
APPLICATION NO.	23/00867/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	29.03.2023
APPLICANT	Mr and Mrs A Kay
SITE	Pinns Farm , Foxes Lane, West Wellow, SO51 6DS, WELLOW
PROPOSAL	Change of use of land from agricultural to residential and construction of swimming pool and plant room
AMENDMENTS	<ul style="list-style-type: none"> Additional Ecology Survey Submitted 23rd May 2023
CASE OFFICER	Katie Savage

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

1.0 INTRODUCTION

- 1.1 The application is presented to Southern Area Planning Committee at the request of a Member.

2.0 SITE LOCATION AND DESCRIPTION

- 2.1 Pinns Farm is a Grade II listed dwelling set back from Foxes Lane within the countryside. The site is host to a number of outbuildings which contribute to the farm's setting. The proposed site is to the north of the main dwelling sited in an area which is currently consists of vegetation and large trees.

3.0 PROPOSAL

- 3.1 Change of use of land from agricultural to residential and construction of swimming pool and plant room

4.0 HISTORY

- 4.1 13/02465/LBWS - Enlarge existing opening in Kitchen – Refuse
9.12.2013
- 4.2 15/00316/PDMBS - Notification for Prior Approval under Class MB - Change of use of former barn, stable and piggery to two dwellings – Prior Approval Not Required - 07.04.2015
- 4.3 18/02079/FULLS - Replacement of single metal field gate with double metal field gates and post and rail fencing; enlargement of area of hardstanding (Retrospective) – Permission subject to conditions and notes 19.10.2018
- 4.4 18/02990/FULLS - Retention of a field shelter, erection of two field shelters and associated hard standing – Permission subject to conditions and notes 22.01.2019

- 4.5 21/03719/FULLS - Extensions and alterations to rear wing of dwelling; removal of glazing from orangery to create external covered loggia; internal alterations – Permission subject to conditions and notes 30.06.2022
- 4.6 21/03720/LBWS - Extensions and alterations to rear wing of dwelling; removal of glazing from orangery to create external covered loggia; internal alterations – Consent subject to conditions and notes 30.06.2022
- 4.7 22/00770/FULLS - Convert agricultural barns and granary into ancillary accommodation, garage, study, workshop, pool house and install outdoor swimming pool – Withdrawn 03.05.2022
- 4.8 22/00776/LBWS - Convert agricultural barns and granary into ancillary accommodation, garage, study, workshop, pool house and install outdoor swimming pool – Withdrawn 03.05.2022
- 4.9 22/02131/LBWS - Re-roofing of existing dwelling and replacement of rainwater goods – Consent subject to conditions and notes 25.10.2022
- 4.10 22/02453/LBWS - Regularisation application - Reinstatement of grain-bin dividers to granary – Consent subject to conditions and notes 09.11.2022
- 4.11 23/00342/FULLS - Change of use of land from agricultural to residential and construction of swimming pool and plant room – Withdrawn 24.03.2023
- 4.12 23/00366/FULLS - Installation of ground source heat pump, PV array and required borehole array to serve Pinns Farm – Permitted subject to conditions and notes 05.05.2023
- 4.13 23/01076/FULLS - Conversion and change of use of redundant agricultural barns into ancillary accommodation to serve Pinns Farmhouse – Pending Consideration

5.0 **CONSULTATIONS**

- 5.1 Ecology – No objection subject to condition
- 5.2 Trees – No objection subject to condition
- 5.3 Conservation – Objection (summarised)
- The proposed location to be unacceptable and inappropriate
 - The pool would introduce a domestic, modern intrusive feature on the site which is not agricultural in appearance or function
 - The high level of hard landscaping, including retaining walls, associated with the pool means this part of the site will fundamentally be altered
 - Lack of public benefit

6.0 **REPRESENTATIONS** Expired 07.06.2023

6.1 Wellow Parish Council – No objection

Case officer note: The Parish Council have suggested an ecology survey be submitted. Following the initial consultation with the Councils ecologist an ecology survey now supports the application.

7.0 **POLICY**

7.1 Government Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

The Planning (Listed Buildings and Conservation Areas) Act 1990

7.2 Test Valley Borough Revised Local Plan (2016)(RLP)

COM2 – Settlement Hierarchy

COM11 - Existing Dwellings and Ancillary Domestic Buildings in the Countryside

E1 – High Quality Development in the Borough

E2 – Protect, Conserve and Enhance the Landscape Character of the Borough

E5 – Biodiversity

E9 – Heritage

LHW4 – Amenity

7.3 Supplementary Planning Documents

Wellow Village Design Statement (VDS)

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- Principle of development
- Impact on the setting of the listed building
- Impact on the character and appearance of the area
- Impact on neighbouring amenity
- Impact on trees
- Impact on ecology

8.2 **Principle of development**

The sites lies within the Countryside in the area of Wellow which does not have a defined settlement boundary and is as such classified as Countryside as defined on the Inset Maps of the TVBRLP. Development outside the boundaries of settlements will only be permitted provided it is appropriate to other policies of the TVRLP or it is essential to be located in the Countryside.

8.3 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 Revised Local Plan Policy COM8 – COM14, LE10, LE16 – LE18; or
- b) It is essential for the proposal to be located in the countryside

- 8.4 With regards to the change of use of land and construction of a swimming pool and plant room, in this instance it is considered that no policies listed in COM2 (a) are relevant to the consideration of the application. It is thus necessary for the development to be considered as essential to be located in the countryside to comply with the development plan.
- 8.5 The existing property currently benefits from a large residential curtilage. The application as submitted does not provide any evidence that an extension to an already large residential garden, was appropriate in policy terms or indeed essential. The meaning of 'essential' is not defined within Policy COM2. Therefore, it is necessary to consider it within its usual meaning. Taking into consideration the size of the existing residential garden and curtilage serving this property it is hard to envisage circumstances where the provision of such an area of private amenity space, incidental to the enjoyment of a dwelling, can be considered absolutely necessary, particularly in circumstances where the dwelling benefits from a generous garden and policy compliant parking provision, storage and living space. Uses in a location which is in direct conflict with the Council's spatial aspirations for the area is a matter which can be given significant weight, given that paragraph 15 of the National Planning Policy Framework (the Framework) emphasises that the planning system should be genuinely plan-led. The essential need has not been demonstrated in this instance and the development does not comply with criterion b) of COM2 and as such the principle of development is not supported.
- 8.6 **Impact on the Grade II Listed Building**
Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon decision makers to have special regard to the desirability of preserving the setting of listed buildings.
- 8.7 The NPPF advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed by development within its setting.
- 8.8 As stated within the Wellow Village Design Statement, Wellow possesses many Grade II listed cottages and farmhouses from the 16th and 17th centuries, principally in the older parts of the centre of West Wellow. Pinns Farmhouse is a Grade II listed building set back from Foxes Lane within a rural area. The listing description states that the house dates from the 17th century, early 19th century and the late 20th century. To the northwest of the farmhouse and separated by a driveway is a rough u-shaped historic farmyard. The farmyard contains a staddle stone, timber clad, granary, which fronts onto Foxes Lane, and which is also a designated heritage asset, listed as Grade II, with its listing description describing the building as dating from the early 19th century. The other range of historic farm buildings, which range from 1-1.5 storeys in height, are not listed in their own right. However, given their date, which would appear to be pre-1948,

and that they were likely in the same ownership and association with Pinns Farmhouse at the time of listing in 1957, they would meet tests as being curtilage listed buildings. It is not clear what the use of these farm buildings would have been at the time of listing, but it is likely that they would have been agricultural.

- 8.9 The historic farmyard relates positively to Pinns Farmhouse being in close proximity, along with its historic use in association with the farmhouse and its appearance as a generally well preserved historic farmyard, constructed from characterful vernacular material.
- 8.10 The conservation officer has raised an objection and considers the proposed location to be unacceptable and inappropriate. It is acknowledged that the proposal is behind this historic group of buildings, but that does not mean it would not be in the immediate context of the historic farm, and incongruous in the setting of the farm buildings, including the buildings in the courtyard and the farmhouse.
- 8.11 Point 3 of the Building guidance in the Wellow VDS it suggests “all development should reflect the inherent character of the locality, established by the size, scale and design of the surrounding buildings and should utilize materials to reflect in colour and texture”. The farmyard has a rural setting, un-manicured copses and are all a part of this setting. There are other areas of trees and undergrowth in the vicinity, this forms part of the wider countryside landscape and the wider historical farm land that the property would have been associated with. The proposed landscaping would involve the introduction of hard materials which would conflict with the natural rural environment which are not considered to be sympathetic to this setting. Further to this, as part of the proposal there are mature trees to be removed and the vegetation cover which is currently in situ which would be lost in order to construct the pool and hut with the introduction of hard landscaping. As stated within point 9 of the environment guidance contained within the Wellow VDS, “wherever possible new development should retain existing trees and hedgerows where appropriate.” The pool would introduce a domestic, modern intrusive feature on the site which is not agricultural in appearance or function. The existing landscape contributes to the rural setting and farm like feel which would be lost as a result of the proposal.
- 8.12 The high level of hard landscaping, including retaining walls, associated with the pool means this part of the site will fundamentally be altered which would result in a degree of harm, less than substantial, at the low – mid end of the spectrum. And would therefore result in conflict with Policy E9, paragraphs 195 and 200 of the NPPF, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which require that special regard shall be had to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess.
- 8.13 Public benefit
Paragraph 199 of the NPPF asserts that any harm to the significance of the heritage asset should be weighed against any public benefits:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.

8.14 The supporting information contends the pool is necessary to deliver the heritage benefits of repairing the historic buildings on site. The Conservation Officer does not consider this to be the case. There is no clear link made, in the application, between the delivery of the swimming pool and the repair of any of the buildings. (e.g. the pool would not generate income which could be spent on repairs, nor would constructing the pool provide active viable reuse of any of the historic buildings). A swimming pool might make the site more attractive to the current owners, but there is no clear demonstration the site needs a pool in order to make it viable, or that another owner would require a pool. The benefit would be a private benefit to the current owner.

8.15 With regard to any potential public benefits to outweigh the harm identified, as directed by the NPPF and Local Plan, this has not been demonstrated. It is apparent that the works are for the personal benefit of the occupiers, in the swimming pool would be for private use. As such the scheme would not generate any public benefits. Therefore, there would be clear conflict with both the NPPF and Policy E9 of TVBRLP.

8.16 **Impact on the character and appearance of the area**

The proposed site for the change of use is set back from Foxes Lane and located at a lower level than the existing farmhouse. The land slopes downwards to the north of the site, away from the listed building. The proposed site is proposed to be adjacent to an existing outbuilding on the site which sits between the proposed site and main listed house. As the site currently stands, this area is bordered by estate fencing to the east and soft mature hedging to the west. The site is also host to a number of large mature trees which will be required to be removed as a result of the proposed development which would open up views between the privately owned fields. Due to the siting of the proposed swimming pool and associated landscaping, direct views into the site are unlikely due to the separation distance between the main road, Foxes Lane and Pinns Farm. However, views within the site would be altered due to the introduction of more modern materials. However, as full view of the proposed development would not be possible it is not considered the proposal would cause detrimental visual harm to the character and appearance of the area. Therefore, the proposed development would be in accordance with Policy E1 of TVBRLP.

8.17 **Impact on neighbouring amenity**

As stated above, the application site is set back from the main road, Foxes Lane. The site is a large plot which does not have any immediate neighbours which border the proposed site, there are large separation distances which would be maintained as a result of the proposed development. It is not considered the proposed development would offer any additional overlooking opportunities or contribute to an overbearing impact on neighbours. Furthermore, as the swimming pool will be dug into the ground, it is not considered that the proposal would contribute to any loss of light. As a result, the proposal is in accordance with Policy LHW4.

8.18 Impact on trees

The site is host to many large mature trees which are located within close proximity to the proposed site. As a result of the proposed development some of these trees will be required to be removed. An arboricultural impact assessment has been submitted to support the application showing tree removal and retention. The tree officer has been consulted on the application to which no objection was made in regards to the tree removal or retention. The tree officer has recommended, in the event that planning permission is granted, that a method statement and tree protection plan is necessary, but can be controlled by planning condition. Therefore, the proposal is in accordance with Policy E2.

8.19 Impact on ecology

The Council's ecologist was consulted on the application who raised an initial objection. Following the review of site photographs and the submitted application plans, it was advised that further ecological information is required to support this application. It is understood from the tree constraints plan that a number of mature trees will be removed as part of the proposed scheme. The location of the proposed swimming pool currently consists of woodland habitat, with mature trees, ground flora and scrub habitat, and is connected to further woodland habitat in the wider area. There are a number of protected species recorded within the vicinity of the proposed development which, if present on site, may be impacted by the proposed development. Due to the habitats present on site, potential presence of protected species and the habitat to be impacted by the proposed development, it was recommended that any application is supported by ecological information provided by a qualified ecologist.

8.20 Following the initial comments received, the applicant has employed a suitably qualified ecologist to undertake a preliminary ecology report which now supports the application. The report sets out the findings of the Phase 1 habitat survey and protected species assessment, and makes suitable recommendations to ensure the site's ecological receptors are protected where possible, and losses mitigated where needed. The Council's ecologist has been consulted on this information and raised no objection to the scheme. In the event that planning permission were to be granted it is recommended that the permission is conditioned to ensure development proceeds in accordance with the submitted details.

8.21 Planning Balance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 states that "*determination must be made in accordance with the plan unless material considerations indicate otherwise*".

8.22 The plan is not absent or silent in respect of policies that affect the development and against which it can adequately be considered. As relevant policies in the plan are not absent, silent or out of date paragraph 11 of the Framework is not engaged. The Council is therefore in the position of carrying out a straight balance, in decision making this means determining the application in accordance with the development plan unless material considerations indicate otherwise and as advised at paragraph 12 of the Framework development that

accords with the development plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

- 8.23 It is acknowledged that, subject to conditions, the proposal would not have any harm upon on-site protected species, to the mature trees or any harm to residential amenities.
- 8.24 As set out above, the application does conflict with two of the policies set out within the local plan. There has been no evidence submitted to justify the need for the development and it is clear the application site has sufficient space within its residential curtilage for a swimming pool, therefore the proposed site would represent inappropriate development within the countryside location. As a result, the proposal is not considered to be essential in the countryside location. The harm to the setting of the listed building is also afforded considerable weight. The development is considered to cause less than substantial harm to the setting of the listed building and there is an absence of any public benefits. The benefits of the proposed development would be to the property owner. Taking into consideration the above there are no benefits of the scheme that would clearly outweigh the identified harm and conflict with local and national planning policies.

9.0 **CONCLUSION**

- 9.1 The proposed change of use with swimming pool is not considered to be in accordance with Policy COM2 or Policy E9 of the Test Valley Borough Revised Local Plan. Harm to the setting of the listed building has been identified and there are no public benefits that would overcome this harm. The proposal is therefore in conflict with Policy COM2, Policy E9, the NPPF & Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which require that special regard shall be had to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess.

10.0 **RECOMMENDATION**

REFUSE for the reasons:

1. **The proposed development would result in development and uses that are not considered to be essential within the countryside. The proposal therefore represents unjustified development in the countryside for which there is no overriding need and would therefore be contrary to the provisions of Policy COM2 of the Test Valley Borough Revised Local Plan (2016).**
2. **The proposed change of use and construction of swimming pool, plant room and associated landscaping by virtue of its size, design and location, is considered to introduce a domestic modern and intrusive feature on the site which is not agricultural in appearance or function. As a result of the proposed development this part of the site will be fundamentally altered and is considered to cause less than substantial harm to the setting of the listed building. In accordance with Policy E9 of the Test Valley Borough Council Revised Local Plan, all works must sustain or enhance the significance of the heritage asset taking account of**

its character, appearance and setting. The development is detrimental to the special architectural and historic importance of the heritage asset and therefore would result in unacceptable harm to the character and appearance of the designated heritage asset. No public benefits have been identified or justified to outweigh the harm to the Listed Building and the proposal is thus contrary to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraph 199 of the NPPF and Policy E9 of the Test Valley Borough Council Revised Local Plan.

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.**