing structures onsite and as a result, enable the implementation of a soft landscaping scheme alongside the public carriageway that is more reflective of Mount Lane. The proposed dwelling itself will be orientated on an east to west axis to enable the presentation of a gable end side elevation rather than the entire length of the building. In combination with a setback distance of 5.5m, it is considered that the proposed layout will enhance the setting of Mount Lane although it is acknowledged that the proposed dwelling will be taller than the existing agricultural building.
- 8.24 With regard to the form of the proposal, the inclusion of single storey projections and combination of red brickwork, render and vertical timber cladding will result in a development of greater visual interest and higher quality design.

8.25 In response to the comments provided by the Landscape Officer, the amount of glazing present on the proposed dwelling has been reduced and the soft landscaping on the southern boundary increased to enhance the setting of the proposed development when viewed from the public footpath. The implementation and ongoing management of these landscaping measures has been secured through the imposition of planning conditions, which are listed at the end of the report below.

8.26 Consequently, following the assessment undertaken above, it is considered that the design of the proposed development represents an improved design that is more characteristic of the rural, verdant setting of Mount Lane than that would be achieved through the implementation of the previously approved conversion scheme. As a result, the application is in accordance with Policies E1 and E2 of the TVBRLP.

8.27 Impact on the amenity of residential property

Residential amenity of existing dwellings

With regard to the potential impact on the adjoining dwelling known as Butlers Barn, the proposed front (north) elevation comprises first floor windows positioned 13m away from the shared boundary with the neighbouring property. The adjacent section of the neighbouring plot is currently occupied by two outbuildings and an associated access path. The neighbouring outbuildings do not contain any first floor windows in the corresponding elevations facing the application site and consequently, there is no possibility of any mutual overlooking. As a result, it is not considered that the proposed development will result in a significant loss of privacy for the occupants of the dwelling known as Butlers Barn.

8.28 To the north-west of the application site is the neighbouring property known as Badgers Barn, but the proposed dwelling will be located a minimum of 35m away and consequently, will not materially impact the privacy of this dwelling. No other residential property is positioned within the locality of the application site.

8.29 In addition, due to the central positioning of the proposed dwelling within the application site and the significant intervening distances to any neighbouring dwelling, it is not considered that there will be any materially significant impact with regard to daylight or sunlight provision.

8.30 Residential amenity of proposed dwelling

The proposed site plan demonstrates the provision of a garden area measuring 330sqm located at the southern end of the application site adjacent to an open field. Consequently, it is considered that the proposed scheme sufficiently provides for the amenity of potential future occupants.

8.31 Following the assessment undertaken above, it is considered that the proposed scheme will sufficiently provide for the residential amenity of both existing and proposed residential property. As a result, the application is in accordance with Policy LHW4 of the TVBRLP.

8.32 **Ecology**

Onsite biodiversity

The application is supported by an Environmental Impact Assessment (Ecosa, March 2019) and a subsequent updated survey (Kingfisher Ecology, July 2021) assessing current conditions onsite. The submitted surveys identify that the existing building has a limited suitability to support habitation by bats and birds but there is potential for any external lighting to adversely impact bat activity within the locality. In addition, the updated survey identified the potential for reptile habitat within the existing vegetation onsite.

8.33 To mitigate against potential disturbance to protected species any habitats onsite, it is proposed to install a bat box onsite and any vegetation clearance undertaken as part of an ecological watching brief will be carried out using specialist techniques. The implementation of the proposed mitigation measures are secured through the imposition of a condition. In addition, the specification of any external lighting will be submitted for review prior to its installation as secured by the imposition of a planning condition.

8.34 In relation to the associated construction phase, although the request from the Ecologist is noted, it is considered that sufficient details have already been provided to ensure the construction of the proposed dwelling will avoid any harm to protected species and habitats. Therefore, the submission of an environmental construction management plan is not considered necessary in this instance.

8.35 With regard to biodiversity enhancements it is considered that the implementation of a wildflower meadow on the adjoining field to the south, as part of the nutrient neutrality mitigation discussed below, will result in an overall biodiversity enhancement. As such, it is considered that no further enhancement measures are necessary.

8.36 Following the assessment undertaken above, it is considered that the proposed scheme will not serve to adversely impact any protected species or habitats onsite.

8.37 Off-site biodiversity: New Forest SPA

The development would have resulted in a net increase in residential dwellings within 15km of the New Forest SPA. This distance defines the zone identified by recent research where new residents would be considered likely to visit the New Forest. The New Forest SPA supports a range of bird species that are vulnerable to impacts arising from increases in recreational use of the Forest that result from new housing development. While clearly one new house on its own would not result in any significant effects, it has been demonstrated through research, and agreed by Natural England that any net increase (even single or small numbers of dwellings) would have a likely significant effect on the SPA when considered in combination with other plans and projects.

- 8.38 To address this issue, Test Valley Borough Council has adopted an interim mitigation strategy has been agreed that would fund the delivery of a new strategic area of alternative recreational open space that would offer the same sort of recreational opportunities as those offered by the New Forest.
- 8.39 In this instance, the necessary contribution of £1,300 has been paid as part of the previous permission issued under application reference 19/00706/PDQS, it is not considered that the proposal will have any adverse impact on the New Forest SPA.
- 8.40 Offsite biodiversity: Solent and Southampton Water SPA
Nutrient Neutrality
Natural England advises that there are high levels of nitrogen and phosphorus input to the water environment of the Solent region caused by wastewater from existing housing and from agricultural sources and that these nutrients are causing eutrophication at the designated nature conservation sites which includes the Solent Water SPA. This results in dense mats of green algae that are impacting on the Solent's protected habitats and bird species.
- 8.41 Natural England further advises that there is uncertainty as to whether new housing growth will further deteriorate designated sites. Work on this issue is on-going with the local planning authorities, the Environment Agency and the water companies. That may lead to identified mitigation measures in the future. However, no mitigation strategy has yet been developed and no interim approach has yet been set up by Test Valley Borough Council. In the meantime, Natural England advises that one way to address the uncertainty is to achieve nutrient neutrality whereby an individual scheme would not add to nutrient burdens.
- 8.42 In this instance, a nutrient budget calculation was undertaken identifying that the proposed scheme, in the absence of any mitigation, generated a total additional nitrate output of 9.75kg/N/yr.
- 8.43 To mitigate this additional output and in support of the proposed development the applicant has submitted a proposed offsite mitigation strategy combining the performance of the proposed package treatment plant with the removal of agricultural land from future agricultural production. In relation to the proposed package treatment plant, the application is supported by certification data demonstrating that the nitrate output will be substantially reduced once treated. To ensure that sufficient mitigation is provided for the remaining untreated nitrate output, a parcel measuring approximately 0.13ha of the adjoining open field to the south will be removed from its current use as lowland grazing and managed as a wildflower meadow.
- 8.44 To assess the benefit of removing the offset land from agricultural production, a revised nutrient budget calculation including the proposed mitigation was undertaken, concluding that the total nitrate output of the proposal will be -0.67kg/TN/yr. On the basis of these calculations, an appropriate assessment has been undertaken by the Local Planning Authority and the response by Natural England to this assessment will be provided as part of an Update Paper.

- 8.45 In order to secure the future use of the land in perpetuity, a legal agreement will be implemented preventing the use of the land for agricultural production and securing the planting to establish the wildflower meadow onsite. A management plan demonstrating how the future maintenance of the land will be achieved has been submitted and will be incorporated into the associated legal agreement.
- 8.46 *Recreational Pressure*
The application site is located outside of the 5.6km buffer zone of the Solent and Southampton Water SPA and therefore, it is not considered that there will be any additional impact arising from recreational pressure.
- 8.47 Conclusion
Following the assessment undertaken above, it is considered that the proposed scheme will avoid any adverse impact on protected species or habitats either through direct impacts onsite or indirect impacts on designated sites within the locality. Therefore, the application is in accordance with Policy E5 of the TVBRLP.
- 8.48 **Water Management**
The application site is located within Flood Zone 1 and therefore, it is considered that the position of the proposed development is appropriate with regard to flood risk. Furthermore, the proposed dwelling will not be located in a position that compromises water quality assets.
- 8.49 With regard to surface water drainage the proposed scheme includes the provision of a soakaway to serve the proposed development and as a result, it is considered that there will be no material harm arising from the potential for surface water flooding. In addition, to ensure that the proposed dwelling achieves the required rate of water efficiency a condition has been imposed on the officer recommendation. Consequently, the application is in accordance with Policy E7 of the TVBRLP.
- 8.50 **Foul Water**
In the absence of any available main sewerage infrastructure within relative proximity of the application site, the proposed dwelling will be served by a package treatment plant. As noted above in the ecology section, the installation and ongoing maintenance schedule will be secured through the completion of a legal agreement prior to the issuing of planning permission. Therefore, it is considered that the proposed scheme will avoid any adverse impact on the general amenity of the area and as a result, the application is in accordance with Policy E8 of the TVBRLP.
- 8.51 **Highways**
Access
The proposed scheme includes the installation of a new vehicular access onto Mount Lane, to be located in the north-west corner of the application site. In support of the application a visibility splay diagram and a speed survey, undertaken as part of previous applications.

8.52 The submitted information identifies that a splay of 2.4m by 34.5m to the north and 2.4m by 41.8m to the south can be achieved and that the proposed splays enable sufficient visibility given the average speed data recorded previously. The implementation of the proposed visibility splays will be secured through the imposition of a planning condition. Consequently, it is considered that the proposed scheme will avoid any adverse impact on the highway safety of the local road network and as such, the application is in accordance with Policy T1 of the TVBRLP.

8.53 Parking

The proposed site plan demonstrates the provision of a driveway sufficient to accommodate the parking and manoeuvring of 3 vehicles onsite. Consequently, the application is in accordance with the minimum parking standards set out in Policy T2 and Annexe G of the TVBRLP.

8.54 **Planning Balance**

The proposed development would be contrary to the TVBRLP in that the proposal will result in a new residential dwelling on a site designated as countryside with no overriding justification or compliance with any of the exception policies listed under criterion (a) of Policy COM2.

8.55 Notwithstanding the above, there are other material planning considerations that must be taken into account when determining this application and these must be weighed against the conflict with the development plan. In particular, the application site is subject to a consent to deliver the same amount of residential units' onsite. This is confirmed by the current extant consent and pending application reference 22/00810/PDQS which has been submitted by the applicant to renew the timeframe for a Class Q conversion scheme to be implemented. As a result, it is considered that the implementation of the conversion scheme represents a realistic prospect for the applicant to fallback on.

8.56 In addition, the proposed replacement of the existing structures has resulted in an alternative scheme of enhanced design compared to the conversion works and no other additional adverse impacts has been identified in relation to the other material considerations.

8.57 As a result, it is considered in this instance that the benefit arising from the enhanced design of the current proposal when compared to the previously approved conversion scheme outweighs the technical breach of the development framework of the TVBRLP.

9.0 **CONCLUSION**

9.1 The proposed development is a departure from the TVBRLP in that it is contrary to Policy COM2.

- 9.2 However, in this instance, the conversion of the existing barn building onsite has previously been permitted and a currently pending application is likely to secure a renewal of this permission. Therefore, the delivery of a residential unit onsite is a likely prospect and serves a fallback position attracting significant weight in favour of granting planning permission that outweighs the breach with Policy COM2.
- 9.3 The proposed development is considered to avoid any adverse impact on the character and appearance of the area, residential amenity, ecology, water management, the general amenity of the area and highways. As a result, permission is recommended subject to conditions, contrary to the provisions of the TVBRLP.
- 9.4 This recommendation is subject to the return of a satisfactory response by Natural England to the appropriate assessment undertaken and subsequently, the completion of a legal agreement to secure the management of the proposed nutrient neutrality mitigation in perpetuity. Securing these mitigation measures will ensure that the proposed development does not adversely impact the Solent and Southampton Water SPA.

10.0 **RECOMMENDATION**

Delegate to the Head of Planning and Building for the following:

- **Satisfactory consultation response from Natural England**
- **The completion of a legal agreement to secure the installation and ongoing maintenance of the package treatment plant as well as the removal of land from agricultural use, to ensure the development achieves nutrient neutrality.**

then PERMISSION, subject to:

1. **The development hereby permitted shall be begun within three years from the date of this permission.**
Reason: To comply with the provision of 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 hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans:**
Site Location and Block Plan (001 P1)
Proposed Site Plan (020 P1)
Proposed Floor Plans (025 P2)
Proposed Elevations (030 P1)
Landscape Masterplan (998-MP-03)
Landscape Plan (998-MP-01 Rev A)
Visibility Splay (41106 - 035_A)
Reason: For the avoidance of doubt and in the interests of proper planning.
3. **The development hereby permitted shall be designed and built to meet Regulation 36 2 (b) requirement of 110 litres/person/day water efficiency set out in part G2 of Building Regulations 2015.**
Reason: In the interests of improving water usage efficiency in accordance with Policy E7 of the Test Valley Borough Revised Local Plan (2016).

4. The development hereby permitted shall proceed in accordance with the measures set out in Section 5.0 of the Butler's Barn, Mount Lane, Lockerley, Ecological Impact Assessment (ECOSA, March 2019) and in the Evaluation and recommendation section of Kingfisher Ecology (July, 2021), unless varied by a European Protected Species (EPS) license issued by Natural England. Thereafter, the replacement bat roost features and enhancements shall be permanently maintained and retained in accordance with the approved details.
Reason: To ensure the favourable conservation status of bats and other protected species in accordance with Policy E5 of the Test Valley Revised Local Plan (2016).
5. The development hereby permitted shall not be occupied until the access has been constructed with the visibility splays of 2.4m by 34.5m to the north and 2.4m by 41.8m to the south, in accordance with the approved Visibility Splay drawing reference (41106 - 035_A). Within these visibility splays notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order) no obstacles, including walls, fences and vegetation, shall exceed the height of 1 metre above the level of the existing carriageway at any time.
Reason: In the interest of highway safety in accordance with Policy T1 of the Test Valley Borough Revised Local Plan (2016).
6. No development shall take place above DPC level of the development hereby permitted until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure the development would integrate, respect and complement the character of the area in accordance with Policy E1 of the Test Valley Borough Revised Local Plan (2016).
7. No development shall take place above DPC level of the development hereby permitted until full details of hard and soft landscape works have been submitted and approved. Details shall include:
- i) hard surfacing materials;
 - ii) planting plans;
 - iii) written specifications (including cultivation and other operations associated with plant and grass establishment);
 - iv) schedules of plants, noting species, plant sizes and proposed numbers/densities;
 - v) programme of implementation
- The landscape works shall be carried out in accordance with the approved details and the implementation programme.
Reason: To enable the development to respect, complement and positively integrate into the character of the area in accordance with Policies E1 and E2 of the Test Valley Borough Revised Local Plan (2016).

8. No development shall take place above DPC level of the development hereby permitted until a schedule of landscape management and maintenance for a minimum period of 5 years has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas. The landscaping shall be maintained in accordance with the approved schedule. Any trees or planting that are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective within this period, shall be replaced before the end of the current or first available planting season following the failure, removal or damage of the planting.
Reason: To enable the development to respect, complement and positively integrate into the character of the area in accordance with Policies E1 and E2 of the Test Valley Borough Revised Local Plan (2016).
9. The development hereby approved shall not be occupied until 3 car and 2 cycle parking spaces and the associated driveway area, have been provided in accordance with the approved plans. The areas of land so provided shall be retained at all times for this purpose.
Reason: To ensure sufficient off-street parking has been provided in accordance with Policy T2 of the Test Valley Borough Revised Local Plan (2016) and in the interest of highway safety in accordance with Policy T1 of the Test Valley Borough Revised Local Plan (2016).
10. No external lighting shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. The details shall include plans and details sufficient to show the location, type, specification, luminance and angle of illumination of all lights/luminaires. The external lighting shall be installed in accordance with the approved details.
Reason: To ensure the favourable conservation status of bats in accordance with Policy E5 of the Test Valley Borough Revised Local Plan (2016).
11. On the day on which the dwelling hereby permitted is first occupied for residential purposes, all buildings and structures, other than the dwelling shown on plan number 020 P1 shall cease to be used for any purpose, and shall be demolished and the resultant materials cleared from the site.
Reason: The site lies in an area where new dwelling units are not normally permitted. Only one dwelling would be permissible in this location and two dwellings would be contrary to the Test Valley Borough Revised Local Plan (2016).

Note to applicant:

1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.
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